



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

Code of Inspection Standards

For Adult Custodial Services

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Preface

The publication of the Western Australian Code of Inspection Standards (the Code) represents an important contribution to consistency and transparency of prison inspection in Western Australia. The Code has been derived from earlier model standards including the full range of relevant international treaties, covenants, and the *Standard Guidelines for Corrections in Australia*. It has also drawn upon the UK Prison Service's 'Decency Agenda', the UK Inspector of Prisons' *Expectations*, The Western Australia Ministry of Justice *Inspections Manual*,¹ the national correctional reporting framework, observed practice, community standards and relevant research into the performance of custodial services². But perhaps most influential has been the experience gained in inspections conducted and reported upon by the Inspector since 2001.

The publication of the Code forewarns custodial management of the operational standards expected, and it is hoped this knowledge will encourage rigorous self-assessment. In this way, the Code aims to promote the continuous improvement of custodial services in Western Australia.

The basis of the code lies in the principles of independent inspection,³ purposeful and rehabilitative imprisonment, and the protection of human rights. International human rights instruments call for the regular inspection of prisons and detention centres by 'a competent authority distinct from the authority directly in charge of the administration of the place of detention or imprisonment.'⁴ Prisons are by nature closed institutions often far from the public eye where one group of people has considerable power over another group, and the potential for abuse is always present. Consequently, there is an elevated need for accountability and transparency in the way that prisons and prisoners are managed to ensure human rights and the prevention of abuse - this is the primary function of independent custodial inspection, although inspections must also be interested in correctional cost-effectiveness.

The observance of human rights is integral to good prison management and the most effective and safest way of managing prisons.⁵ Human rights are a universal, inalienable and indivisible birthright of all members of the human family. A prisoner's fundamental human rights are not forfeited because of their imprisonment and are in fact limited only in so far as is demonstrably

¹ Ministry of Justice, *Inspection Manual – Custodial Inspections Project*, June 1999 – February 2000

² Regard has been paid to the work of Alison Liebling and her 'appreciative inquiry' approaches to understanding prisoners' experience of imprisonment. For further information regarding this concept see Liebling, A. (2004) *Prisons and Their Moral Performance – A Study of Values, Quality*, Oxford: Oxford University Press

³ Experience strongly supports the view that inspection is best carried out by an autonomous inspectorate such as the European Committee for the Prevention of Torture, the UK Chief Inspector of Prisons or the WA Inspector of Custodial Services

⁴ The Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment, Principle 29

⁵ Coyle, A Human Rights Approach to Prison Management, p11

necessitated by the fact of imprisonment. Modern prisons are institutions of the civil society and prisoners do not cease to be its members, regardless of the seriousness of the crime they may have committed. Consequently, prisoners must always 'be treated with humanity and with respect for the inherent dignity of the human person'.⁶

Imprisonment is a last resort mechanism for protecting society from crime. In part this is achieved through keeping offenders away from society for the duration of their sentence. However, as most prisoners will be released back to the community, the longer-term protection of society requires a focus on prisoner rehabilitation and preparation for release to ensure, so far as practicable, that released prisoners are both able and motivated to lead a law abiding and self supporting life.⁷

The notion of rehabilitative imprisonment is firmly based in the belief that people can change. Imprisonment must consequently provide opportunities and support for change through reflection, learning, and skill improvement. Prisons must also ensure that adequate transition support is made available to prisoners upon release to better prepare them for their return to the community. The first 3 to 6 months is the most critical period for ensuring a sustainable reintegration with the community.

People are sentenced to custody as punishment not for punishment, but this does not mean that prisoners should not work or be given the opportunity to make reparation for the harm done by their offending. Indeed, keeping prisoners idle is both destructive to the spirit and increases the risk of misbehaviour and unrest. Imprisonment should therefore seek to provide a wide range of constructive activity for prisoners that will keep them meaningfully occupied.

The Western Australian Department of Corrective Services has been consulted during the development of the Code. However, the Code remains the Inspector's Code. It is the view of the Inspector that to develop joint standards, so that prisons could be both managed and inspected against mutually agreed standards would be to reduce inspections to an audit function and would negate the value of an independent inspection. Standards must change and develop as societies change, and an autonomous inspectorate is best placed to achieve this if it is not tied to the day-to-day operational expectations of the administering department.

Professor Richard Harding
Inspector of Custodial Services
April 2007

⁶ International Covenant on Civil and Political Rights Article 10

⁷ Standard Minimum Rules for the Treatment of Prisoners, Rule 58

Introduction - Inspection and the Objectives of Imprisonment

Article 10 of the ICCPR, requires that "the reform and social readaptation of prisoners" be an "essential aim" of imprisonment.

Since Australia abolished the use of corporal and capital punishment, imprisonment has become the most severe criminal justice sanction that may be imposed. An order for the imprisonment of an individual requires that they be placed in the custody of a legally constituted authority and, unless otherwise authorised, confined in a place that has been declared to be a prison.

The punishment inherent in imprisonment is the loss of freedom itself. Imprisonment does not imply, entail or empower any other punishment, humiliation, or cruel or unusual treatment of a person in prison.⁸ Indeed, an order for imprisonment imposes upon the authority administering the order a duty of care with regard to ensuring the safety and well being of the person in custody as well as taking a proper risk management approach to preventing the person from harming themselves or others, as well as preventing escape.

To further understand the objectives of imprisonment it is necessary to distinguish between the imprisonment of unconvicted and convicted prisoners:

Unconvicted Prisoners

The court may determine for a number of reasons including; a reasonable belief that an accused person may flee and not make themselves available to stand trial, or that they may pose a danger to others, that a person to be tried for a criminal offence should not be allowed to remain the community and may commit that person to be remanded in (committed to) custody until the matter may be brought to trial or until the person's guilt or innocence is determined. The purpose of such remand imprisonment is therefore to ensure their availability and readiness for their next court appearance while ensuring that they pose no danger to themselves or others. In law, unconvicted prisoners are accorded a presumption of innocence and the conditions of custody and treatment of unconvicted prisoners should reflect this presumption of innocence. Unconvicted prisoners should therefore be assisted to; prepare for their trial, meet any bail conditions that would enable their release on bail, maintain contact with relatives and friends, maintain their community accommodation and employment or even a business, and get help with pressing personal problems. Their conditions of imprisonment should not be less than is provided for convicted prisoners, including being entitled to access general health services and participate in work, education, recreational activities, and religious observance. Arguably, because they are presumed to be innocent, their conditions of imprisonment should be better than that which is provided for sentenced prisoners. Unconvicted prisoners should be kept separated from convicted prisoners unless they waive the right to such separation, and in the opinion of the prison it is safe for them to do so. Unconvicted prisoners should be given opportunities for work and development but should not be 'required' to work or undertake programs addressing their offending. Nonetheless, a period of remand imprisonment provides an opportunity that should not be missed for prisoners to review their personal situation and the prison should facilitate and assist this process. Consequently, within the bounds of the allocation of scarce resources and the duty of care owed to prisoners, it makes sense to offer awareness and treatment programs to prisoners, particularly for prisoners with drug or alcohol problems.

A person may appeal a decision, and will be presumed innocent until a final decision is made. Therefore people who have been found guilty in lower courts of law, but have pending appeals, cannot have their citizen's rights (such as to vote and to be elected) stripped nor can they be permanently removed from their offices, but merely suspended.⁹

⁸ Principle 1, Standard Guidelines for Corrections in Australia

⁹ Davison, Charles B, The Presumption of Innocence,

<http://www.lawnow.org/downloads/documentloader.aspx?id=3715>

Finally, none of the matters stated above as relating to unconvicted prisoners derogate the administering authority's duty of care for the management of these prisoners, which must be based upon an assessment of all of the risks associated with managing each individual prisoner. Full account should be taken of the seriousness of the charges that have been made against them and any previous history of offending or other known risk factors.

Convicted Prisoners

For convicted prisoners, imprisonment is the most severe punishment that may be imposed by a Court in Western Australia and it is consequently, to be regarded as a sentence of last resort. The Sentencing Act 1995 (WA) in section 6(4) requires that a court must not impose a sentence of imprisonment on an offender unless it decides that —

- (a) the seriousness of the offence is such that only imprisonment can be justified; or
- (b) the protection of the community requires it.

According to traditional theory, a prison sentence serves multiple purposes: it serves to punish an offender; it acts as a deterrent to the offender and others; for the period that it incapacitates it prevents the offender from committing other offences; it protects society; and it is to reform or rehabilitate the offender. However, given that the punishment aspect of a sentence is determined by the court through the length of the sentence, and that (as noted earlier) imprisonment does not imply, entail or empower any other punishment, humiliation, or cruel or unusual treatment of a person in prison other than the deprivation of freedom itself, prisons should not adopt punishment as an operationally useful purpose. A further problem with these purposes, which are variously linked to a number of penological theories, is that the emphasis placed on each variously wax and wane in their influence on the community and on government policy, to the point that contemporary views as to purpose become difficult to fix. This problem was at least partially addressed in Australia in 2004 when all state and territory ministers for corrective services in Australia approved the revised *Standard Guidelines for Corrections in Australia* as constituting "outcomes or goals to be achieved by correctional services"...¹⁰ The guidelines are organised under five major headings:

- Custody,
- Care and Wellbeing,
- Rehabilitation,
- Reparation, and
- Systems Management.

These were developed in accordance with nine principles that (in summary) relate to prisoners being:

- treated with respect,
- owed a duty of care,
- managed fairly and without discrimination,
- managed in a graduated system of restriction based on risk,
- managed as individuals with recognition of diversity and special needs,
- kept active in a dynamic and structured environment with opportunity to make reparation,
- provided with opportunity to address offending behaviour and develop skills,
- accorded recognition for customary law, where appropriate, and
- prepared for release.

¹⁰ Preface, *Standard Guidelines for Corrections in Australia*, 2004

These principles provide a sense of the philosophy that forms the foundation of the Guidelines. However, the guidelines may be seen to be in competition with each other and consequently, "custodial administrators are not given a clear target".¹¹ The sheer number and complexity of the guidelines leaves considerable room for operational interpretation, and in prisons the default setting is generally toward custody and security. This often means that good rehabilitative work or decent humanitarian management is significantly impaired or inhibited in the name of security. The point is that each prisoner must be managed at the least level of security necessary to ensure safety, and the longer-term protection of society requires that prisoners be treated with decency and humanity and that there be a focus on preparation for release to ensure, so far as practicable, that they are able and motivated to lead a law abiding and self supporting life upon release.

Inspections serve the public interest by seeking to ensure that the objectives of imprisonment are achieved, by seeking to raise the quality of correctional services so they become more effective and more humane, and to improve correctional value for money. To do this it is necessary for inspections to form opinions and make findings on the more intangible as well as the more concrete aspects of imprisonment. This means the experience of imprisonment as well as the material conditions of imprisonment. Inspections consequently must pay attention to subjective meaning and frequently challenge conventional ideas regarding the treatment and conditions of prisoners.

The first 42 reports of inspections and thematic reviews of custodial places and services in Western Australia undertaken by the Inspector have revealed varying levels of performance from the poor¹² to the good.¹³ Importantly however, there has been an "absence of any evidence of systemic use of excessive force toward prisoners"¹⁴ even in those prisons charged with managing the violent and difficult of prisoners. On the contrary, there have been many instances of management and staff going out of their way to prevent prisoners from self-harm and on invitation, entering into the often-murky depths of prisoners' problems to assist them through a difficult time. Nonetheless, prisons are essentially closed institutions that most members of the community never go into. Prisoners are sent into these closed environments, and the complex and difficult charge of managing them is given to staff, who under certain circumstances are empowered to use force to maintain order. Consequently, there is an elevated need for accountability and transparency in the way that prisons and prisoners are managed. This means helping people to see into the prison system and to understand what goes on. By so doing, it is made more difficult for anyone to act unfairly or corruptly, and public confidence and trust that prisons are being run properly may be increased. This is the primary function of independent custodial inspections.

The standards set out in this Code establish the inspection standards for more effective, more accountable, and more humane correctional services. Throughout the text reference has been to a number of United Nations covenants and treaties which underlie many of the standards. The standards have also been derived from findings contained in Inspection Reports numbers 1 – 42 published by the Inspector or have been taken from the following supporting sources:

Revised Standard Guidelines for Corrections in Australia 2004 –R-SGCA

Standard Minimum Rules for the Treatment of Prisoners – SMRTP

European Prison Rules – EPR

American Correctional Association Standards - ACA

¹¹ Morgan R, and Evans M, *Combating Torture in Europe* (Strasbourg: Council of Europe Publishing, 2001) 163

¹² Office of the Inspector of Custodial Services (2001a) *Report of an Unannounced Inspection of Eastern Goldfields Regional Prison* (Perth: OICS, Report No. 4).

¹³ Office of the Inspector of Custodial Services (2002) *Report of an Announced Inspection of Albany Regional Prison* (Perth: OICS, Report No. 18).

¹⁴ Office of the Inspector of Custodial Services (2001) *Report of an Unannounced Inspection of the Induction and Orientation Unit and the Special Handling Unit at Casuarina Prison* (Perth: OICS, Report No. 1).

Reception and Admission

The reception and admission process should provide an orderly and safe transition to prison custody for new or transferred prisoners.

1 The admission and reception of any prisoner must trigger the gathering of all relevant previous information and the generation of new information necessary to effectively manage the individual needs and risks of each prisoner.

- 1.1 Each prison that receives and admits a prisoner should have access to all relevant assessment and management information on that person, to ensure that the prison can make informed and appropriate arrangements for the management of the prisoner.
- 1.2 Prisons are to ensure that all information relating to an individual prisoner is treated with strict regard to proper confidentiality;
- 1.3 Information may be in hard copy or electronic forms and include (but are not limited to):
 - A medical file containing at least an initial medical screening check;
 - A Sentencing Report;
 - An Individual Management Plan;
 - Any relevant information concerning a prisoner's vulnerability;
 - Any ARMS/PRAG reports;
- 1.4 Each prison should have a process for ensuring that information is acted upon appropriately;
- 1.5 A process should be initiated for checking to see if there are any outstanding fines or warrants.

Supporting Documentation
R-SGCA 1.1
SMRTP 7, 66
EPR 15.1, 16

2 The reception and admission of each prisoner should be designed to ease their adjustment to the prison, treating them with decency, and ensuring their individual safety and wellbeing.

- 2.1 The reception and admission process should not be degrading to prisoners who should be treated with decency and respect;
- 2.2 Each prisoner's privacy should be safeguarded during the admission and reception process, particularly with regard to any information likely to be of a confidential nature;
- 2.3 Each prisoner's experience of being received into a prison should be (to the best extent) positive and such that it reduces the anxiety of admission;
- 2.4 Reception and admission staff should be trained to deal with newly received prisoners who may be anxious, distressed or uncooperative. Given the need to rotate such staff from time to time, training and/or information regarding the

likely state of mind of newly received prisoners should be included in entry-level training and in handover arrangements in reception facilities.;

- 2.5 The vulnerability of prisoners must be ascertained and appropriately safeguarded. This is particularly important for the first days in prison but should also involve an assessment of the longer-term safety and wellbeing;
- 2.6 The formal reception process must provide timely key information to prisoners that enables them to understand the immediate requirements placed on them;
- 2.7 If a prisoner is illiterate, information should be conveyed orally. If a prisoner does not speak English, an interpreter should be used.
- 2.8 Prisoners should be advised about when they will receive an orientation to the prison.
- 2.9 Newly admitted prisoners (other than prisoners transferred into minimum-security from another prison) should be accommodated separately from the general population during the admission and orientation process.

Supporting Documentation
R-SGCA 1.4, 1.5
EPR 15.2, 16(c, d), 30.1

3 All prisoners should undergo an initial health and psychological assessment in order to identify and provide appropriate intervention for any pressing medical (including drug, alcohol or mental health) concerns. Of particular concern must be the detection of any self-harm or suicidal ideation.

- 3.1 Health screening should be undertaken by an appropriately qualified health professional. Where possible a mental health professional should be present to assist with assessment of mental illness. An Aboriginal health worker should be present to assist with the assessment Aboriginal prisoners;
- 3.2 Prisoners should be treated with respect and their privacy safeguarded during the health assessment process;
- 3.3 For Aboriginal prisoners (particularly Aboriginal prisoners who have been living traditional lifestyles) an interpreter should be used to ensure a full understanding and exchange of information by both the prisoner and the health professional;
- 3.4 For prisoners who do not speak English sufficiently an interpreter should be used to ensure a full understanding and exchange of information by both the prisoner and the health professional;
- 3.5 If a health screening is not possible immediately, then appropriate management action must be taken to ensure the safety of the prisoner until the prisoner's health status/vulnerability is known;
- 3.6 Prisoners should be made aware of any illness or medical condition that is detected during the screening process and/or any pre-existing medical condition;
- 3.7 The prisoner should be given information on how to make an appointment for treatment or assessment/diagnosis in the future.

Supporting Documentation
R-SGCA 1.3
EPR 16(a)

- 4 All prisoners newly admitted to prison should be given the opportunity to make arrangements to resolve any family matters and issues relating to property or business operations. Where necessary, prisoners should have immediate access to services to facilitate such arrangements;**
- 4.1 All prisoners should be offered an effective means (normally by telephone) to inform their families of their imprisonment as soon as practicable after their admission to a prison;
- 4.2 For Aboriginal prisoners from remote communities special regard should be given to any difficulty with contacting family.
- 4.3 For prisoners who do not normally reside in Australia, it may be necessary to enlist the help of a third party such the appropriate consular authority to inform their family;
- 4.4 Prisoners should be provided with appropriate opportunities to make arrangements for the welfare of their children, next of kin or other dependents as soon as practicable after admission;

Supporting Documentation
R-SGCA 1.2
EPR 15.3

Remand Prisoners

*“Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;” (Article 10(2)(a), International Covenant on Civil and Political Rights). “Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.” (Article 14(2), International Covenant on Civil and Political Rights). “In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: ..(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing” (Article 14(3)(b) International Covenant on Civil and Political Rights). Also see *Inspection and the Objectives of Imprisonment*.*

5 The regime for unconvicted prisoners should reflect the fact that they have been charged, but not convicted of a criminal offence.

5.1 Unconvicted prisoners are presumed to be innocent, and are not to be ‘required’ to work or undertake programs addressing their offending. However, work, education and programs should be made available and unconvicted prisoners should be encouraged to participate, as appropriate.

5.2 Unconvicted prisoners should be allowed to undertake reasonable activity to maintain external interests such as accommodation, or business undertakings..

Supporting Documentation

R-SGCA 1.9, 1.13

SMRTP 84, 89

EPR 95.3, 100.1, 100.2

6 Remanded prisoners should be held in readiness for their next court appearance and assisted to prepare for that appearance.

6.1 Remand prisoners (and prisoners who have appealed) must be given adequate prison time and facilities for the preparation of a defence, and be assisted to communicate with a legal counsel of their own choosing.

6.2 Remand prisoners and their legal representatives should be able to have unmonitored telephone conversations and meetings beyond the hearing of staff, as frequently as necessary.

6.3 Remand prisoners (and sentenced prisoners with charges or court proceedings pending) should be able to access up to date legal library resources.

6.4 Remand prisoners should be able to wear their own clothing when appearing in court, and should be provided with the means to clean and press such clothing.

6.5 Arrangements should be in place to ensure that prisoners attending court are provided with meals at normal times, or if this is not possible a meal before they attend court.

6.6 Prisons should facilitate video court appearances to minimise unnecessary transportation, where practicable and where to do so does not prejudice justice.

Supporting Documentation

R-SGCA 1.12, 1.17

SMRTP 88, 93

EPR 97.1, 97.2, 98.1, 98.2

7 Remanded prisoners who have bail conditions should be assisted to meet those conditions and be released from custody, as soon as practicable.

- 7.1 Any bail conditions that are attached to the remand custody order should be actively and regularly reviewed to ensure that unconvicted prisoners are not held in prison unless it is absolutely necessary.
- 7.2 Any prisoner that is released to bail from court should have his or her identification, cash and property returned immediately. Prisoners should never be placed into the situation of having to make their own way back to a prison to pick up cash or property, and should never be in the position of being released at the end of a day without access to accommodation and some money for food.

Supporting Documentation

8 Prisoners remanded in custody should be expected to have a high need for welfare services as a consequence of their transition into custody.

- 8.1 Remand prisoners should be allowed family visits on a daily basis, providing to do so would not unfairly restrict other prisoners' family visits;
- 8.2 Remand prisoners should be given opportunities to resolve any urgent outstanding matters arising from their transition to prison such as: advising family, making arrangements for dependents, pets or urgent property matters;
- 8.3 When first entering remand prison custody, remand prisoners should be immediately asked if this is their first time in prison and offered individual information concerning the first few days in custody and the means by which they can obtain further information about their case or their prison circumstances.
- 8.4 Special first night and first (few) days' regimes should be in place to ensure remand prisoners' safety and well being.

Supporting Documentation
R-SGCA 1.16
SMRTP 92
EPR 99

9 The management and treatment of remand prisoners should acknowledge and minimize the particular stresses and uncertainties that confront remand prisoners, and these factors should be borne in mind by staff responsible for their management.

Remand periods may be long and uncertain due to court delays, and remand prisoners may become anxious or angry, which may affect their behaviour.

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- 9.1 Remand prisoners should be managed as a separate group from sentenced prisoners, and should not be placed so as to be in contact with sentenced prisoners, unless they indicate in writing that they have no objection;
 - 9.2 Where sentenced prisoners are placed among remand prisoners (for example to undertake certain skilled work) they must be regularly assessed to ensure that bullying is not occurring;

- 9.3 Remand prisoners' conditions of imprisonment should not be less than is provided for convicted prisoners, including being entitled to access general health and welfare services, participate in work, education, recreational activities, religious observance, and all the activities and services that may be accessed by sentenced prisoners;
- 9.4 Remand prisoners should have security assessments completed wherever practicable, in order to facilitate their management at the lowest level of security consistent with the protection of staff and the community, and the requirements of justice;
- 9.5 Remand prisoners should be offered opportunities for addressing drug and alcohol issues and where appropriate, cognitive skills development programs.
- 9.6 In the case of remand periods in excess of six months, remand prisoners should be case managed and the conditions of their continued custody be subjected to regular review.

Supporting Documentation
R-SGCA 1.10, 1.11, 1.14
SMRTP 85, 89
EPR 101

Assessment and Classification of each prisoner's Security Risks

Prisoners are distinct individuals who each pose different types and levels of risk to the community, other prisoners, staff or themselves. A transparent, objective, and accurate assessment of security risks with regular reviews is essential to ensure safe custody of each prisoner¹⁵.

As a general principle, prisoners should be held at the lowest level of security appropriate to their individual circumstance. Consistent with the observation of human rights and in support of a rehabilitative prison regime, prisoners should be assigned to prisons as close as possible to their family, significant others, or community of interest.¹⁶

In this Code there are separate standards in relation to assessing and addressing criminogenic needs.

10 The Department must implement an accurate and transparent classification system that enables prisoners to be individually assessed and placed into the lowest security classification level commensurate with safety.

- 10.1 Prisoners should be managed within a system that provides for graduated levels of restriction and security according to the risks posed by the prisoner; and located so as to be accessible, as far as practicable, to the community of interest of the prisoner.
- 10.2 The security classification system for prisoners should be based upon an objective assessment of dangerousness, risk of escape and preparation for release.
- 10.3 The Department must subject all risk assessment instruments for regular review to ensure that it is neither over nor under classifying risk, and that it is not discriminating against particular groups of prisoners.
- 10.4 The classification system should take account of the generally lower risks posed by women, and should take account of Aboriginality;
- 10.5 The classification system should take account of past trustworthy behaviour and breaches of trust. However, it should not take an unreasonably strict approach to breaches of trust but should provide for a graduated scale of consequential restrictions or changes to classification that take into consideration the seriousness of the breach, whether any further breaches of trust or crimes resulted, the state of mind and intentions of the prisoner, and whether the prisoner concealed the breach;
- 10.6 A prisoner's security classification should be reviewed as part of a wider case management review at least every 6 months, although for longer-term prisoners at the beginning of their sentence this period may be extended to 12 months. Prisoners should have input into such reviews and they must be informed in a manner appropriate to their understanding of the behavioural, programmatic, work, and other criteria that will be used to reassess their security classification;

¹⁵ Revised Standard Guidelines for Corrections In Australia 1.37 – 1.38

¹⁶ International Covenant on Civil and Political Rights, Article 23: The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.

- 10.7 Unless there are specific unacceptable risks, each prisoner should be classified minimum-security and placed at a minimum-security prison, work camp or pre-release centre prior to release. (Minimum-security prisons, work camps and pre-release centres require prisoners to demonstrate an increased level of self-control to that which is allowed in closed-security prisons. In this way, they reduce the effects of institutionalisation and better prepare and test a prisoner's readiness for release).

Supporting Documentation
 R-SGCA 1.28, 1.37, 1.38, 1.41, 1.44
 SMRTP 8, 63(2), 67
 EPR 18.10, 51.3, 51.4, 51.5, 52.1

11 The separation of prisoners for administrative segregation must only be undertaken in accordance with strict policy guidelines

- 11.1 Prisoners that are segregated for administrative reasons are to be informed both verbally and in writing of the reason for their segregation. Where prisoners requested segregation for protective purposes, they must be informed of the full consequences of such segregation.
- 11.2 Administrative segregation may be used only as an interim measure and should never be used for an extended period or as a punishment.
- 11.3 Administrative segregation should not be undertaken in a punishment cell, but any regime deprivation should be clearly explained and documented.
- 11.4 Prisoners in administrative segregation should be visited daily by a member of the prison management team and should never be denied access to medical attention or any existing schedule of medication.

Supporting Documentation
 R-SGCA 1.79, 1.80

12 Prior to allocating prisoners to share a cell, a formal risk assessment must be completed, which includes consultation with the prisoners concerned.

In periods of overcrowding, particular care must be exercised to ensure that any heightened belligerence or hostility is diffused. In overcrowded conditions the inadequacy of facilities or services may serve to aggravate interactions and additional time out of cell or recreational activities may be warranted.

Supporting Documentation
 R-SGCA 2.5
 SMRTP 9
 EPR 18.5, 18.6, 18.7

13 Prisoners should be held at a prison as close as possible to their family and their community of interest.

- 13.1 There should be sufficient prison infrastructure in each region to accommodate the prisoners of the region, providing for different levels of security in proportion to the risk profile of the regional prisoner population.
- 13.2 Some prison infrastructure should be established to meet state-wide requirements for specialist custodial purposes such as for specialist forensic health services and the Special Handling Unit.

- 13.3 Regardless of security classification, prisoners should be placed at prisons within their home region, unless they require specialist services or there are other compelling reasons for being placed out of region;
- 13.4 If prisoners are placed at prisons outside their home region it should be for the minimum time necessary;
- 13.5 Particular consideration should be given to the placement of Aboriginal prisoners that retain a strong attachment and affiliation to their own country as they may suffer considerable distress by being 'out of country'. Where such out of country placement is unavoidable, compensatory measures such as video telephone calls to family and periodic transfer to a prison that will enable family visits.
- 13.6 Foreign national prisoners who have little opportunity for receiving visits should be placed at prisons that may best provide any non-standard services necessary for their humane treatment, these may include translators, special foods prepared in accordance with religious or cultural beliefs, or access to relevant consular services;
- 13.7 The management and placement of female prisoners should reflect their generally lower security needs but their higher needs for health and welfare services, and for contact with their children.

Supporting Documentation
R-SGCA 1.39
EPR 17.1

Sentence Administration and Release Arrangements

International human rights instruments stipulate that 'no one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law'.¹⁷ Prisons are responsible for ensuring that all persons received into prison are done so in accordance with a legally valid order, and that prisoners are not held beyond their legal release date.

Where parole or other early release period is available, prisons must assist prisoners to achieve release at their earliest eligibility date for release.

1.4 Prisons must ensure that prison sentences are fully enforced and that prisoners are released at the earliest time, consistent with the law and within any administrative discretion.

- 14.1 Prisons must have effective processes to ensure there is both a legal order for each prisoner that is admitted to the prison and that the prisoner is released on the correct day.
- 14.2 A legal order should be issued and signed by a judicial authority or other competent agency.
- 14.3 Prisoners must never be held beyond the date of their release. The only exception to this is where a prisoner has in writing requested to remain in the prison overnight to make travel arrangements or for other compassionate reasons;
- 14.4 When prisoners are released, prisons are to provide that they have a safe and effective means of getting home. For foreign national prisoners facing deportation or removal, this obligation is passed to the Commonwealth Government;
- 14.5 In the case of Aboriginal prisoners from remote communities that are not serviced by public transport, individualised arrangements must be made to ensure that the prisoner is not stranded without any means of getting home
- 14.6 In the case of prisoners facing deportation or immigration removal, at the end of their sentence when a Warrant of Commitment expires, a Commonwealth Holding Order or similar valid detainer is required to authorise further imprisonment.
- 14.7 The release date, including any parole consideration date, for each prisoner must be accurately calculated and communicated to the prisoner. These dates should be confirmed to the prisoner at case conferences every 6 months during the sentence;
- 14.8 Each prisoner should be advised of the means by which he or she may have the accuracy of the sentence calculation checked;
- 14.9 Prisons must ensure that any early release or remissions available to be earned by deed of good conduct or otherwise are explained to each prisoner at the commencement of their sentence along with an explanation of any conditions.
- 14.10 Should the entitlement to such remission be withdrawn, the reasons for the withdrawal must be given to the prisoner along with the details of any appeal mechanism that is available;

¹⁷ International Covenant on Civil and Political Rights, Article 9

- 14.11 It is the responsibility of the prison to prepare a plan for the management of each prisoner with an effective sentence of six months or more. (See Case Management)

Supporting Documentation
 R-SGCA 1.18, 1.20
 SMRTP 7(2)
 EPR 14, 30.3, 33.1, 33.3

15 Remand prisoners must be informed of the details of their remand imprisonment and the dates of forthcoming court appearances, when these become known.

- 15.1 Prisons and prisoner transport authorities must have effective processes for ensuring no person is admitted into custody without a valid Warrant of Commitment or in the case of a parolee being returned to prison, an Arrest Warrant; Such processes must include confirmation of the identity of the prisoner;
- 15.2 Each prisoner should be advised/ have confirmed the reason and length of their custody, if they are remand prisoners they should be told how and when they will be informed regarding their next court appearance.
- 15.3 If a prisoner is received on a remand warrant that has bail conditions, prison staff should immediately consult with the prisoner concerning any capacity to meet the bail conditions, and provide such assistance to the prisoner as can be provided to facilitate the lawful release to bail at the earliest time. Given the complexity of many bail release processes, the prison should ensure that prison staff with such responsibilities are appropriately trained.

Supporting Documentation
 EPR 30.3

Orientation

Prisons are complex and may be bewildering when first encountered, and prisoners should be assisted to understand the prison layout and regime.

16 Each prisoner should be provided with an orientation to the prison such that it enables each prisoner to become familiar with the prison and its operations and to make informed choices within the discretion allowed to prisoners.

- 16.1 Orientation processes should provide information in a manner that is readily understood by each prisoner. This may mean using both oral, written and visual media and even a walk around the prison. Interpreters should be used for prisoners with insufficient command of English;
- 16.2 The orientation process should occur within a day or so of reception and extend over the first week or weeks. It should include a recall process whereby prisoners have an opportunity to confirm their understanding or be given information a second time;
- 16.3 Orientation should include details of the physical layout of the prison, the structure of any incentive accommodation or other incentive opportunities. It should provide information regarding the activities, employment, training, education, programs, and arrangements for family visits and the use of telephones, as available during the working week and weekend. It should also provide information regarding the available support mechanisms within the prison such as, the Prison Counselling Service, peer support and visiting agencies. Information should also be available regarding the availability of specialist supports for prisoners' families;
- 16.4 Orientation processes shall include information sessions as to the right of prisoners to communicate confidentially with the Office of the Inspector of Custodial Services, Independent Visitors, the Ombudsman, and the Office of Health Review;
- 16.5 Notices and schedules of events and activities should be prominently displayed in prisoner areas such as accommodation units, to provide updated orientation information;

Supporting Documentation
R-SGCA 1.6
SMRTP 35
EPR 30.1

Custodial Infrastructure

The physical prison environment must be fit for modern penal purposes. A balance must be achieved between community protection and the safety and health of prisoners, staff and visitors. Prisons must never be dilapidated, degrading or inhumane. Building and layout design should support a full range of service delivery and maximise opportunity for positive human interaction.

The physical environment of prisons can be as important as the prison regime in determining the prison experience of prisoners and staff. While personal safety and the maintenance of control are primary considerations in prison design, traditional prison designs have also served to reinforce the isolation, powerlessness and alienation of prisoners. Modern penological regimes are built upon more interactive relations and prison design should facilitate these interactions.

17 Secure prisons should have perimeter barriers capable of deterring and withstanding a determined breach from inside and outside. However, neither maximum nor medium-security perimeter barriers should be designed to overpower the senses or cause fear.

- 17.1 A range of effective security systems and procedures should be established to complement the perimeter barrier system. In combination, there should be a capacity to deter, detect, delay, respond and detain, so that within the prison perimeter, safety and freedom of movement may be optimised.
- 17.2 Perimeter security arrangements must deter, detect and secure contraband that may be left or thrown where prisoners may be able to retrieve it.

Supporting Documentation
EPR 51.1

18 Minimum security-prisons, work camps and pre-release centres that do not have perimeter barriers or where these are open for part of the day should have in place clear zoning and signs that indicate the limits of prisoner and outsider access.

- 18.1 Security arrangements should be in place to detect and secure any contraband that may be left or thrown where prisoners may be able to retrieve it.
- 18.2 Where low or minimum-security fences and gates are constructed around minimum-security prisons, these should be supplemented by robust procedural and dynamic security measures.

Supporting Documentation
EPR
51.1

19 Internal buildings and static security measures should have regard for prisoner, staff and visitor safety while 'normalising' the prison environment, as far as practicable.

- 19.1 Reliance upon physical internal barriers should be minimised in favour of zoning by landscaping and prescribing particular areas for certain groups of prisoners.
- 19.2 In secure prisons with large internal open spaces that are assessed as potentially insecure at times of prisoner disturbances, temporary barrier systems should be preferred to fixed fencing or walls, wherever practicable.

- 19.3 All internal unsupervised prisoner areas should be free of obvious ligature points.
 - 19.4 Good lines of sight should be incorporated into all areas of a prison while retaining a human scale to all areas. Surveillance cameras in maximum and medium-security prisons should be used to supplement staff supervision.
 - 19.5 Cell doors should be fitted with an access hatch that allows after-hours medication or communication, and even the control of a prisoner in certain defined circumstances, without opening the cell door.
 - 19.6 Shared spaces should provide for levels of privacy, subject to safety.
 - 19.7 Multiple or dormitory accommodation should only be provided for prisoners with appropriate risk and need profiles and who have agreed to such placements.
- Supporting Documentation
R-SGCA 1.27, 1.48
EPR 52.3

20 Building design and layout should be appropriate to function and appropriate to the background and profile of the prisoners to be held there.

- 20.1 Within the limitations of cost effectiveness, accommodation arrangements should provide for small group housing units in preference to large multi story cell blocks. Such smaller arrangements provide a more human scale to buildings and reduce the anonymity and social isolation that comes from housing large groups of prisoners together.
 - 20.2 Preference should be for semi-autonomous units of up to 100 prisoners, comprising small group living areas of around ten prisoners or less, as small communities are better able to promote cooperation and responsible choice by prisoners.
 - 20.3 Living and accommodation units should be master planned to facilitate incentive management schemes appropriate to the prisoner profile, and include self-care living, where practicable;
 - 20.4 There are no clear international standards on cell size. 9sqm has been considered a satisfactory size for an individual cell.¹⁸ Seven square metres per person plus common space of up to 10.5 square metres for self-care with integrated w/c facilities.
 - 20.5 Cells and/or living quarters should be of a size and quality consistent with relevant contemporary prison building standards. Whether or not space is adequate depends upon if it is being shared, how many hours a day prisoners are locked inside, whether they have in-cell access to shower and w/c, and the in-cell ambient temperatures.
 - 20.6 Single and Multiple occupancy cells should provide adequate unencumbered space. Common rooms should provide sufficient seating and writing surfaces.
- Supporting Documentation
R-SGCA 2.4
EPR 18.6

¹⁸ Report to the United Kingdom Government on the visit to the United Kingdom carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 11 to 15 July 2005 www.cpt.coe.int/documents/gbr/2006-26-inf-eng.pdf

21 The number of prisoners should not exceed a prison's design capacity but where this is temporarily unavoidable, compensatory processes should be implemented to mitigate risk and disadvantage.

Overcrowded prisons are at greater risk of being degrading or unsafe.

- 21.1 Where the number of prisoners sharing a cell or accommodation unit exceeds the design capacity, prison management must give consideration to reducing the number of hours locked in cells or enhancing the availability of activities or implement other compensatory means to reduce mitigate the reduced amenity.
- 21.2 Overcrowding should not disrupt prisoners' access to the prison's regime or services.
- 21.3 Where the number of prisoners exceeds the design capacity of the prison, the superintendent should receive regular reports on the performance, and any necessary additional provision in relation to all basic services such as food preparation, work opportunities, and access to recreational activities.
- 21.4 More staff should be employed if necessary to ensure the regime and services are not disrupted.

Supporting Documentation
EPR 18.4

22 Prisons should establish a maximum population cap to avoid excessive levels of overcrowding

- 22.1 Excessive overcrowding can have significant detrimental effects on the standard of living, regime and safety within a prison. An overcrowded prison may entail cramped and unhygienic accommodation; a constant lack of privacy; reduced out of cell activities, demand outstripping the capacity of staff and facilities; overburdened health care services; increased tension and potentially increased levels of violence.¹⁹
- 22.2 The number of prisoners should not be so large that individual treatment is impaired.

Supporting Documentation

23 Prisons should incorporate a 'healthy buildings' approach to climate control, amenity, lighting and outlook.

In Australia, air conditioning has been widely used to try to achieve a year-round temperature at 23 degrees in work places. However, a major problem with the universal 23-degrees indoor temperature control is that the cultural, climatic, social and contextual dimensions of comfort are ignored, often resulting in exaggerated air conditioning requirements. There is evidence²⁰ that in warm climates the range of temperatures that people can accept is warmer, while in cool climates the range of temperatures that people can accept is cooler. Occupants of naturally ventilated buildings are generally comfortable in temperatures that more closely reflect the patterns of the outdoor climate. Such buildings have the added advantage that they use less energy and emit fewer greenhouse gases.

¹⁹ CPT Standards p21

²⁰ De Dear, R and Schiller Brager, G. "Developing an adaptive model of thermal comfort and preference" ASHRAE Transactions., V.104(1a), pp.145-167.

- 23.1 There should be an adequate ventilation system ensuring circulated fresh air flow to all occupied areas of the prison.
- 23.2 There should be an effective climate control system allowing temperature and humidity to be mechanically raised or lowered to acceptable comfort levels. A temperature range should be set (that reflects winter and summer seasonal temperature variations) in consultation with the local community of prisoners and staff.

Supporting Documentation
R-SGCA 2.3
EPR 18.1, 18.2

24 Prison buildings and the layout of the prison should be culturally appropriate for the prisoner population.

- 24.1 In prisons where there is a large number of Aboriginal prisoners, elders and members of relevant local community groups should be consulted in the building and design to better ensure a culturally appropriate environment and facilities.
- 24.2 Prison infrastructure should have regard to the diversity of Aboriginal cultures, beliefs and languages and the resulting need for a range of places and facilities appropriate to the needs of different Aboriginal groups for association or separation.
- 24.3 Prisons should be designed giving consideration to Aboriginal avoidance customs and practice, where practicable. For example, classrooms or art areas that prisoners cannot see into may inhibit participation.
- 24.4 Particular consideration should be given to the provision of adequate shared living space in addition to single accommodation. However, the assignment to shared accommodation should always be accompanied by a risk assessment and be undertaken in consultation with the assigned prisoners.
- 24.5 The design and construction of Aboriginal fire pits and 'sorry places' should be undertaken in full consultation with various relevant Aboriginal groups and prisoners. Prison management should ensure ongoing consultation with prisoners regarding the use of such places.
- 24.6 Particular regard should be paid to the significant impact that being held 'out of country' may have upon Aboriginal prisoners and consideration given to areas being planted with a range of regional plants and vegetation, the use of regionally specific murals, and more pragmatically to the provision of adequate telephone and video conferencing facilities.

Supporting Documentation

25 The design of women's prisons should incorporate a women-centred approach to imprisonment

- 25.1 The design of women-only prison facilities should be based upon wide consultation with women-prisoner and community groups.
- 25.2 The level of security should take into account the generally lower levels of risk posed by women prisoners.
- 25.3 Women-only prisons must provide sufficient appropriate accommodation and facilities for the in-prison care of pregnant women, infants and children.

Supporting Documentation

26 Where male and female prisoners are to be accommodated in the same prison, prison design should facilitate comprehensive regime participation for both male and female prisoners, while providing for appropriate levels of privacy through the use of separate living unit precincts.

- 26.1 Female prisoners must be able to avoid being exposed to constant view or being harassed by male prisoners.
- 26.2 Female prisoners should be held at the lowest level of security commensurate with individual risk, rather than placing all females together under one high-security regime.
- 26.3 Prisons that accommodate female prisoners as well as male prisoners must provide sufficient appropriate accommodation and facilities for the in prison care of pregnant women, infants and children.
- 26.4 Accommodation and facilities for female prisoners should not be of a lesser standard than that which is afforded to male prisoners.

Supporting Documentation
R-SGCA 1.42
SMRTP 8(a)
EPR 18.9

27 Prison buildings and layout should facilitate the full involvement in prison regimes of geriatric and disabled prisoners (including those with physical, sensory, cognitive and psychiatric disabilities).

- 27.1 Access to all areas and services should be achievable for the disabled and geriatric.
- 27.2 Given the high prevalence of prisoners with mental health problems, environmental design must take into consideration that because of heightened sensitivity to sensory stimuli and a reduced ability to filter out or adjust to the effects of such stimuli, prisoners with mental illness are much more likely to be affected by their surroundings than are healthy people, and their social relationships are correspondingly affected. This is not to suggest that the environment should be stimulus-free, but rather that elements of the environment should be unobtrusive and unambiguous.²¹

Supporting Documentation

28 The design of special accommodation for prisoners that are deemed to be at risk of suicide and require a temporary separate management regime should incorporate therapeutic environmental principles that include regard for a good level of amenity and activity, natural light, high levels of staff/prisoner interaction and appropriate monitoring facilities.

- 28.1 The placing of prisoners that are distressed and at risk of self-harm or suicide in a punishment-type cell that deprives the prisoner of reasonable amenities should only be considered where no other alternative is possible.

²¹ Izumi, K, "Perceptual Factors in the Design of Environments for the Mentally Ill", Hosp Community Psychiatry 27:802-806, November 1976

- 28.2 Cells and/or living quarters should be of a size and quality consistent with relevant contemporary prison building standards. Single and Multiple occupancy cells should provide adequate unencumbered space. Seven square metres per person plus common space of up to 10.5 square metres for self-care with integrated w/c facilities.
- 28.3 Common rooms should provide sufficient seating and writing surfaces. Furnishings should consistent with the prisoners' security level.

Supporting Documentation

29 Prison infrastructure should be built and maintained to recognised building standards.

- 29.1 All prison infrastructure should conform to the Building Code of Australia requirements regarding how a building should be built, how it should be designed, and how it should be maintained;
- 29.2 A Planned Maintenance system, that includes building inspections, should be in place and updated regularly;

Supporting Documentation

Dynamic Security

Physical and procedural security measures should always be complemented by good dynamic security. Dynamic security is arguably the most important element of an effective, humane and safe custodial environment. It is derived from regular positive interaction between prisoners and professional, well-trained staff. Good dynamic security better enables incident prevention through the early detection of possible security or safety threats and by ensuring prisoners are actively engaged in the prison regime.²²

30 Prisons regimes should be designed to facilitate plenty of opportunities for communication between staff and prisoners.

- 30.1 Staff should be visible and approachable. Prisoners should not have to constantly negotiate physical barriers to speak to staff.
- 30.2 It should be a responsibility for prison officers that interact directly with prisoners to extend their knowledge-base of prisoner activities and behaviours and to apply this knowledge professionally for the safety and security of the prison. However, all prison staff must exercise great care to ensure that information of a personal or confidential nature that has no bearing upon security or safety is treated with absolute regard for the right of prisoners to privacy and confidentiality.

Supporting Documentation
R-SGCA 1.45
SMRTP 48
EPR 51.2

31 Prisons should implement clearly defined prison rules and codes of conduct for staff, prisoners and all visitors.

- 31.1 The behaviour required of all staff, volunteers, prisoners, personal visitors and others who enter the prison should be made clear in written codes of conduct.
- 31.2 All rules should be prominently displayed in appropriate areas of the prison
- 31.3 Codes of conduct for prisoners should be explained and made clear during orientation.
- 31.4 Where necessary, prisoners should be given assistance to understand prison rules and codes of conduct, e.g. through the use of interpreters.

Supporting Documentation
R-SGCA 1.46
EPR 30.1

32 Good industry and conduct should be rewarded through a fair and equitable privilege incentive scheme.

- 32.1 Prisoners should be informed of all available privileges and how to access them. They should also be informed of behaviour that may result in a loss of privilege.
- 32.2 All prisoners should have equal and sufficient opportunity to participate in the incentive scheme and achieve the highest level of privileges.

²² Coyle, A, "A Human Rights Approach to Prison Management", 2002, International Centre for Prison Studies pp63-65

33 Each prison must implement an effective anti-bullying strategy

- 33.1 Every prison must actively implement and promote a policy of intolerance of bullying or abusive or intimidating behaviour of any kind.
- 33.2 Regimes must encourage prisoners and staff to report bullying or intimidation by responding immediately when bullying is suspected.
- 33.3 Perpetrators of bullying should be targeted and their power to bully negated through appropriate management or disciplinary action - it is never appropriate for staff to bully bullies. See also: Security Classification, Placement and Segregation
- 33.4 Bullying by staff of prisoners or bullying amongst staff must particularly be prevented and prison managements should implement measures to prevent and effectively respond to any reports of such bullying;
- 33.5 Prison staff must be trained to detect, prevent and effectively respond to bullying behaviour.
- 33.6 Staff should be able to recognise behaviour or language that is discriminatory or oppressive or that may lead to aggressive or abusive behaviour. Staff should also be alert to how jokes and 'banter' may be used to test for weaknesses and must effectively deal with such behaviour.
- 33.7 Teaching, education, culture and information should be utilised to combat prejudices which lead to racial discrimination, and promote understanding and tolerance.

Procedural Security

Prisons must have clearly defined procedures for preventing, and responding to, breaches of prison security. Procedural security measures must be applied with respect for the dignity of those involved.

34 Effective systems should be implemented to control access to the prison, including the identification of persons entering the prison.

- 34.1 In all prisons there should be processes and procedures to control entry, manage movements and exits to ensure that contraband is not able to be brought into or taken out of the prison.
- 34.2 In maximum and medium-security prisons the need for rigour in preventing contraband entering or leaving the prison is particularly important, but should not result in the disrespectful treatment of people entering the prison.
- 34.3 Family visitors to prisons should never be subjected to humiliating or degrading treatment.
- 34.4 Processes should not interfere arbitrarily with family contact.

Supporting Documentation
R-SGCA 3.24

35 There should be an effective system for counting prisoners, ensuring accountability for all prisoners including those working or engaged in education outside of the prison.

- 35.1 The number and style of such counts should not be oppressive, consistent with security.

Supporting Documentation
R-SGCA 1.26

36 Security procedures and searches should be implemented systematically, and be subjected to regular review

- 36.1 Effective systems should be established to detect and confiscate weapons, tools, drugs and other contraband that has been introduced, manufactured, carried or secreted by prisoners, visitors, staff, or others.
- 36.2 A security-testing program should be in place for closed-security prisons. Dates and results of tests undertaken should be recorded. Superintendents should receive regular monthly audit reports.

Supporting Documentation
R-SGCA 2.25

37 Prisons should have effective mechanisms in place to prevent and detect the supply of illicit drugs and other contraband.

- 37.1 Where dogs or technological devices are used to indicate the presence of illicit drugs on visitors and a positive indication is made, that visitor or visitors should be privately interviewed, requested to make a written statement and advised of any consequential action.

- 37.2 Surveillance and detection activities around family visits to prisoners should focus upon prisoners rather than visitors.
- 37.3 Strategies for the gathering of intelligence regarding the presence of illicit drugs or the misuse of prescription drugs should be implemented and subject to ongoing review.
- 37.4 Prisons should implement random and targeted drug-testing for prisoners in order to detect and deter illicit drug use. The testing of prisoners should be subject to proper oversight to ensure fair targeting.
- 37.5 There should be clearly defined penalties for drug use or for refusing to undertake a test.
- 37.6 Systems that are used to test prisoners for the presence of drugs and other illicit substances should be used strictly in ways that comply with appropriate relevant standards to ensure the integrity of the testing procedure and the results.
- 37.7 Any testing should be carried out respectfully, particularly with women.

Supporting Documentation
R-SGCA 1.50

38 An incident prevention and response capability must be in place that is commensurate with assessed risk

Prisons are at high risk of incidents outside the normal regime operations. This means that incident contingency plans should be developed and staff allocated and trained for foreseeable incident responses. Also see Use of Force standards.

- 38.1 Prisons must have an effective 'incident' response plan and capability that can make the immediate situation safe and ensures that in the longer-term, staff and prisoners experiencing difficulties receive sufficient assistance and support.
- 38.2 All staff should be trained in incident response procedures.
- 38.3 Each prison should have an emergency plan that includes evacuation in the event of fire or major emergency.
- 38.4 Each prison should have an approved fire alarms and prevention systems.
- 38.5 Emergency equipment and systems should be tested regularly and replaced where necessary.
- 38.6 All necessary measures should be taken (including the removal of ligature points) to reduce and prevent accidents, self-harm or unnatural deaths;

Supporting Documentation
R-SGCA 1.29, 1.31
ACA 1C 02, 1C 07, 1C 15

39 Where a death occurs, the immediate vicinity should be secured as a crime scene, and a competent authority should be notified.

- 39.1 All actions must comply with the requirements of the Prisons Act and Regulations and the Coroners Act.

Supporting Documentation
R-SGCA 1.32, 1.33

40 Search strategies should be developed that include both targeted and random searches

- 40.1 Searching or screening of staff entering a prison should be based upon clear guidelines that are made known to staff in advance.
- 40.2 The searching of visitors and their property on entry to a prison must be conducted with due regard to gender, religious and cultural sensitivities.
- 40.3 The searching of children must be undertaken with particular sensitivity and should only occur where there is reasonable suspicion that contraband may be present.
- 40.4 Prison Management must actively monitor the application of these search procedures.
- 40.5 A systematic approach should be implemented to the searching of cells or persons. These should be conducted by staff members of the same gender, wherever practicable and strip searches should only ever be carried by staff members of the same gender.
- 40.6 Health staff should never be used for security/custodial body searches as this compromises the therapeutic relationship between prisoners and health staff;
- 40.7 Body cavity searches should never be performed on prisoners or others unless there is prima facie evidence that the person is likely to be concealing contraband in a body cavity. In such circumstances the police should always be present when a search is conducted;
- 40.8 Searches should be conducted with due respect for the individuals rights, dignity and comfort.
- 40.9 Individuals must be clearly informed about search procedures.
- 40.10 Effective signs and notices should be prominently displayed to advise people entering the prison of the various prohibitions and permissions.
- 40.11 Effective search procedures must be in place to check the entry and exit of vehicles and of contractors' tools.

Supporting Documentation
R-SGCA 1.51
EPR 54.1, 54.3, 54.4, 54.5, 54.9

41 Effective, ethical systems should be established to ensure the appropriate gathering, recording and management of intelligence information.

- 41.1 Prison management has an obligation to identify, minimise and manage all forms of risk. At a minimum this should be achieved through:
 - the vigilance of staff coordinated through a security manager;
 - the operation of an occupational health and safety committee that includes adequate rostered time for assessments and other OHS activities;
 - periodic reviews of security and safety.
- 41.2 Staff should be required to pass on to an identified intelligence coordinator, reports regarding telephone monitoring, any information that has been provided in-confidence and analysis gained from dynamic interactions.
- 41.3 Superintendents should regularly review the volume and quality of staff intelligence reports and ensure appropriate quality and ethical controls are in place.
- 41.4 Prison management must implement adequate procedures to protect the community from unwanted communication or harassment from prisoners.

The Treatment of Prisoners in Segregated Protection Regimes

In many prisons, protection prisoners are treated significantly less well than prisoners in a standard prison regime – having only restricted access to most activities and services and having to endure the stigmatisation of being in a protected regime. They risk food or laundry services being subjected to malicious tampering and name calling whenever they are within earshot of other prisoners, and in some cases the vilification of their families. At its worst, being held in protection can constitute cruel and unusual punishment.

Prisoners are placed in protection to protect them from other prisoners. They may have been convicted of an offence that is considered despicable by other prisoners, such as paedophilia or they may have drug debts or they may simply be young and vulnerable or intellectually vulnerable. Maintaining the safety of these prisoners is acknowledged as not being a simple matter in the context of a prison population that also contains prisoners with characteristically high levels of personality disorder, histories of violence, often combined with poor levels of education, and dysfunctional and frequently violent family backgrounds. It is perhaps unsurprising that the use of segregated protection areas is most evident in metropolitan prisons where many of the most predatory prisoners are to be found.

Nonetheless, in many ways placing such prisoners in segregated protection is the wrong strategy as it is the prisoner-bullies that should be isolated from the mainstream of prisoners. The very existence of a protection regime indicates that prison management has failed to ensure a safe regime for all prisoners. However, if the prevailing law of the prison yard is predatory and such behaviour goes under the 'radar' or is unchallenged by prison management, simply removing and isolating the bullies is not enough as others will take their place.

In prisons where the interface between staff and prisoners is characterised by good communications and respect, and bullying is not tolerated, the use of a segregated protection area is generally unnecessary or only minimally used. In other prisons, a strategy of keeping the number of such prisoners in balance with other prisoners, along with a vigilant workforce employing effective dynamic security can be effective in obviating the need for a segregated protection area.

All prisons including those metropolitan prisons that must manage some of the most difficult prisoners must develop a range of strategies to change the predatory nature of the prison yard. In the meantime, the conditions and treatment of prisoners placed in segregated protection must be improved. Consequently, the following standards have been devised not to condone the use of segregated protection regimes but as an acknowledgement of the reality of current segregated protection regimes.

4.2 The management of protection prisoners must ensure their immediate safety and should be directed in the longer-term to returning them safely back into a normal (non-segregated) prison regime

- 42.1 Protection prisoners must not be subjected to intimidation, abuse, or acts of malice by other prisoners.
- 42.2 Protection prisoners should have equitable access to the full range of activities, education, employment, and incentive schemes available to other prisoners.
- 42.3 Protection prisoners must have daily access to the open air and be able to exercise.

- 42.4 Protection prisoners must the same level of visiting privileges as non-protection prisoners.
- 42.5 Prison management must be vigilant and ensure that the visitors of protection prisoners are not subjected to abuse during visits or while waiting for a visit.
- 42.6 Protection prisoners should have their protection status regularly reviewed with the intention of moving into a standard (non-protection) prison regime as soon as possible.
- 42.7 In reviewing protection status, prison management must consult with each protection prisoner and collaboratively seek to establish the source all specific threats and take such action as is appropriate.
- 42.8 Prison management must develop a range of general anti-bullying strategies as outlined elsewhere in these standards.

Supporting Documentation

Special High-Security Management Regimes

Difficult to manage maximum or medium-security prisoners should generally be managed within the mainstream prison population. That is, while particular care may need to be exercised in the placement of these prisoners, nonetheless, each prison needs to manage its own range and share of difficult and dangerous prisoners. This 'dispersal' of difficult prisoners prevents the concentration of such prisoners in one prison and thereby reduces risk. Where such prisoners become too entrenched or develop in-prison inappropriate support networks it may be necessary to move them on to another prison for a while, thereby disrupting such prisoners' sense of stability or power.

However, there are some prisoners who may require more security and closer management than can be provided within normal maximum-security prison regimes. For such prisoners there should be special high-security management regimes available. Importantly, such high-security regimes should not be unnecessarily afflictive nor should they be disrespectful of basic human dignity. To the maximum extent practicable, such prisoners should be managed safely, be provided with constructive activities, and be prepared for their release via a return to normal disciplinary regimes.

43 Special high-security regimes are to be reserved for those prisoners who are unable to be safely managed in mainstream maximum-security regimes.

- 43.1 Strict entry conditions must be developed and applied to special high-security units that restrict placements to those prisoners assessed as presenting a clearly defined extreme danger. For example:
- Prisoners who have a high risk of escape from a secure facility;
 - Prisoners who have been convicted of gross violence;
 - Prisoners who pose a significant risk of organising or perpetuating a mass-disturbance;
 - Prisoners who have been convicted of defined offences, such as terrorism related offences;
 - Prisoners who have been assessed as reasonably posing a significant risk of violence that cannot be properly managed within a normal prison regime.

Supporting Documentation
EPR 53.1

44 Special high-security regimes must also provide a constructive, dynamic and non-alienating environment that actively engages with prisoners.

- 44.1 Isolation, restrictive movement controls and sensory deprivation must not be used for extended periods beyond specific punishments.
- 44.2 Care must be taken with prisoners in special high-security management regimes to ensure their mental health and well being through the provision of a suitable range of constructive activities, work, education and visits.

45 Special high-security regimes must ensure that prisoners are treated with decency and dignity within as comprehensive a range of activities as practicable.

- 45.1 Special high security regimes must have strict guidelines to ensure that prisoners are still treated with decency and respect for their innate humanity.

- 45.2 Such prisoners should be able to access as many aspects of normal prison regimes as practicable, subject to the safety of themselves and others.
- 45.3 Such prisoners should be provided with opportunities for work and other constructive activities such education and recreation

46 Special high-security regimes must prioritise safety and the prevention of suicide and self-harm

47 Special high-security regimes must address prisoners' individual needs, including mental health and sentence management needs

- 47.1 Each prisoner must have an individual plan that is reviewed regularly, at least every 6 months.
- 47.2 An individual plan must be provided to each prisoner in special high-security prison regimes and must set out the conditions and behavioural requirements for prisoners to exit the unit.

48 Special high-security regimes must minimise the period of time that prisoners spend in segregation.

49 Special high-security regimes must provide multi-disciplinary case management through regular reviews by fully trained professional staff

- 49.1 Special high-security regimes must have effective monitoring with enhanced levels of internal and external scrutiny.

Supporting Documentation
53.3

Complaints and Grievances

The ability to express one's self and dissent is fundamental to a sense of individuality, which in turn is fundamental to building the sense of individual responsibility necessary for civil society. Consequently, prison regimes must be open and accountable and provide genuine opportunities for prisoners to voice concerns and make complaint.

50 Prisoners must have an opportunity to make requests, lodge complaints and where these are not satisfactorily resolved, be able to take matters to an independent competent authority, without being victimised.

- 50.1 An objective of good prison management should be, as far as possible, to prevent serious complaints arising in the first place. This is best achieved through adhering to a set of fair and clear procedures that govern all aspects of prison life;
- 50.2 These procedures should include a description of how prisoners are able make requests and complaints, and how to take a complaint that is not (in their view) satisfactorily resolved by the prison to an independent competent authority;
- 50.3 As many complaints will concern staff, it is essential that prisoners be assured that they will not be victimised or disadvantaged in making complaints locally or by seeking remedy through an independent competent authority;
- 50.4 There should also be a simple but confidential process (such as by free mail or free telephone) whereby prisoners may make a complaint or representation to an external competent authority that has a mandate to respond to such complaints or representations.

Supporting Documentation
R-SGCA 1.22, 1.23, 1.24
SMRTP 36
EPR 70.1, 70.3, 70.4

51 Many non-literate prisoners avoid situations and processes where there is a chance that their illiteracy might be exposed. Consequently, complaints processes must not be solely dependent upon written forms.

- 51.1 Prisons must have grievance processes that are user-friendly to prisoners with low-levels of literacy.
- 51.2 Prisons must also recognise that many Aboriginal prisoners from traditional lifestyles may be more accustomed to using group discussion to resolve disputes and issues of concern.

Supporting Documentation

52 The prison should ensure accurate records are kept of complaints or grievances that are upheld by any independent competent authority, and ensure such grievances are remedied.

- 52.1 The prison should have processes for reviewing the totality of individual requests and complaints with a view to addressing legitimate concerns, wherever practicable;

Supporting Documentation

53 There should be regular visits by officially appointed independent visitors who should be accessible to all prisoners.

Independent visitors should be selected on the basis that they are representatives of the wider community rather than because of any correctional expertise.

- 53.1 Independent visitors should regularly visit prisons (at least monthly) and notice of their attendance at the prison should be posted in advance,
- 53.2 Independent visitors should have access to prisoners and staff to listen in confidence to issues and complaints that are raised.
- 53.3 Independent visitors should report their findings back to superintendents or appropriate higher authorities (subject to observing any confidences) for action where necessary. All such reports should be logged.

Supporting Documentation

Legal Resources

54 All prisoners that are involved in civil or criminal legal proceedings should be afforded access to legal resources to assist them prepare their case.

54.1 Prisoners that have legal matters pending should be able to have confidential meetings and telephone conversations with their lawyers, consistent with security requirements.

54.2 Prisoners with legal matters pending should have access to a library of law resources at all times during the normal prison day, as is required under law. Such resources should be regularly updated,

Supporting Documentation
R-SGCA 1.17

Disciplinary Offences

Disciplinary Offences are those that constitute breaches of prison discipline. They are primarily administrative in nature (rather than criminal²³) and therefore do not require intervention by external investigatory or judicial agencies.²⁴ Internal disciplinary procedures must be transparent, consistent, fair and have respect for natural justice.²⁵

55 Prisons should deal with the discipline of prisoners openly, expeditiously and fairly within a disciplinary code established under legislation. Any prison offences created under legislation should be made available to all prisoners and all punishments should be made known to prisoners

- 55.1 Reports or charges relating to an alleged breach of any prison offence should be presented promptly in writing to the designated authority and the prisoner.
- 55.2 No prisoner shall be tried unless informed of the alleged offence and given a proper opportunity of presenting a defence.
- 55.3 Where necessary a prisoner should be allowed to use an interpreter when making a defence. Indigenous prisoners should be allowed to obtain culturally relevant advice and assistance to present a defence.
- 55.4 Adjudication processes should be fair and should incorporate the elements of 'natural justice'.
- 55.5 Punishment must be commensurate with the seriousness of the offence.
- 55.6 The seriousness of an offence must be determined by taking into account —
- the statutory penalty for the offence;
 - the circumstances of the commission of the offence, including the vulnerability of any victim of the offence;
 - all aggravating and mitigating factors.
- 55.7 Where punishment may entail extra sentence, there must be a judicial hearing with right to legal representation for the prisoner.
- 55.8 A detained or imprisoned person shall have the right to be heard before disciplinary action is taken and shall have the right to bring such action to a higher authority for review.

Supporting Documentation
R-SGCA 1.65, 1.66, 1.67, 1.68, 1.69, 1.70
SMRTP 29, 30(2, 3)
EPR 57.2, 58, 59, 61

²³ The rule of law does not end at the prison gate and the Police must investigate any criminal offence that is committed in a prison in the same way that they would in wider community.

²⁴ Coyle, p75

²⁵ The rules of natural justice may vary according to the context in which they are being used. However, there are **two primary rules** underlying the concept of natural justice: 1. audi alteram partem - ("hear the other side") ie a person whose interests will be affected by the decision should be given a hearing before that decision is made. 2. Nemo debet esse iudex in propria sua causa - ("no one shall be judged in his own case") ie the decision maker must be unbiased. If a person has preconceived opinions, a vested interest or personal involvement in a matter they should not attempt to settle that matter. Conventionally, a person is expected to declare any interest and step aside if it could be deemed that the decision was arrived at for reasons other than the merits of the case.

Punishment

A prisoner may only be punished for a disciplinary offence following a properly constituted adjudication process. Any punishment imposed must be prescribed in law, and be just and proportionate to the offence.

56 Secondary punishment (additional to the sentence of imprisonment) should be commensurate with the offence or rule breach. The use of solitary confinement or segregation must be strictly regulated.

- 56.1 No prisoner may be employed in any disciplinary capacity. This is not intended to preclude the proper functioning of systems based on self-management, whereby selected prisoners may be entrusted to supervise libraries or to exercise some limited authority with regard to groups of prisoners undertaking social, educational, sporting and work activities. However, where prisoners are in such positions, staff must exercise vigilance to ensure that prisoners do not abuse or misuse the power and trust inherent these positions.
- 56.2 A prisoner should not be punished except in accordance with the terms of such law, regulation or rule relating to prisoners' behaviour.
- 56.3 A prisoner who is under punishment should be provided with information concerning the duration and nature of the punishment.
- 56.4 Prolonged solitary confinement, corporal punishment, punishment by placement in a dark cell, reduction of diet, sensory deprivation and all cruel, inhumane or degrading punishments should not be used.
- 56.5 Every prisoner who is placed in segregation as a punishment should be visited daily by a member of the prison management and as frequently as practicable (preferably daily) by a representative of the medical officer. The medical officer or their representative should advise the officer in charge of the prison if they consider the termination or alteration of the segregation is necessary on grounds of physical or mental health.
- 56.6 Every prisoner who is placed in segregation must be able to exercise in the open air for at least two hours every day. In this regard, the space made available should be large enough to enable the prisoner to have meaningful exercise.

Supporting Documentation
R-SGCA 1.72, 1.73, 1.74, 1.75, 1.76
SMRTP 28, 30(1), 31, 32
EPR 43.2, 60.1, 60.2, 60.3, 62

Use of Force, Weapons and Restraints

The use of force, weapons and restraints are options of last resort for the control of imminent threats to safety. Such action must only be taken where genuine efforts to control a situation through non-physical interventions have failed.

57 Force should only be used as a last resort for the minimum period where other means have proved unsuccessful and where not to act would threaten safety, security or the good order of the prison.

- 57.1 Before force is used, steps should be taken, where practicable in the circumstances to do so, to issue the orders necessary to restore or ensure good order and security within the prison and to give warning of the consequences of failure to comply with these orders.
- 57.2 A Prison Officer may, where necessary, use reasonable force to compel a prisoner to obey a lawful order given by the prison officer. Where such force is used, the prison officer should report the fact to the manager of the prison and provide the prisoner with the option of a medical examination.
- 57.3 Prison Officers should be given training to enable them to restrain aggressive prisoners. Such training should be ongoing and emphasise techniques that allow aggressive prisoners to be restrained with minimum force.
- 57.4 Where force is used it should be the least amount of force necessary to restrain a prisoner or make the situation safe.
- 57.5 Except in special circumstances, firearms should never be carried by staff coming into direct contact with prisoners.
- 57.6 Prison staff must be trained to take constructive action to defuse aggressive and abusive behaviour, and to only use physical force as a last resort to prevent physical harm. Where physical force is used it must be consistent with legislation and rules governing the use of physical force;

Supporting Documentation
R-SGCA 1.55, 1.56, 1.57
SMRTP 54
EPR 64.1, 64.2, 65, 66

58 The issue of weapons or restraints to general duty prison officers should only occur in exceptional circumstances

- 58.1 Weapons and restraint technology are constantly being developed. Certain devices may be approved for use as holding instruments of restraint and may be applied for periods of time. Other devices may only be used to gain control and may not continue to be used once control has been established. Whilst devices for gaining control are applied, the person in custody is to be under constant supervision.
- 58.2 All weapons and instruments of restraint are to be used in a timely, appropriate and legal manner for the minimum time necessary and in strict accordance with written policy and legislation. Instruments of restraint should be:
- used only where the restraint of a prisoner is strictly necessary to maintain the security of the prisoner or prevent injury to any person;
 - of the least restrictive type appropriate;
 - applied for the minimum time necessary to control the prisoner;

- removed during medical tests and procedures, provided this meets security and management requirements, and
- 58.3 Any premeditated use of force should be filmed or video taped to ensure an evidentiary record of its use. Such evidentiary records are to be immediately secured in an appropriate place.

Supporting Documentation
 R-SGCA 1.63
 SMRTP 33, 34
 EPR 60.6, 68.2, 68.3

59 Special staff units that are supplied with weapons for use in high-risk situations shall be governed by strict guidelines regarding the use firearms.

- 59.1 Any weapons or instruments of restraint are to be used in a timely, appropriate and legal manner for the minimum time necessary. Instruments of restraint should be:
- used only where the restraint of a prisoner is strictly necessary to maintain the security of the prisoner or prevent injury to any person;
 - of the least restrictive type appropriate;
 - applied for the minimum time necessary to control the prisoner; and
 - removed during medical tests and procedures, provided this meets security and management requirements.
- 59.2 Whenever the lawful use of force and weapons is unavoidable, officers shall:
- Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
 - Minimize damage and injury, and respect and preserve human life;
 - Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;
 - Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.
- 59.3 In all matters relating to weapons, including chemical agents, electric shock guns or devices, and firearms, there must be full compliance with relevant legislation, rules, and policy.
- 59.4 Wherever practicable, before using chemical agents or electric shock devices, checks should be made as to the medical record of the intended recipient and where a prior indication of medical susceptibility exists, such weapons should not be used.
- 59.5 Where chemical agents or electric shock devices are used, a medical examination should immediately occur and consideration should be given to ensuring access to resuscitation and defibrillation equipment.

60 Firearms must never be used against persons except in self-defence or defence of others; or against the imminent threat of death or serious injury, or to prevent the perpetration of a particularly serious crime involving grave threat to life, or to apprehend a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

- 60.1 Staff responsible for the carriage and discharge of firearms and must receive accredited firearms training.
- Once a prisoner has been restrained, weapons such as chemical agents, devices that deliver an electric shock, or firearms, should not be used.
- 60.2 All weapons and instruments of restraint should be approved by the Department. Prison Officers should only be issued with weaponry that they have been trained to use.
- 60.3 All weapons, including firearms and instruments of restraint should be stored, carried, handled and used in a safe and lawful manner.
- 60.4 Instruments of restraint such as handcuffs, chains and irons, straight jackets and chemicals should never be used as punishment.
- 60.5 Chemical agents should only be used where it is strictly necessary to maintain the security of the prison or to prevent injury to any person.

Supporting Documentation
R-SGCA 1.58, 1.60, 1.62, 1.64
EPR 69.3

Emergency Management

Emergency management aims to reduce the level of risk of particular events occurring, reduce the adverse effects of such events, and improve the level and perception of safety.

There are a wide range of events that may require a small-scale or large-scale tactical response.

61 All prisons should continuously monitor operational performance for recognised predictors of disturbance to ensure secure and safe management.

- 61.1 All prisons must prepare for emergency management incidents by implementing prevention and mitigation measures aimed at decreasing or eliminating the impact on people and the environment of all foreseeable emergencies.
- 61.2 The extent to which prisons have contributed to emergency management prevention, mitigation and preparedness can be assessed by examining and evaluating activities that contribute to these outputs, including:
 - the preparation of risk assessments and emergency management plans;
 - education programs to promote safe practice in the prisons;
 - education and training;
 - emergency detection and response planning;
 - hazard/impediment identification;
 - audit and compliance for storage and handling of controlled equipment;
 - exercising and training; and
 - standby and resource deployment and maintenance.
- 61.3 There should be no obvious weaknesses or anomalies in the physical, procedural or dynamic security arrangements.
- 61.4 There should be effective intelligence systems.
- 61.5 Custodial demand and supply should be in balance so that the known impacts of overcrowding are managed.
- 61.6 The actual deployment of all grades of staff should reflect the approved levels.
- 61.7 There should be sufficient purposeful activity for prisoners to minimise boredom.
- 61.8 The frequency and type of incidents should be continuously analysed and identified risks mitigated.
- 61.9 Reliable climate indicators that assess the stability of prisons should be established.
- 61.10 Particular attention should be paid to preventing, preparing, responding and recovery from the potential for in-cell fires.
- 61.11 Staff should be trained in relevant emergency procedures such as in the use of breathing apparatus.

62 Each prison should ensure that emergency management plans address the potential for natural disasters such as cyclones, flooding and bush fires, where relevant.

63 The Department of Corrective Services must directly provide or have failsafe procured specialised services involving controlled equipment and associated tactical knowledge, skills and abilities to be readily available upon an emergency incident being declared. These specialised response services must be able to control, limit or modify the emergency to reduce its consequences.

63.1 Technological advances should be assessed, standardised and implemented consistently.

63.2 The extent to which the Department has provided for emergency management response can be assessed by examining and evaluating activities that contribute to these outputs, including:

- the implementation of emergency plans and procedures;
- the issue of emergency warnings;
- the mobilisation of resources in response to emergency incidents;
- the suppression of hazards;
- the provision of immediate medical assistance and relief; and search and rescue.

63.3 The Department must also directly provide or have failsafe procured specialised services involving recovery strategies and services to return prison operations to a state of preparedness after emergency situations.

63.4 The extent to which the Department has provided for emergency management recovery can be assessed by examining and evaluating activities that contribute to these outputs, including:

- critical incident stress debriefing; and
- the return of the specialist services resources to a state of readiness.

63.5 Recovery could also involve support to individuals, groups and communities in the reconstruction of physical infrastructure and their restoration of emotional, social, economic and physical wellbeing. In this case activities would include: restoration of essential services; counselling programs; temporary accommodation; long-term medical care; and public information.

64 When a prison identifies an emergency management incident and requests resources which are typically beyond those deployed for routine operational purposes, the deployment of additional specialist services should be rapid.

64.1 Each emergency response will need to be tailored to the particular emergency incident. The prison's ability to judge when to call for specialist services, the quality of communication and the time allowed to deliver the response are critical elements.

64.2 When use of force is selected as the appropriate tactical response, the least restrictive alternative should guide decision making.

- 64.3 Staff must only use the minimum force that is believed, on reasonable grounds, to be necessary to carry out their legal duty.
- 64.4 Staff must be held accountable for the use of force.
- 64.5 All use of force, especially when controlled equipment is used, must be directly supervised and documented.
- 64.6 Independent observers should be deployed on-site whenever practicable during the course of large-scale tactical responses.
- 64.7 The competence of special services staff should be judged by relevant training, value-based professionalism, leadership and supervision.
- 64.8 Accreditation, certification and authorisation systems for groups and individuals should be established.
- 64.9 Independent audit, review and investigation systems should be established.

Transport of Prisoners

The transportation of prisoners occurs for many reasons. From the movement of prisoners from courts to prison, to taking prisoners back and forth to medical appointments, and inter-prison transfers. While the great majority of transports occur between metropolitan courts and prisons, a significant number involve movements between regions. Western Australia is one of the largest penal jurisdictions in the world that is not sub-divided into local jurisdictions. Consequently, these long-distance journeys can cross major temperature zones moving through extremes of heat or cold, and frequently involve significant hardship. This makes the transport of prisoners a major issue for inspecting the terms and conditions of custody

65 The transportation of prisoners must be carried out safely and humanely.

- 65.1 Prisoner transport should be carried out at the expense of the Department, unless an approved arrangement exists between the Department and another agency.
- 65.2 All prisoners should be briefed on the journey they are about to undertake including destination, travel time, and subject to security, be allowed to inform their family.
- 65.3 Prisoner transport should not disrupt prisoner meal times. Staff at the point of departure and the point of arrival should ensure prisoners are served an appropriate meal.
- 65.4 All prisoners should have access to ablution facilities prior to travel and at any destination point.
- 65.5 Transport vehicles should allow sight and sound separation of categories of prisoner where necessary. This includes separation of female from male, juvenile from adult, those on protection and those at risk.
- 65.6 Smoking by prisoners and staff should not be allowed in the transport vehicle.
- 65.7 All prison transport vehicles should be equipped with adequate communication equipment to contact the prison and/or destination point or operational base in an emergency.
- 65.8 All prison transport drivers should be trained in vehicle emergency procedures.
- 65.9 All prison transport vehicles should meet safety standards, maintain comfortable temperatures and have adequate ventilation.
- 65.10 Prisoner transport should not be afflictive or subject prisoners to unreasonable hardship or unnecessary exposure to public view
- 65.11 Prisoners should be monitored at all times during transit.
- 65.12 Prisoners should be able to communicate with staff during transit.
- 65.13 Private property and identity papers should also accompany prisoners unless it is known that these will not be required to be issued.

Supporting Documentation
R-SGCA 1.81, 1.82
SMRTP 45
EPR 32.1, 32.2, 33.3

66 There must be adequate preparation for the safe and humane transport of prisoners over long distances.

- 66.1 Transportation of prisoners should only occur if absolutely necessary.
- 66.2 Prior to travel, all prisoners should be assessed (including a psychological and health assessment) to ascertain the potential negative impact of such travel and ways to minimise this impact.
- 66.3 Any special needs identified must be met to minimise the impact of travel.
- 66.4 Prior to travel, prisoners should be given a journey briefing and itinerary.
- 66.5 At each destination point, prisoners should undergo a travel debrief.
- 66.6 Prisoners should undergo a basic orientation process at any facility they stop at for any length of time.

Supporting Documentation

67 Minimum standards should be incorporated in vehicle design for all prisoner transport vehicles.-

- 67.1 Seat belts to be fitted for all passengers.
- 67.2 Passenger seats to be preferably forward, or rear facing, never sideways.
- 67.3 All seats to be moulded, and/or cushioned.
- 67.4 Cells to have one way windows fitted to afford natural light and external views with privacy from outside.
- 67.5 Seats and cells to have sufficient width and leg room to accommodate larger prisoners.
- 67.6 Any cells to be safe-cell compliant.
- 67.7 All cells have hatches to enable food or other materials to be passed between staff and prisoners in the cell and to enable handcuffs to be securely applied.
- 67.8 All cells to have a rescue exit in case of emergency.
- 67.9 Effective video and audio monitoring and communication systems between the driving cabin and cells.
- 67.10 Robust climate control for staff and passengers, adjustable in each zone of the vehicle.
- 67.11 Good natural ventilation readily available when climate control system not functioning.
- 67.12 A capacity to broadcast music, radio or essential information to passengers.
- 67.13 A cool store for staff and passenger meals and drinks.
- 67.14 Adequate storage for staff and passenger valuables, paperwork and other property.
- 67.15 Vehicle able to be tracked via satellite in real time and an activity trace securely recorded.
- 67.16 Prisoner transport journeys in "short-haul" transport vehicles must provide a comfort break for prisoners at least every 2-2.5 hours. (Journeys likely to take longer must be undertaken in 'long-haul' vehicles.)

- 67.17 Prisoners on long trips should have access to clean ablutions, including hand-washing facilities. Where there are no ablutions on the vehicle, a toilet break must be factored into the journey plan at least every three hours.
- 67.18 Without compromising security, prisoners and in particular women prisoners should be afforded a reasonable amount of privacy to perform ablutions.
- 67.19 Women prisoners should have ready access to sanitary products in the transport vehicle, and at any facility they are held at for any length of time.
- 67.20 Prisoners should have adequate access to a hygienic source of drinking water during travel.
- 67.21 When necessary lunch should be provided on the journey. Food should be stored in a hygienic temperature controlled area.
- 67.22 Prisoners should be confined to a transport vehicle for the minimum amount of time possible.
- 67.23 A variety of vehicles should be available for different purposes and different passengers.

Supporting Documentation
SMRTP 45(2)
EPR 32.2

68 The transport of prisoners over long distances must be undertaken in aircraft or appropriate long-haul vehicles with increased levels of amenity.

Regional prisoner transport in Western Australia typically involves journeys of a longer duration, extreme temperatures, a high risk of vehicle breakdown, an elevated accident risk (from stock, driver fatigue and road conditions) and impassable roads due to flood events.

- 68.1 Consideration should be given to the use of aircraft or long-distance coaches (suitably modified) for long haul custodial transport to reduce the need for overnight stays in Police or Court House lockups
- 68.2 Long haul vehicles (for journeys over three hours) should have forward (or rear) facing seats, sufficient leg room to enable stretching or basic leg exercises, and allow sufficient outlook (i.e. windows at head height).
- 68.3 Vehicles should have sufficient height to allow passengers to stand when the vehicle is stopped or to access the toilet, and be sufficiently robust to operate at night without risk from stock.
- 68.4 There must be toilets accessible to all prisoners that provide decency and privacy, and there must be a power system for air-conditioning when vehicle is stationary.
- 68.5 Adequate supplies of potable water and food must be carried for staff and prisoners.²⁶
- 68.6 During long-distance travel, prisoners should have access to healthy snacks and vehicles should have the capacity to adequately and safely store such snacks.
- 68.7 There must be robust contingency plans for when vehicles in which prisoners are being transported break down. Such plans must provide for the welfare and

²⁶ National Health and Medical Research Council, Dietary Guidelines for Australian Adults (April 2003) provide guideline quantities of water and suitable for adults

safety of prisoners, staff and the public, and must include reserve supplies of water and food.

- 68.8 Hand washing facilities or pre-packed refresher wipes must be made available to all prisoners using on-board toilets and hygiene packs must be made discreetly available to women prisoners.

Supporting Documentation
OICS Thematic Review of Custodial Transport (in print)

69 Regional or remote Police Stations and Court Houses that may be used for overnight stays for prisoners on long journeys must provide an adequate level of accommodation and services.

- 69.1 All overnight facilities must be clean and hygienic.
- 69.2 Such facilities must be able to provide for the necessary separation of male and female prisoners as well as any other separations necessary for the safety of prisoners.
- 69.3 At overnight facilities, prisoners must be provided with fresh nutritious food, clean potable water, bedding adequate to the climate, and clean linen and towels.
- 69.4 At overnight facilities, prisoners must be provided with the opportunity for at least 1 hour's exercise in the fresh air. Where prisoners have been confined in a vehicle for an extended period, consideration should be given to allowing as much time and exercise as is practicable.

70 The transport of prisoners who are infirm, disabled, pregnant or injured must make appropriate accommodations for any special needs.

- 70.1 Medical advice should be sought regarding prisoners who are infirm, disabled, pregnant or injured to ensure such needs are identified and conveyed to those making transport arrangements.
- 70.2 Consideration should be given to whether a non-standard prisoner transport vehicle should be used. Consideration should be given to sedans, maxi-taxis, ambulance and air transport.
- 70.3 For prisoners in wheel chairs, consideration must be given to using chair-lift equipped vehicles and for extra leg room.
- 70.4 Pregnant women and nursing mothers are likely to require additional fluid each day to the normal requirement for a temperate climate and may need more in warmer climatic conditions.

71 High Security Escorts, while ensuring security and safety must also have regard to the welfare and dignity of prisoners.

- 71.1 If prisoners under high-security escort are hobbled and handcuffed, proper seat restraints such as seat belts should be used to reduce injury in the event of an accident.
- 71.2 If prisoners under high-security escort are hobbled and handcuffed, particular care should be taken not to expose them to the general view. All such journeys should be video taped to provide evidence for compliance with proper procedures.

Supporting Documentation
SMRTP 45(1)

The Treatment of Prisoners

The first priority for managing prisoners must be the enforcement and embracing of a culture of Human Rights. A human rights culture must be as concerned with the rights of the individual as with the majority, with the rights of both prisoners and staff, with the rights of the minority groups within prison and the community. Ultimately, the rights of prisoners must be weighed and balanced with the rights of others. A Human Rights focus means that the management of prisoners must be based upon evidence-based assessments of individual risk and need. It is as inappropriate for prisons to abuse the rights of the community by releasing a dangerous offender without a strategy to manage the risks to the community as it is to abuse the rights of individual prisoners by holding them in unnecessarily restrictive custody when they pose little risk to the community.

Unlike the United States of America and a number of other countries, Australia does not have a Bill of Rights. Nonetheless, Australians have a range of common law rights that are enforceable through the courts. It has been argued that to define rights with a Bill of Rights is to limit those rights and that only through the courts can the variety and subtlety of rights be fully explored and enforced. But do prisoners deserve to have rights? As Stern (1998) rhetorically asks, "have they not forfeited their right to have rights?"²⁷ The answer is that, prisoners do not cease to be human beings simply because they are prisoners, regardless of the crime they may have committed. As human beings, prisoners are entitled to the same rights as every other person in Australia, except for those rights that may be expressly restricted by the fact of imprisonment.

These rights are derived from a range of human rights treaties, covenants and other instruments that apply to all persons along with a number that are specific to prisoners. The starting point for these rights is the International Covenant for Civil and Political Rights to which Australia is a signatory. The main principle guiding the rights of prisoners is provided under article 10(3), which states: "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person".

Of course, the right to liberty is clearly severely limited by imprisonment; other rights such as the right to privacy, freedom of expression, freedom of movement and freedom of assembly are also limited as a consequence of imprisonment. However, these rights are restricted and curtailed rather than completely withdrawn. Each prison administration is responsible for all aspects of the custody of the prisoners assigned to its control. Prison Officers are granted powers, including the use of force to enable them to maintain the good order and security of the prison. And because there is such an imbalance of power between those imprisoned and prison officers, and because as Harding (2005) points out, prisoners are unable to enforce their rights by civil action,²⁸ it is important for the prison to actively safeguard the human rights of prisoners.

In Western Australia, the Prisons Act 1981, Prisons Regulations 1982 and Rules made pursuant to the Act are the primary legislative instruments providing for the management of prisoners in Western Australia. In all of these provisions there is scarce mention of prisoner rights. Nonetheless, prisoners have rights and the inspection of prisons is primarily concerned to ensure that those rights are being safeguarded.

72 Prisoners must be treated with respect for their inherent dignity as individual human beings.

²⁷ Stern, V. 'A Sin Against the Future – Imprisonment in the World'. Penguin Books: London, 1998

²⁸ Harding, R. 'Inspecting Prisons.' in *Corrections Criminology*, O'Toole, S & Eyland, S. (eds) Federation Press: Sydney, 2005

CARE AND WELLBEING

- 72.1 Staff should be fair and courteous in their dealings with prisoners and model respectful relations at all times.
- 72.2 Prisoners should receive prompt attention to legitimate concerns. Prisoners are dependent upon prison staff co-operation to resolve many of the day to day issues and concerns of prison life.

Supporting Documentation
R-SGCA 1.45
SMRTP 57
EPR 1, 72.1

73 Prisons must ensure that there is no discrimination in the treatment of prisoners, regardless of race, culture, gender, nationality, sexual preference or other distinguishing characteristic.

- 73.1 Each prison should establish a means to regularly review the equality of opportunities and outcomes for different prisoner groups. Consideration should be given for example, to ensuring that all prisoner groups are equitably represented in prison jobs that attract the higher levels of gratuity payments and in incentive accommodation.
- 73.2 Staff should act in ways consistent with a respect for diversity
- 73.3 Anti-discriminatory practices should be promoted through system-wide strategies.

Supporting Documentation
SMRTP 6(1)
EPR 13

74 Foreign national prisoners should be given special consideration in order to facilitate regular family contact

Foreign national prisoners are liable to face a number of difficulties over and above that faced by Australian prisoners, and it is essential that these be difficulties be recognised and addressed in prison. However, it is important that strategies to assist foreign nationals do not exist in isolation but are embedded in a wider 'diversity' strategy. Insufficient attention to cultures of racism, stereotyping and discrimination in particular prisons may result in foreign nationals having un-necessary problems work, like any other initiative which requires respect for diversity, being eroded.

- 74.1 Prisoners who are foreign nationals, refugees or stateless persons should be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the country to which they belong, or the national or international authority whose task it is to protect them.
- 74.2 Prisons with foreign national prisoners should give special consideration to the difficulties faced by many foreign national prisoners in making family contact, ensuring immigration issues are clarified, and ensuring that strategies are in place to overcome any language barriers²⁹.
- 74.3 Diversity training should be provided to all prison-based staff and needs to address attitudes and reactions towards different groups of minority ethnic and foreign national prisoners on the basis not only of nationality, but also ethnicity, culture, religion and residency.
- 74.4 Foreign national prisoners who are to be repatriated at the end of a prison sentence should be offered assistance with re-settlement wherever it is

²⁹ HM Inspectorate of Prisons, Foreign National Prisoners: A Thematic Review (July 2006)

CARE AND WELLBEING

practicable to do so. This might involve contacting a post-release support agency in the prisoner's home country

Supporting Documentation

EPR 37.1

Women Prisoners with Infants and Children

When women are sent to prison they often leave behind young children. Some of these children are able to be cared for by their fathers or other family members while others go into the foster care system. It is vital for babies in the first year of life to form a strong attachment to one person. From this grows a sense of security and trust, self-esteem and the capacity to love. The enforced separation of mothers and babies is often detrimental to the child and the mother, and consequently all prisons that hold women should have adequate facilities for babies and infants.

75 Children and infants should be allowed to reside with their mother and primary care giver in prison if it is in the best interest of the child to do so. (In principle, a competent parent of any gender may be the primary carer).

- 75.1 If a prison provides for children and infants to reside with their primary care giver in prison, comprehensive and well structured policies and programs should be developed where the interests of the children are paramount.
- 75.2 All such prisons must conform to the standards established by competent authorities particularly in the areas of safety, health, and with regard to the number and suitability of staff, as well as competent supervision.³⁰
- 75.3 It is the prison's responsibility to ensure that all staff and volunteers that come into regular contact with children must possess a current *Working With Children Check*.³¹
- 75.4 The accommodation for primary care givers and their children should, wherever possible be domestic rather than custodial.
- 75.5 While prisoners are responsible for the care of their children living in the prison, the prison must take reasonable steps to ensure a safe environment for children.
- 75.6 If it becomes necessary for the child to leave the care of the primary care giver, a separation management plan should be developed in consultation with the mother and the alternative caregiver.
- 75.7 During and following any separation process, the mother should be offered appropriate counselling.
- 75.8 Prisoner mothers should be allowed access, where practicable, to a range of social outlets, work and recreational activities, consistent with that available to other prisoners and according to her sentence plan
- 75.9 Prisoner mothers with babies should have access to the full range of regime opportunities available.
- 75.10 Consideration should be given to ensuring facilities exist so that female prisoners will not be subject to body searches in other than privacy or be required to access feminine hygiene products at points where male staff or prisoners are likely to be stationed.

Supporting Documentation

R-SGCA 2.53, 2.54, 2.55, 2.56/SMRTP 23/EPR 36.1, 36.2, 36.3

³⁰ For comprehensive information on the National Childcare Accreditation Council go to the website at www.ncac.gov.au

³¹ For comprehensive information on the Working With Children Check, including details of legislation go to the Working With Children website at www.checkwwc.wa.gov.au

Clothing and Bedding

Each prisoner must be issued with a set of clothing that is adequate to climate and use. Each prisoner should also have his or her own bed with pillows, blankets and sheets adequate to the climate.

76 Prisoners should be provided with presentable clothing suitable for the climate and adequate to keep them in good health.

- 76.1 Prisoners should be provided with various sets of clothing suitable for general use, work and recreation.
- 76.2 All issued clothing (including footwear) should be clean, well maintained and durable.
- 76.3 Prison issue clothing should never be degrading or humiliating.
- 76.4 At reception all prisoners should be issued with sufficient supply of new underwear so that clean underwear can be worn everyday.
- 76.5 Laundry arrangements should be sufficient to ensure prisoners have access to a daily change of clean clothes.
- 76.6 Protection prisoners should preferably have access to laundry facilities to enable them wash and iron their own personal clothing. Where such facilities are not practicable, the prison is to ensure that such laundry is not susceptible to malicious tampering.

Supporting Documentation
R-SGCA 2.6, 2.8, 2.9
SMRTP 17(1, 2)
EPR 20.1, 20.2, 20.3

77 When attending court and upon release, prisoners should be permitted to wear non-prison clothing

- 77.1 Where a prisoner has appropriate clothes stored at the prison, arrangements should be made in sufficient time so that these clothes may be cleaned or pressed as necessary, prior to their being worn.
- 77.2 Where a prisoner does not have suitable clothes stored at the prison allowance should be made for such clothes to be brought to the prison on the prisoner's behalf.
- 77.3 If a prisoner has no suitable clothes and is without means to obtain such clothes, the prison should make arrangements, either directly or through a prisoner support agency for appropriate clothes to be obtained on the prisoner's behalf.

Supporting Documentation
R-SGCA 2.7
SMRTP 17(3), 18
EPR 20.4

78 Prisoners should be provided with a bed and bedding suitable to the climate and adequate to keep them in good health.

- 78.1 All prisoners should be provided with a single mattress and bed.
- 78.2 Mattresses and bedding should be clean and in good order.
- 78.3 Mattresses and bedding should be durable and meet health and safety requirements.

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- 78.4 Mattresses and bedding should be non-flammable.
- 78.5 Bedding should be washed regularly.
- 78.6 Mattresses should be replaced when necessary to ensure cleanliness and good health.

Supporting Documentation
R-SGCA 2.10
SMRTP 19
EPR 21

Hygiene and Environmental Health

79 Prison environments must comply with good public health practices

- 79.1 Prison infrastructure must be compliant with all relevant environmental health regulations.
- 79.2 Service equipment for refrigeration, cooking and laundry must be properly maintained and regularly cleaned
- 79.3 Prisons must ensure good drinking water quality and food safety, and protect prisoners from any environmental hazards which may pose a risk to health
- 79.4 Appropriate precautions should be in place to minimise hazards to health such as mosquitoes, bed bugs, flies, head lice and bacteria such as legionella, E coli and listeria among many.
- 79.5 Vermin and pests should be controlled.
- 79.6 Prison buildings should be considered to be "enclosed public spaces" and smoking should be prohibited in those buildings.

Supporting Documentation
R-SGCA 21., 2.11
SMRTP 12

80 Prisons must provide the facilities, services and items necessary to the maintenance of environmental health and general hygiene.

- 80.1 Prisoners should be provided with suitable facilities and opportunities to maintain their own hygiene.
- 80.2 Information promoting good hygiene practices should be made available to prisoners.
- 80.3 Prisons must implement practices to ensure the day to day cleaning necessary to maintain proper standards of hygiene.

Supporting Documentation
R-SGCA 2.51, 2.52
SMRTP 13, 15, 16
EPR 19.3, 19.4

Physical Health Care

It must be emphasised that to attain a “community standard” for this population inevitably involves a far greater disposition of resources than would be the case in relation to a random cross-section of 3,500 non-custodial persons across the State. Rather as with an aged persons’ home or a residential drug rehabilitation centre or a dialysis clinic, prisons bring together people from various communities who are individually more in need of health services than average.

In a non-prison environment a “community standard” reflects and averages out the service needs of the worst as well as the best segments of the health population. Thus, if the worst part of the health population happens to be gathered together in one place or within a single part of the health service system, the notion of “community standard” refers to the overall level of service that they need and would receive if they were scattered as individuals throughout the wider community.

*This point needs stating, even labouring, because of the frequency with which one encounters the view that a “community standard” is met by providing health resources equivalent to what would be provided to a random group of similar size. In other words, **the standard should be needs-based**, because a needy population has been gathered together in one place rather than being left distributed randomly around the community.*

81 The type of health care available to all prisoners should reflect the health needs of the prison population.

- 81.1 The prison population has an abnormally high need for health services, therefore screening and treatment should reflect these needs. In particular prisoners have been found³² to have a disproportionately high prevalence of:
- Chronic diseases such as diabetes, cardiac, respiratory and renal'
 - Mental health disorders,
 - Blood borne diseases such as hepatitis C'
 - Alcohol, illicit drug and smoking disorders' and
 - Dental disorders.

Supporting Documentation
SMRTP 52
EPR 39

82 Informed consent must be obtained from a prisoner for all health care or for the sharing of personal information with others involved in the prisoners care.

- 82.1 Prisoners have a right to accurate and sufficiently detailed information about their individual health in a language and terms they can understand.
- 82.2 Consent to medical treatment must be voluntary and may be implied, oral or written.
- 82.3 Where there is any doubt about a prisoners' ability to make a decision (e.g. if the prisoner is under the influence of a drug) obtaining consent should wait.
- 82.4 To enable informed decisions about their health care, prisoners should be advised of all available health services, treatment options, possible side- effects

32 Butler, T & Milner L. The 2001 New South Wales Inmate Health Survey. Corrections Health Service NSW, [8-9]

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and where appropriate, the cost of treatment in a language and terms that are understandable to them.).

- 82.5 As appropriate, the prison should use interpreters, Aboriginal health workers, peer support prisoners, etc., to ensure that prisoners understand and are able to make informed decisions about their own health care.
- 82.6 Refusal of treatment must be documented and the implications of not receiving health must be fully explained to the prisoner in a language and in terms that they understand.
- 82.7 Prisoners have the right to change their mind and withdraw consent at any point.

Supporting Documentation

83 All prisoners should undergo a health examination by a qualified health professional within 72 hours after being received into prison.

- 83.1 All newly received prisoners should undergo a health examination within the first 72 hours.
- 83.2 Transferred prisoners who have previously undergone a full health assessment should have a further health screening at the new location.
- 83.3 Health files from previous sentences of imprisonment should be obtained.
- 83.4 Urgent healthcare needs identified at reception must be attended to immediately.
- 83.5 Individual healthcare plans should be prepared, implemented, monitored and reviewed for each prisoner requiring physical or mental health care of a significant or ongoing nature.
- 83.6 Relevant aspects of a prisoner's health care needs, such as any need for specialist care or treatment, should be accommodated in the Individual Management Plan, where appropriate and subject to proper privacy considerations.
- 83.7 Where a prisoner's health needs will impact on the day to day management of a prisoner, appropriate information should be forwarded to the relevant Unit officer, subject to proper privacy considerations.
- 83.8 Each prison should have an evidence based detoxification policy.

Supporting Documentation

R-SGCA 2.28

SMRTP 24

EPR 40.4, 42.1

84 Prison health services should be delivered in culturally appropriate ways

- 84.1 Aboriginal Health Workers should be available, particularly in prisons with high numbers of Aboriginal prisoners.
- 84.2 All Health care workers, managers and professionals should have undergone Aboriginal cultural awareness training.
- 84.3 Health care services must be provided in a culturally secure environment and manner to accommodate legitimate cultural rights, views, values and expectations of Aboriginal prisoners.

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- 84.4 At all times, health care should be provided with respect for the privacy and dignity of persons receiving health care
- 84.5 An Aboriginal definition of health should be adopted when working with Aboriginal prisoners. This means health status should include attention to physical, spiritual, cultural, emotional and social well-being.
- 84.6 All prevention activities, screening programs, diagnosis and treatment to improve the health of Aboriginal and Torres Strait Islander people should be evidence based.
- 84.7 Prisons should seek to establish a partnership with a local Aboriginal Medical Service to improve the cultural appropriateness of health services.

Supporting Documentation

85 All prisoners should have access to a 24-hour, on-call, or stand-by primary health service.

- 85.1 Where a triage policy is used to assess to the health needs of prisoners, this should only be undertaken by an appropriately qualified health professional.
- 85.2 Triage policies should not operate to the disadvantage of prisoners who are illiterate or who speak English as a second language.
- 85.3 All prisoners who have a medical complaint should be seen by a health professional as promptly as circumstances permit and at intervals appropriate to the diagnosis and prognosis in each case, according to good medical practice.
- 85.4 If a prisoner is under medical treatment upon being received into prison, that prisoner should be permitted to maintain contact (on the approval of the prison health service) with the medical service that was treating the prisoner previously.
- 85.5 Each prisoner's treatment plan should be reviewed and regularly modified as necessary to meet changing health needs.
- 85.6 Following transfer from another prison each prisoner's treatment plan should be reviewed by a health professional.
- 85.7 Where necessary, prisoners should be provided with support and counselling to assist them to manage their health issues.
- 85.8 Standard precautions for infection control must be applied.
- Aseptic technique, including appropriate use of skin disinfectants
 - Personal hygiene practices, particularly hand washing before and after all significant patient contacts
 - Use of personal protective equipment, which may include gloves, impermeable gowns, plastic aprons, masks/face-shields and eye protection
 - Appropriate Handling and disposal of sharps and other clinical waste
 - Appropriate reprocessing of reusable equipment and instruments, including appropriate use of disinfectants
 - Environmental controls, including design and maintenance of premises, cleaning and spills management
 - Appropriate provision of support services, such as laundry and food services.³³

³³ Department of Health and Aging, Infection Control Guidelines, January 2004

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- 85.9 Additional precautions may be needed for patients known or suspected to be infected or colonised with disease agents that cause infections in health care settings and that may not be contained by standard precautions alone.
- 85.10 Prisoners are not to be the subject of unreasonable medical or scientific research that may be injurious to their health. Reasonable research is defined as where informed consent is given by the prisoner and where approval has been given by a properly constituted health research ethics committee, such as according to National Health Medical Research Council Standards.
- 85.11 A health professional should advise the officer in charge of the prison whenever it is considered that a prisoner's physical or mental health has been, or will be, injuriously affected by continued imprisonment or by any condition of imprisonment, including where a prisoner is being held in separate confinement. The officer in charge of the prison should immediately make a written report of such advice available to the appropriate senior officer with a view to effecting an immediate decision upon the advice that has been given. A copy of the health professional's report should be placed on the prisoner's medical file.

Supporting Documentation
R-SGCA 2.29, 2.31, 2.32, 2.34, 2.35
SMRTP 25(1)
EPR 40.4, 41.1, 41.2, 43.1, 43.3, 48.1, 48.2

86 Prisons that hold female prisoners must ensure appropriate health care services are available to meet the particular health needs of female prisoners.

- 86.1 A doctor of the same gender as the prisoner should be available where this is preferred.
- 86.2 Feminine hygiene products should be readily available to women prisoners and never require a request to a male officer.
- 86.3 Women prisoners should be educated about the benefit of pap smears. All women should have regular pap smears performed by a qualified practitioner that the woman is comfortable with.
- 86.4 All women over 50 or with a family history of cancer should undergo a mammogram. Appropriate counselling and education should be included.
- 86.5 The prison should take steps necessary for the provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child
- 86.6 Pre-natal and Post-natal treatment and accommodation should be made available to female prisoners, where practicable.
- 86.7 Arrangements are to be made for prisoners to give birth in a hospital outside the prison. If a child is born in prison, this fact should not be recorded on the birth certificate.
- 86.8 Prisons accommodating women should have 24 hour access to and liaison with appropriate hospital and community based obstetric and midwifery services.
- 86.9 Where practicable, there should be continuity of obstetric and or midwife staff providing care before, during and after birth
- 86.10 Pregnant prisoners should be offered information and counselling by qualified counsellors regarding pregnancy and termination options.
- 86.11 A sterile pack for the emergency delivery of a baby, including instructions, should be available in the prison health centre.

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- 86.12 Pregnant prisoners should have individual care plans developed as soon as a pregnancy is confirmed and the appropriate screening completed as soon as possible
- 86.13 Pregnant prisoners should be considered eligible for some form of special provision with regard to gratuities while they are unable to participate in prison work.

Supporting Documentation
R-SGCA 2.40, 2.41
SMRTP 23
EPR 34.3

87 Every prisoner is to have access to the services of specialist medical practitioners as well as psychiatric, dental, optical and radiological diagnostic services, on medical referral.

- 87.1 Prisoners should be referred to an external health provider where required treatment or services are not available within a prison or are more appropriately provided by others. Referral to such services should be based upon medical opinion and community health standards and not be unduly influenced by issues of security.
- 87.2 Prisoners should be able to receive treatment from private health professional provided there are reasonable clinical grounds for granting the application, and they can meet the costs, and that the request falls within the relevant statutory requirements.
- 87.3 A prisoner's dental care should be incorporated in his/her overall health care plan
- 87.4 Acute dental first aid requirements must be met immediately.
- 87.5 Prisoners on dental (or other health) waiting lists should be informed of expected waiting times and any delays.
- 87.6 Prisoners should receive counselling by a health professional or another person suitably qualified to give that counselling, both before and after testing for HIV/AIDS and is informed of the test results.
- 87.7 Prisoners in the last stages of their life should be considered for placement in a non-custodial setting prior to death and be managed having regard to their sentence, the community, victims, the intention of the sentencing court, the prisoner's family and the prisoner. Terminally ill prisoners must be provided with the care and treatment necessary to maintain their dignity and necessary comfort.
- 87.8 Prostheses and aides required by a prisoner must be made available on the recommendation of the medical officer. Prisoners should be advised of the prisons liabilities in respect of prostheses maintenance and replacement and of his/her own personal responsibilities for their care.
- 87.9 Prosthesis should be provided, replaced or repaired by the prison where the need arises as a result of an accident or medical condition and where an appropriately qualified health professional recommends the prisoner's general health would otherwise be seriously impaired.
- 87.10 A medical diet should be prescribed or modified by the Medical Officer or registered nurse and a registered dietician consulted where required.

Supporting Documentation
R-SGCA 2.27, 2.33
SMRTP 22(2, 3)
EPR 41.5, 46.1

88 Prisoners that are isolated for health reasons shall be afforded all rights and privileges that are accorded to other prisoners, wherever practicable, and so long as such rights and privileges do not jeopardise the health of others.

- 88.1 If a prisoner is found to have an infectious disease, the prisoner should be managed by health services so as to minimise the possibility of contamination of the prison environment and, where clinically appropriate, before the prisoner is permitted to mix with other persons and enter the normal prison routine. The necessary infection control procedures must be implemented and the Prison Manager advised of any special requirements

Supporting Documentation
R-SGCA 2.30

89 There must be a safe procedure for the distribution of medications to prisoners.

- 89.1 Over-the-counter medications to manage unexpected discomfort (such as headaches, influenza symptoms, toothache) should be readily available from officers in the accommodation areas or otherwise reasonably accessible areas.
- 89.2 Supply of over the counter medications should however, be documented. Over the counter medications should be issued to prisoners in a manner that complies with general legal requirements and does not place any responsibility for clinical decisions on non-medical staff.
- 89.3 Where a prisoner was taking prescription medications upon being received into prison, and if recommended by the medical officer or registered nurse, the prisoner should continue to be prescribed this medication.
- 89.4 Medication should only cease on the recommendation of an appropriately qualified health professional.
- 89.5 Drugs which have a potential for abuse or dependency should only be prescribed when there is no alternative, and according to appropriate controls.
- 89.6 Prisoners should be instructed to take medication with a drink in front of the unit staff member unless instructed otherwise by health services staff. During the hours of lock up every attempt should be made by unit staff to view a prisoner swallowing the over the counter medication.

Supporting Documentation

90 Health promotion and education should be delivered in the language of choice of the recipient and in a culturally appropriate manner to the individual and the setting.

- 90.1 Health promotion and health education must be evidence based.
- 90.2 Health hardware for harm minimisation (including condoms and dental dams) should be available in a confidential, non-judgemental context with appropriate education.

Supporting Documentation

91 A health record file must be established for each prisoner at the first health assessment and all subsequent health contacts should be recorded in the file.

- 91.1 Health records must be stored in a secure place within the health centre.

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- 91.2 The confidentiality of medical information must be maintained to preserve each prisoner's individual right to privacy. However, medical information may be provided in certain circumstances on a 'need to know' basis: with the consent of the prisoner, or in the interest of the prisoner's welfare, or where to maintain confidentiality may jeopardise the safety of others or the good order and security of the prison.
- 91.3 Upon notification of transfer of the prisoner to another prison, the relevant health file should be updated and forwarded with the prisoner.
- 91.4 Where necessary on release from prison, each prisoner should be given a summary of his/her health status, referral to the community health care provider of the prisoner's choice, and a medical certificate supporting a sickness benefit application.

Supporting Documentation
R-SGCA 2.42

92 Health centre staff should be appropriately qualified

- 92.1 Health centre staff should receive adequate regular training and development to keep them abreast of new developments.
- 92.2 Health centre staff should receive training in specific health issues relevant to the prisoner cohort.

93 Health Centre staff should be consulted on all areas of the prison regime relevant to prisoner health

- 93.1 Health centre staff should be consulted with regard to fitness and recreation opportunities for prisoners.
- 93.2 Health centre staff should be consulted regarding the appropriateness of provisions within the kitchen, canteen (shop), and supermarket (if available).

Mental Health Care

Mental health problems among the prison population can be expected to be complex and comprise "a range of psychological and/or psychiatric conditions that include major personality problems, substance abuse and mental illness."³⁴ The prevalence rates for all psychiatric morbidities in the prison population are markedly higher than rates in community samples.³⁵

Prisoners typically come from social groups that are disadvantaged in the community in terms of health and mental health care services with a significant proportion having histories of alcohol, drug or other substance abuse. Add to this the many experiences of imprisonment that are likely to be stressful and potentially harmful to their mental and emotional health: - isolation from family and social networks; loss of privacy, loss of personal control, identity and power to act, austere surroundings, and overt or covert aggression and bullying by other prisoners. In addition, for many prisoners there may be a lack of work or purposeful activity; heightened levels of uncertainty (particularly for remand prisoners) and concerns about the outside world.

94 Prisons must make appropriate and adequate provision to meet the mental health care needs of prisoners

- 94.1 Persons should not be remanded to prison custody solely for psychiatric or intellectual disability assessment.
- 94.2 An assessment of mental health should be made as part of the initial health screening required for all prisoners upon entry into custody, or if a more in-depth assessment is to be made, this should occur within the first 30 days of custody.
- 94.3 Prisoners who are suffering from a severe psychiatric illness should be assessed and transferred without delay so they may be managed by an appropriate tertiary or specialist health care facility rather than a prison.
- 94.4 Prisoners who exhibit particularly bizarre behaviour but who are not suffering from any diagnosable mental illness requiring treatment in a secure hospital, should be managed within special mental health facilities designed for that purpose.
- 94.5 Prisoners who are otherwise suffering from mental illness or an intellectual disability should be provided with appropriate management and support services.
- 94.6 Prisoners with disordered thinking or behaviour that is derived from illicit drug taking should not be necessarily treated differently to prisoners whose thinking or behavioural disorders are not derived from illicit drug taking.
- 94.7 Mentally ill prisoners must never be punished for behaviour which is consequence of their illness.
- 94.8 Prisoners with a serious mental illness preparing for release must have a care plan developed

³⁴ Office of the Inspector of Custodial Services, *Thematic Review of Offender Health Services*, Report No. 35 (June 2006) [p 24]

³⁵ Herrman H, McGorry P, Mills J, Singh B. Hidden severe psychiatric morbidity in sentenced prisoners: an Australian study. *Am J Psychiatry* 1991; 148: 236-239 and Butler T, Andrews G, Allnutt S, et al. Mental disorders in Australian prisoners: a comparison with a community sample. *Aust N Z J Psychiatry* 2006; 40: 272-276.

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- 94.9 Any delineation of Aboriginal mental health problems and disorders must encompass recognition of the historical and socio-political context of Aboriginal mental health. A clear understanding of cultural factors and beliefs must inform the diagnosis of Aboriginal prisoners. Otherwise, mental illness can be misinterpreted; or alternatively, cultural beliefs or behaviour may be wrongly diagnosed as mental illness.
- 94.10 An adequate and effective psychological counselling service should be available to prisoners.
- 94.11 Where a prisoner who enters or is released from prison is under medical or psychiatric treatment, the prison health service should make arrangements with an appropriate agency for the continuation of such treatment after release, where appropriate.
- 94.12 Particular care should be taken to observe and provide support and counselling to remand prisoners that have mental health problems.
- 94.13 All staff should receive some basic mental health awareness training. There should also be regular refresher training courses.
- 94.14 All nurses should have mental health training, and at least one nurse in each prison should be a registered mental health nurse.
- 94.15 Any General Practitioner providing inpatient health care must receive training or have experience in mental health care.
- 94.16 Prisons must seek to minimise the deleterious impacts of imprisonment on the mental health of prisoners. This is particularly important with prisoners who are experiencing suicidal or self-harming ideation.
- 94.17 Prison regimes should promote good mental health through purposeful activities, contact with family, health promotion, exercise and diet.

Supporting Documentation
R-SGCA 2.36, 2.37, 2.38, 2.39
SMRTP 22(1), 82, 83
EPR 40.4, 47.1, 12.1, 12.2

95 Prisons must have effective processes to detect and manage prisoners in crisis, particularly where they may self-harm. These processes should be multidisciplinary and should develop a therapeutic and supportive management regime for such prisoners.

- 95.1 Prisoners in crisis, particularly those at risk of self-harm should be fully consulted and informed concerning any change to their management regime, including the criteria for a return to normal regime management. Consideration should be given to imposing the least restrictive regime commensurate to risk, including the use of 'buddy' arrangements with other prisoners.
- 95.2 All staff should be trained in identifying self-harming ideation and suicide prevention.
- 95.3 Aboriginal prisoners should have access to traditional healers, where appropriate and practicable.
- 95.4 Trauma and grief counselling should be offered where appropriate, and mental health crisis teams should be available at all closed security prisons.
- 95.5 In the event of a self-harming incident, each prison must provide appropriate and locally located equipment for the cutting down of prisoners found hanging and apparatus for the resuscitation of prisoners.
- 95.6 In the event of a self-harming (or any other psychologically damaging) incident, appropriately skilled and trained counsellors should be made available to all

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affected prisoners and staff, and should conduct an impact assessment with a view to ensuring that adequate supports are made available for as long as necessary.

Supporting Documentation
R-SGCA 2.18
EPR 47.2

Food and Nutrition

It is a fundamental right of prisoners to be provided with sufficient nutritious and varied food, at normal meal times, and to have access to drinking water at all times.

Having said this, food is a constant focus for complaints during inspections even where these basic requirements are being met. Many prisoners are overweight and in need a healthier diet with more exercise (as are many in the wider community). However, prisoners cannot be made to live and eat healthily, nor should they be. In part because they are able to supplement their dietary intake with confectionary and other items bought at the prison shop, and in part because making a choice about the foods that are eaten is one the fundamental distinguishing attributes of being an individual. There is a wide disparity in food preferences among prisoners and prisoners should be allowed some food choices.

96 Food should be hygienically prepared and of sufficient quality, quantity and variety to meet prisoners nutritional needs.

- 96.1 Menus should be planned to ensure that high quality, nutritional and varied meals are provided. Prisoners should be consulted about food choices and kitchen staff should schedule regular sessions with different prisoner cohort groups to receive comments about prison food.
- 96.2 Prisoners should be able to choose between food options.
- 96.3 All prisoners should have continuous access to clean drinking water.³⁶
- 96.4 Particular care and consideration must be given to ensure that prisoners that are required work outside the prison or prisoners in transit have access to adequate supplies of drinking water, using the guideline quantities noted above.
- 96.5 Menus should consider the availability of fresh produce, climate, prisoner work requirements, and the need for special meals.
- 96.6 Menus should be developed in consultation with a qualified dietician.
- 96.7 Food should be procured, stored, prepared, produced and served in accordance with generally accepted professional health and safety standards and in compliance with legislation.
- 96.8 All persons engaged in food preparation and or handling should be trained in food hygiene matters commensurate with their work activities.
- 96.9 All persons involved in preparing and serving food wear appropriate protective clothing.
- 96.10 Custodial staff must supervise the serving of food to prevent tampering with food and other forms of bullying. Particular care must be taken to ensure that food for protection prisoners is not subject to tampering.
- 96.11 There should be regular formal and informal kitchen inspections.

Supporting Documentation
R-SGCA 2.12
SMRTP 20
EPR 22.1, 22.3, 22.4, 22.5

97 Special dietary food should be provided where it is established such food is necessary for medical reasons, on account of a prisoner's

³⁶ National Health and Medical Research Council, Dietary Guidelines for Australian Adults (April 2003) provide useful guidelines amounts for various climates.

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religious beliefs, because the prisoner is a vegetarian, or where the prisoner has other reasonable, special needs.

- 97.1 Halal and other religious requirements for food procurement, storage, preparation, distribution and serving should be fully observed. This may involve the separate preparation and cooking of certain foods.
- 97.2 Prisoners requiring special diets such as vegetarian, vegan, religious, cultural and medical diets, should be able to select from a menu which includes sufficient choice.
- 97.3 Prisoners should be educated about healthy eating and its benefits.
- 97.4 Prisoners are consulted and can make comment about the quality, quantity and variety of food and have their views taken into account.
- 97.5 There should be arrangements for food to be available at non-meal times for late arrivals, court returns etc.

Supporting Documentation
R-SGCA 2.13

98 Prisoner accommodation that involves self-catering must be monitored to ensure appropriate standards of hygiene and nutrition.

- 98.1 Prisoner self-catering arrangements require the prison to ensure that proper standards are observed for the storage of food, the hygiene of the kitchen, and that prisoners are receiving a balanced diet.

Supporting Documentation
EPR 22.3

99 The provision of tea, coffee and snacks in any work, study, recreation or accommodation areas must be subject to regular inspection with regard to hygiene and safety.

- 99.1 Food that has been purchased from the canteen for later consumption must be stored safely and hygienically.
- 99.2 Healthy snacks should be available as an alternative to confectionary.
- 99.3 Nutritional information concerning healthy food and lifestyles should be made available to prisoners.

Supporting Documentation

Management and Treatment of Substance Use

Prisons, court custody centres and custodial transport services should have comprehensive and integrated strategies that seek to:

- Prevent and detect the supply of illicit drugs,
 - reduce the demand for illicit drugs, and
 - minimise the harm arising from drugs through education, treatment and enforcement.
-

100 Prisons should have effective mechanisms to reduce the demand for drugs.

- 100.1 Where practicable, prisons should provide incentives for prisoners to apply for drug-free units.
- 100.2 A range of culturally appropriate, education programs as well as intensive counselling programs should be available for prisoners

Supporting Documentation
R-SGCA 2.24

101 Prisons should have effective mechanisms to treat and reduce the harm caused by drug use.

- 101.1 All prisoners should have the opportunity to undertake a basic substance use education program. This should include information about the side effects of drug use and the support services that are available.
- 101.2 Substance dependent prisoners should receive prompt, competent, professional help in the treatment of withdrawal.
- 101.3 Treatment programs should be appropriate to the needs of the prison population and should be regularly evaluated for effectiveness.
- 101.4 Prisoners needing to recover from chronic or acute drug addiction require effective treatment, often with medication followed by management of the problem over time.
- 101.5 Where appropriate, replacement pharmacotherapy should be available, according to strict eligibility criteria and in conjunction with a management plan that ensures an appropriate transition to a joined-up community treatment program.
- 101.6 Prisoners who are prescribed a replacement pharmacotherapy must be regularly monitored to identify any side-effects, to enable appropriate adjustment to dosages, and to detect any relapse back to illicit drug use.
- 101.7 Prisoners with substance related needs should be given access to a range of appropriate activities and regimes (including drug free incentives) that support change and challenge offending behaviour.
- 101.8 At each prison partnerships should be developed with local drug rehabilitation, counselling and education organisations.

Supporting Documentation
R-SGCA 2.24

102 Prisoners with alcohol misuse problems should have access to appropriate treatment and support.

- 102.1 Initial health assessments should identify those who are physically dependant on alcohol and require detoxification, as well as those who, although not physically dependant, are at serious risk of harm. Intervention should be recommended commensurate with the prisoners assessed level of need.
- 102.2 Intervention for those at risk of withdrawal should begin as soon as possible. The detoxification process should be clinically supervised and appropriate support should be offered to the prisoner.
- 102.3 Assessment for offending behaviour programs should identify whether alcohol misuse is a significant factor in previous or current offending and intervention supplied accordingly.
- 102.4 Accredited alcohol treatment programs and interventions should be provided to prisoners at risk from alcohol misuse. These should seek to address the underlying causes of a prisoner's drinking behaviour.
- 102.5 Culturally appropriate alcohol-specific support groups and individual support should be available to prisoners.
- 102.6 Where alcohol misuse forms part of poly-drug misuse prisoners should be offered both structured substance misuse treatment interventions and specific alcohol interventions to offer a holistic approach.
- 102.7 Where possible, links should be made with community organisations to provide evidence based alcohol intervention. With prisoner consent the prison should liaise with these agencies to ensure appropriate information sharing and joint planning to ensure continuity of care upon release.
- 102.8 All prisoners who have engaged in alcohol treatment should undergo pre-release intervention and be supported in developing appropriate community links.
- 102.9 Training and support structures should be offered to staff to encourage them to reflect on their own attitudes, knowledge and beliefs about alcohol and enable them to work effectively with alcohol misusing prisoners.

Supporting Documentation

103 All prisoners should be offered alcohol education programs to raise awareness of the potential harms and to encourage safe and responsible drinking based on informed choices.

- 103.1 Education, treatment, and intervention programs should be tailored to suit the cultural and linguistic needs of the target group.
- 103.2 Families of prisoners should be provided with information about alcohol dependence, withdrawal and support.

Supporting Documentation

104 Clear penalties should exist for the brewing of Alcohol in prison.

- 104.1 Staff should be knowledgeable about materials, food, etc that could potentially be misused for the brewing of alcohol.
- 104.2 Utilising this knowledge staff should monitor the use of these materials.
- 104.3 Prisons should test for alcohol where illicit alcohol is suspected.

Supporting Documentation

105 In the interests of improved health, prisoners and staff should be dissuaded from smoking. (Also see standards on environmental health)

- 105.1 No prisoner should be required to share a cell with a prisoner that is permitted to smoke in cell.
- 105.2 All common indoor areas should be smoke-free environments.
- 105.3 Prisons should not subsidise tobacco products or encourage smoking by prisoners or staff.
- 105.4 Recognising that many staff and prisoners already smoke, support, including pharmacotherapy should be made available for people withdrawing from tobacco addiction.

Supporting Documentation

Religious and Spiritual Needs

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change a religion or belief, and freedom, either alone or in community with others and in public or private, to manifest religion or belief in teaching, practice, worship and observance.

106 Prisoners should have the right to manifest their religion or belief in teaching, practice, worship and observance, consistent with prison security and good prison management.

- 106.1 Prisons should have a tolerant approach to religious and spiritual diversity. However, cults that involve bizarre or offensive belief or ritual should not be tolerated. Where necessary, superintendents should take advice on such cults from prison chaplains and other religious ministers that visit the prison.
- 106.2 If the prison contains a sufficient number of prisoners of the same religion, a qualified visiting representative of that religion should be able to be appointed or approved. If conditions permit, such arrangements should be on a full-time basis.
- 106.3 A qualified representative appointed or approved as above should be allowed to hold regular services and to pay pastoral visits in private to prisoners of the appropriate religion at the proper time, subject to the security and good order of the prison.
- 106.4 Suitable multi-faith worship facilities should be available for prisoners of all faiths.
- 106.5 The timing of religious services should be well advertised, and the timing of religious services should not clash with key regime activities.
- 106.6 Prisoners should be able to obtain, keep and use artefacts of religious significance where this does not pose a risk to prison security.
- 106.7 Prisoners should have access to religious publications, but religions should not seek to proselytise or convert prisoners to a particular faith.
- 106.8 Prisoners should be able to celebrate major religious festivals.
- 106.9 Where practicable, recognised Indigenous elders or leaders should be permitted to address the emotional and spiritual needs of indigenous prisoners.
- 106.10 Aboriginal spirituality should be encouraged and strengthened through the systematic observance of customs relating to language, food, death, healing, storytelling, rites of passage or tribal traditions.

Supporting Documentation
R-SGCA 2.14, 2.15, 2.16, 2.17
SMRTP 6(2), 41, 42
EPR 29.1, 29.2, 29.3, 38.2

Recreation

Every prisoner has the right to some rest and leisure from work. At minimum, prisoners are to be allowed at least one hour of exercise and association in the open air each day. Importantly, recreational activities also provide many opportunities for the acquisition of skills that will assist prisoners to adopt constructive lives.

107 Prisoners should have reasonable access to a range of sports, recreation and cultural activities.

- 107.1 Prisoners should be able to exercise in the open air for at least two hours every day, weather permitting. This minimum standard is applicable to all prisoners including those under segregated punishment.
- 107.2 The range of recreational activities available should reflect the various health and fitness needs of the most significant prison population segments.
- 107.3 Particular consideration should be given to ensure equitable access and appropriateness of recreational opportunities for female prisoners in predominantly male prisons, and for protection prisoners.
- 107.4 Time allocated for the use of recreation facilities should not conflict with other aspects of the structured day.
- 107.5 Where it is not a risk to security, minimum-security rated prisoners should be allowed to participate in structured recreational activities outside of the prison.
- 107.6 Physical recreation and the playing of team games should be encouraged and facilitated with appropriate facilities and equipment.
- 107.7 Various passive recreation options should also be available.
- 107.8 In each recreational pursuit, prisoners should be able to explore opportunities for acquiring skills and personal development. For example, gaining accreditation for refereeing, fitness training, developing artistic abilities, etc.

Supporting Documentation
R-SGCA 2.47, 2.48
SMRTP 21, 78
EPR 27.1, 27.2, 27.3, 27.4, 27.5, 27.6

108 Infrastructure and equipment should support the safe participation of prisoners in recreational and cultural activities.

- 108.1 Recreation areas and equipment must be maintained to ensure safety of use. Ageing equipment should be replaced.

Supporting Documentation
EPR 27.4

Gratuities and Money Management

The proper management of prisoners' access to gratuities (along with prisoner purchases and private property) is of central importance to the quality-of-life of prisoners. In addition, a system of gratuities provides opportunities for small savings to be made for release, or to make a minor contribution to support family needs, to payout outstanding fines, or to make restitution to victims. In these ways, prison can provide an opportunity to guide the acquisition of prudent habits and a better understanding of personal money management.

However, prisoners have notoriously poor money management skills, and in many cases spend all of their gratuities impulsively and in some cases seek to supplement their gratuities from outside the prison from family members who may be in a marginal monetary position themselves. At worst, prisoners may intimidate or steal from other prisoners or supplement their money by organising or selling drugs or other contraband. Prisons should guard against any forms of monetary intimidation and provide encouragement to prisoners to tithe part of their gratuities for the future or to assist their family and others, as well as provide information and advice on personal money management.

109 **An equitable gratuity system should reward prisoners for work completed according to level of skill and hours worked.**

- 109.1 All gratuities should be credited to prisoners' accounts on a weekly basis, and must be recorded and controlled in a transparent and effective manner.
- 109.2 The gratuities should generally be scaled according to whether prisoners are required to contribute to the costs of their care and custody.
- 109.3 The awarding of different scales or levels of gratuities should be applied equitably, based upon skill and workload. Particular care must be taken to ensure that ethnic or cultural groups are not disproportionately represented in the lowest gratuity scales.
- 109.4 Prisoners undertaking full-time education or training should be eligible for gratuities at a range of scales or levels, including the highest gratuity level.
- 109.5 It is acknowledged that certain key industry prisoner jobs are essential to the smooth and effective day to day operation of prisons. However, these positions should not be remunerated at the highest gratuity levels to the exclusion of prisoners undertaking full-time education or training.
- 109.6 All prisoners should be able to easily access accurate and up-to date records of their finances.
- 109.7 The prison may also provide that a part of the earnings may be retained by the administration so as to constitute a saving fund to be handed over to the prisoner on his/her release. Prisoners should be encouraged to save money. This should be accompanied with budgeting education etc
- 109.8 A simple procedure should be in place to allow visitors to deposit money into prisoners' telephone or private cash accounts. However, the prison should seek to ensure the propriety of such deposits.
- 109.9 Prisoners who arrive without private money should be offered a loan/pay advance to use in the prison shop.

Supporting Documentation
R-SGCA 2.21, 2.23
SMRTP 43, 76(3)
EPR 26.10, 26.12, 105.4

Prisoner Purchases

Prison shops or canteens and 'towns spends' should provide a wide range of items for purchase that is based on local prisoner population demand. However, a balance should be struck between providing some of the small luxury items not routinely supplied by the prison such as confectionary or cakes and promoting healthy lifestyle products.

110 Prisoners should be able to make purchases from their own money or from the accumulation of gratuities

- 110.1 The prison should provide a means for prisoners to purchase approved items from a prison shop or canteen.
- 110.2 Prisoners' access and egress to and from a shop or canteen should be strictly monitored to ensure they are not subject to intimidation or have their purchases stolen by other prisoners.
- 110.3 Prisoners should have access to a reasonably wide-range of products which should be comparable in price to such items as they are available in the local community. This should include a range of healthy alternatives to foods high in fat and sugar.
- 110.4 The list of available goods should be publicised prominently, preferably in every residential wing or accommodation area. Any price changes should be consistent community price changes.
- 110.5 Price lists must be kept up-to date.
- 110.6 The needs of prisoners are regularly assessed and provided for in the prison shop and ordering system.
- 110.7 Access to canteen purchases should include prisoners at court, segregated prisoners, new arrivals to the prison and those sick in cell or otherwise confined.
- 110.8 A wide range of suitable hobby materials should be available through the prison shop or by order.
- 110.9 Prisoners should be regularly consulted on the range of goods that is available for purchase.
- 110.10 Prisoners should have health promotion education to inform choices of food bought at the canteen.

Supporting Documentation
R-SGCA 2.22
SMRTP 76(2)
EPR 26.11, 31.5

Property

Through many means, prisons tend to strip prisoners of their individuality. Allowing prisoners to retain some private property is a way of prisoners maintaining a sense of themselves as distinct and unique human beings as well as enjoying the intrinsic value of the item. However, there needs to be sensible limits placed upon the amount and type of private property that each prisoner can retain in order that the security and good order of the prison may be maintained.

111 Prisoners should be able to keep a small number of approved items as private property

- 111.1 There should be an effective and equitable process for identifying and regulating private property in cells.
- 111.2 Prisoners should not be arbitrarily deprived of property without being informed of the cause, and having some right of appeal to a higher authority.
- 111.3 Prisoner property which is to be retained at the prison, either in a prisoner's personal possession or in storage should be recorded, stored, transferred and controlled in an effective manner and in a way that respects the entitlement of the prisoner to such property. Property that is not to be retained at the prison should be disposed of by the prisoner, where appropriate.
- 111.4 Prisons should fairly compensate prisoners for clothing and possessions lost or damaged while in prison storage. Particular regard should be paid to ensuring the safekeeping and accurate recording of property that is assessed as having a significant monetary value and items such as photographs. Prisoners' in-cell property should be able to be secured.
- 111.5 Prisoners should be able to arrange access to property not held in-possession.
- 111.6 On the release of a prisoner, all property and any accumulated unspent money should be returned to the prisoner.

Supporting Documentation
R-SGCA 1.7, 1.8
SMRTP 43(1)
EPR 31.1, 31.2, 31.3, 31.7, 33.4

External Contacts and Communications

An imprisoned person must have the right to be visited by and to correspond with members of his or her family as well as to communicate with the outside world, subject to reasonable conditions and restrictions as specified by lawful regulations. While such communications may be subject to surveillance for reasons of security, information obtained by these or other measures should never be used inappropriately or indiscreetly.

However, prisons must enforce the right of members of the community not to receive communications from a prisoner. In particular, the community, including victims or witnesses have a right not to be subjected to unsolicited or unwanted communications or harassment from prisoners.

112 Telephone and mail communications between prisoners and the community should be facilitated through the provision of adequate telephones and letter paper.

- 112.1 Prisoners should be made aware of their entitlements to telephone calls and mail.
- 112.2 There should be a sufficient number of telephones so that prisoners are able to gain reasonable access and be able to speak for a reasonable time, without disadvantaging other prisoners.
- 112.3 Prisoners should have access to telephones that permit reasonable privacy from other prisoners.
- 112.4 Prisoners should be permitted to send as many letters as they can afford and no restrictions should be placed on the number of letters that can be received.
- 112.5 Special arrangements should be in place to ensure foreign national prisoners have sufficient access to airmail letters and international telephone call facilities. Wherever practicable, prisoners should be able to access discounted telephone charge rates.
- 112.6 Prisoners outgoing mail should be posted within 24 hours, and incoming mail should be received by the prisoner within 24 hours of receipt by the prison.
- 112.7 Prisoners should be advised of and provided with access to a telephone interpreter service.

Supporting Documentation
R-SGCA 3.21, 3.34
SMRTP 37, 38
EPR 24.1

113 Appropriate measures should be in place to prevent inappropriate use of telephone and mail communications without unnecessarily interfering with a prisoner's privacy.

- 113.1 Prisons must ensure recipients of prisoner communication have approved the communication.
- 113.2 If prisoners' mail and telephone calls are subject to supervision and recording they must be advised of the fact.
- 113.3 Strict regard must be paid to the observance of confidentiality of such communications and in no circumstances should prison staff discuss the contents of such communications other than in accordance with proper reporting procedures.

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- 113.4 Prisoners' mail should only be opened to check for unauthorised enclosures. There must be legitimate reasons to read a prisoner's mail.

114 Legally privileged or other correspondence to properly constituted complaints or investigatory authorities should never be opened by prison staff.

- 114.1 Prisons must make readily available a means (such as distinctively marked envelopes and special post boxes) for prisoners to send privileged mail to appropriate authorities. (Also see Complaint and Grievance Systems)

Supporting Documentation
EPR 24.2

115 Prisoners should be encouraged to maintain and develop relationships with family and friends through visits.

Contact between prisoners and the community should be encouraged in recognition of the important role families and communities play in assisting the successful reintegration of prisoners back to the community upon release and the importance of such contact to prisoners' mental well-being while in prison.

- 115.1 Prisoners should be permitted a minimum of one visit each week and as many further visits as may be practicable.
- 115.2 Unconvicted prisoners should be permitted to receive daily family visits where practicable and where to do so does not unfairly restrict the visits of other prisoners.
- 115.3 Prisons should be flexible and make special arrangements for prisoners to receive additional visits where a bona fide need is identified. For example, where a prisoner's family must travel a long distance and can only do so infrequently or where a death or other trauma has occurred and extended family grieving may be necessary.
- 115.4 Additional visits or additional telephone calls should be included in the earned incentive and privilege scheme.
- 115.5 Prisoners should not be denied access and/or visits with their children, unless the access is not in the best interests of the child/ren. Where there is reasonable concern for the safety or well-being of children, consideration should be first given to increasing the level of supervision for the visit and only denying a visit where absolutely necessary.
- 115.6 Special inter-prison visits should be regularly facilitated for prisoner partners in different prisons.
- 115.7 The approval arrangements for visitors should take into consideration different family structures, particularly in relation to indigenous prisoners.
- 115.8 For prisoners from remote areas that are unable to receive regular or frequent visits, provision should be made to grant officer-initiated telephone calls to ensure that prisoners are able to maintain family contact.

Supporting Documentation
R-SGCA 3.20, 3.21, 3.22, 3.23, 3.29
SMRTP 79
EPR 24.4

116 All prisoners should be permitted direct contact with their visitors where this does not interfere with prison security or the safety of visitors.

- 116.1 There should be a presumption in favour of prisoners receiving contact visits.

CARE AND WELLBEING

- 116.2 Non-contact visits should only be invoked where there has been a serious breach of visiting rules, or where a visitor is reasonably suspected of introducing contraband. Non-contact visits must not be used as punishment for general misconduct.
- 116.3 The use of non-contact visits should be reviewed regularly.
- 116.4 Where a visit is denied or where a visit is ordered to be a non-contact visit, the relevant prisoner must be kept fully informed. Where a non-contact visit is allowed but all non-contact visiting cubicles are fully occupied, the visitor should be offered a non-contact visit at the next available opportunity, and again the prisoner should be fully informed.
- 116.5 Superintendents should ensure that an adequate number of contact visiting spaces and non-contact visiting cubicles is available to meet normal demand, and that visitors are not being regularly turned away.

Supporting Documentation
R-SGCA 3.27

117 A well run visitors' centre should be available adjacent to each prison, which incorporates a comfortable waiting area, toilets a children's play area and refreshments.

- 117.1 Family support services should be available before and after visits.
- 117.2 There should be safe storage for visitors' property.
- 117.3 Prisoners' visitors should be able to access at the centre, information about public transport and any sponsored bus services, visiting hours and details about what visitors can expect when they arrive.
- 117.4 Where public transport is unavailable or stops some distance from the prison, transport arrangements should be in place for visitors to get to and from the prison.
- 117.5 Where possible, proper planning and booking arrangements should be established to minimise visitors' waiting to commence a visit and to enable the length of visits to be extended, subject to not disadvantaging other prisoners and visitors.
- 117.6 The visit booking system should be flexible, simple and accessible to meet individual circumstances.

Supporting Documentation
R-SGCA 3.26

118 Visiting facilities within the prison should be comfortable, pro-social and safe environments that maximise ease of contact between prisoners and their visitors.

- 118.1 The visits area should be subject to security monitoring by staff and such other security measures such as camera surveillance as is appropriate to the security level of the prison. However, security arrangements during visits should not unnecessarily encroach on privacy.
- 118.2 Visitors and prisoners should have access to refreshments during visits.
- 118.3 Suitable play facilities, equipment and toys should be made available for visiting children.
- 118.4 Facilities in the visits area should reflect the needs of visitors including, disabled access, access to toilets, storage for visitor's belongings, adequate seating, a play area for child/parent interaction and a suitable area to feed and change babies/toddlers.

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- 118.5 In prisons with significant numbers of Aboriginal prisoners drawn from communities that observe traditional cultural practices, consideration should be given to ensuring that visiting facilities can be quickly scanned by visitors and prisoners to ensure observance of avoidance customs. Where necessary, alternative venues should be made available to facilitate simultaneous visits by people observing avoidance.

Supporting Documentation
R-SGCA 3.25, 3.30

119 Prisons must develop reasonable guidelines for the speedy consideration of prisoner applications to attend the funeral of a family member. The responsibility for bearing the cost of such attendance, including the cost of escorting officers, must be made clear to each applicant.

- 119.1 Prisons must give recognition to the special kinship and family obligations of Aboriginal prisoners which extend beyond the immediate family and give favourable consideration to requests for permission to attend funeral services and burials and other occasions of special family significance.
- 119.2 Where it is necessary to use restraints on a prisoner attending a funeral, they should be as discreet as possible.

Supporting Documentation
EPR 24.7

Individual Case Management

The case management of sentenced prisoners should be based upon individual risk and need assessments and include input from the prisoner and where practicable, from the prisoner's family. Case management should begin immediately after sentence and provide a planned pathway and preparation for release.

The provision of regimes that meet the case management needs of the prisoners should be a primary goal for each superintendent. In this way case management should become the driving force behind prison regimes.

120 All sentenced prisoners with an effective sentence of six months or more should have an individual or case management plan

- 120.1 Prisons must ensure that a validated comprehensive needs assessment instrument is professionally administered by trained assessors.
- 120.2 Where criminogenic needs are identified these should be included in case management planning that include the provision of appropriate programs and services to meet assessed needs, subject to relevant 'what works' principles in relation to responsiveness, etc. (see programs standards)

121 The prison should administer a system of individual case management of prisoners that enables the assessment, planning, development, coordination, monitoring and evaluation of options and services to meet the individual needs and risks of persons as they move through prison to full or conditional release to the community.

- 121.1 Where relevant, case management systems should provide a relatively seamless approach to the management of offenders occurs across community corrections and prisons.
- 121.2 Appropriate case management records should be established and regularly updated.
- 121.3 All eligible sentenced prisoners should have a case plan developed as soon as practicable after entering into custody. This plan should provide a pathway through to a safe release back into the community.
- 121.4 Case plans, including the security classification and placement of prisoners, should be regularly reviewed allowing for the prisoner as well as staff to provide updated information.
- 121.5 Each case plan should contain measurable and achievable short term and long term goals.
- 121.6 Where a prisoner's progress does not appear to be leading to the agreed objectives, appropriate action should be taken
- 121.7 All progress and any changes should be recorded clearly and accurately.
- 121.8 Individual case plans should include: work; education; other relevant activities; as well as preparation for release.

Offender Programs

Imprisonment is an opportunity for prisoners to re-assess their lives and to take steps to make change. Prisoners should be engaged in a range of individually-relevant short programs that provide information on offending related matters and improve motivation to change criminogenic behaviours, attitudes and thinking..

122 Based upon an updated prisoner needs analysis, each prison should provide a range of short information programs, cognitive development and offence-related and resettlement programs that matches prisoner needs.

- 122.1 All prisoners, including remand and prisoners with short sentences should be offered psycho-educational short programs that provide relevant information on drugs and alcohol, anger management, cognitive skills development, and community supports.
- 122.2 Prisoners should be assessed and where appropriate, engaged in offence-related programs, education, vocational training (and employment), that enable them to develop appropriate skills and abilities to lead law abiding lives when they return to the community.
- 122.3 Prisoners should be actively encouraged to accept full responsibility for the consequences of their offending behaviour.
- 122.4 Programs and services provided to address criminogenic needs should be based on best practice and have solid evidence as to their efficacy, and be applied according relevant 'what works' principles in relation to responsivity, and intensity, etc.
- 122.5 All programs should have a manual and be periodically evaluated in relation to the achievement of their objectives and the views and experiences of prisoners
- 122.6 Where community resources are used for the assessment, treatment, counselling, education and training of prisoners, the Department should regularly assess and monitor the service provided by such agencies to ensure that the quality is adequate and consistent.
- 122.7 Programs and services provided to prisoners, especially women, indigenous prisoners and prisoners from non-English speaking backgrounds, should be established following close consultation with the appropriate community groups and experts

Supporting Documentation
R-SGCA 3.6, 3.7, 3.10, 3.11, 3.12, 3.13
SMRTP 65, 66, 69

Education

Many prisoners have had impoverished educational experiences, particularly those with learning deficits in literacy and numeracy. Consequently, re-engaging with learning inside prison can be an important part of making imprisonment a more positive and transformative experience. Successful engagement with educational programs can help prisoners with their social skills, artistic development and help them deal with their emotions.

"Prisoners should be provided with access to programmes and services, including education, vocational training (and employment), that enable them to develop appropriate skills and abilities to lead law abiding lives when they return to the community." ³⁷

123 All prisoners should be encouraged to participate in education and training opportunities

- 123.1 Prisoners should be informed of the full range of education and training opportunities available.
- 123.2 Prisoners who are approved to be full time students should be remunerated equivalently to prisoners who are employed in full-time work.
- 123.3 The prison regime should support access to education.
- 123.4 All prison staff should support and facilitate access to education.
- 123.5 Prisoners should be encouraged to participate in apprenticeships, traineeships and other formal training programs.
- 123.6 Prisoners' achievements should be recognised through certificates, reports, awards and ceremonies that include family and communities, where possible. However, certificates should be issued by recognised educational providers rather than the prison.
- 123.7 Gratuities for prisoners undertaking VET should be such as to provide an incentive to prisoners to access VET

124 All prisons should provide a wide range of educational opportunities relevant to prisoners' needs and interest.

- 124.1 All prisoners should be interviewed by education centre staff to ensure that their education needs are identified.
See also: Individual Case Management
- 124.2 Vocational and Education and Training should be included in prisoners' management plans, with input from education and training personnel.
- 124.3 The curriculum should be flexible and adaptable to take into account the wide range of prior learning experience and attainment, abilities, motivation and particular requirements of prisoners.
- 124.4 Prisoners should be consulted regarding what education programs and courses are available..
- 124.5 The education curriculum should include:
 - General education courses including adult literacy and numeracy
 - Vocational education

³⁷ Guideline 3.6 Standard Guidelines for Corrections in Australia

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- Creative and cultural activities
- Higher education
- Lifestyle and social education.

- 124.6 Education should be marketed innovatively to engage prisoners' interest.
- 124.7 Literacy and numeracy programs should be a high priority. Relevant prisoners should be encouraged to engage in such programs but should never be compelled.
- 124.8 All education activities should provide for literacy and numeracy development relevant to the activity.
- 124.9 Social education should include practical elements that enable prisoners to manage daily life within and outside the prison, with a view to better facilitating a successful return to society.
- 124.10 Technical and professional education should be made generally available and higher education should be encouraged to all on the basis of merit. Prisoners should be assisted to meet any entry requirements.
- 124.11 Where prisoners have previously completed substantial lower level courses in a relevant industry or educational field, higher levels of training or education should be offered, where practicable.

Supporting Documentation
R-SGCA 3.6, 3.8, 3.9
SMRTP 77(1)
EPR 28.1, 28.2, 28.3, 28.4, 106.2, 106.3

125 Educational opportunities should be culturally appropriate to the needs and beliefs of the prison population.

- 125.1 Prisoners should have access to cultural activities that reflect the diversity of Aboriginal cultures, traditions and histories.
- 125.2 Appropriately qualified Aboriginal instructors and educators should be part of delivery programs that are predominantly undertaken by Aboriginal prisoners.
- 125.3 All non-Aboriginal training delivery and assessment staff should be skilled in cross-cultural communication.
- 125.4 Where appropriate, education programs should be customised to suit the learning styles and learning needs of prisoners, particularly Aboriginal prisoners.
- 125.5 Education should be provided in a language and manner appropriate to the cultural beliefs of prisoners.

Supporting Documentation
R-SGCA 3.13
EPR 28.3

126 Educational pathways across correctional facilities should be developed to enable education and training to be continued at different locations and at different points in a sentence.

- 126.1 If a prisoner must be transferred, every effort must be made to ensure any education courses they are involved in are not interrupted.
- 126.2 Short stay prisoners should have sufficient access to short course programs or programs that prisoners can continue post release.
- 126.3 Programs should be scheduled in discrete units over short time frames to maximise completions.

127 As far as possible, prison based education should be integrated with the community education system to support continuation of education after release.

- 127.1 Most education offered should be recognised by the appropriate sector (school, VET, or Higher Education).
- 127.2 Prisons should establish links with local TAFE campuses and other relevant community education organisations to maintain currency and equivalency in what programs are being delivered.
- 127.3 Wherever practicable, prisoners should be allowed to participate in education outside prison.
- 127.4 Short stay prisoners in particular should be linked with community educators to encourage continuity of education once released.
- 127.5 Education and VET should support throughcare by establishing networks and formalising links between prisons, internal and external training providers, community corrections, and other support providers to promote effective education and training referrals.
- 127.6 Prisoners engaged in education and VET should be provided with educational and vocational counselling services that support the pursuit of work and further study on release.

Supporting Documentation
SMRTP 77(2)
EPR 28.7

128 Vocational education should be linked to employment and reflect the market demands in the community.

- 128.1 Preparatory programs that improve prisoners' access to and achievement in VET should be provided as link courses.
- 128.2 Training that links to existing skills shortages should be offered to prisoners.
- 128.3 Opportunities for prisoners (especially Aboriginal) prisoners to undertake higher level VET qualifications should be made available.
- 128.4 Vocational education and training (VET) should be integrated with prisoner-work carried out in prison industries and other aspects of prisons where there is scope for competency development related to the Australian Qualifications Framework and post-release employment opportunities.

Supporting Documentation
EPR 28.7

129 Sufficient appropriate resources should be available for prisoner education and training.

- 129.1 Prisoner education and training should take place in an appropriate classroom, individual study room, or suitable workshop, as appropriate to the subject matter and fit for purpose.
- 129.2 Every effort should be made to employ teachers and trainers in courses relevant to the prisoner population. Courses available should not simply reflect the skills of available officers. This may require a wide range of staffing options

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including contracts with specialist training organisations external to the prison, the use of part-time staff, as well as full-time educators and trainers.

- 129.3 Prisoners should have access to computers for legitimate study purposes. However, internet access should be strictly controlled.
- 129.4 External studies should be available to prisoners who are assessed as eligible to attend external study. The constraints imposed by reliance upon technologies in modern distance learning will require extra support from prison educators (arranging for printing of materials, facilitating email communications and supervision of on-line examinations.)
- 129.5 VET resources and support materials should be customised to suit the learning styles and learning needs of prisoners and particularly Aboriginal prisoners, where appropriate.
- 129.6 Peer support programs should be developed as an component of formal provision of VET.

Supporting Documentation

130 Prisoners should have reasonable access to a library of recreational, educational, cultural and information resources.

- 130.1 Prison libraries should operate according to standard library practice.
- 130.2 Prisoners should be encouraged to make full use of the library.
- 130.3 Library resources should reflect the needs of the different segments of the population at the prison. Where relevant, materials appropriate to women, Aboriginal prisoners, and prisoners from non-English speaking backgrounds, and should be available.
- 130.4 Library resources should also support the prison's educational and training programs.
- 130.5 Library resources should include legal resources and a copy of the Prisons Act, Regulations, Rules and other policy documents that apply to prisoners. These should be regularly updated.
- 130.6 Prisoners should be able to access resources via inter-library loans.
- 130.7 Every prison should have a library which is accessible to prisoners during recreation or study periods.

Supporting Documentation

R-SGCA 2.49

SMRTP 40

EPR 28.5, 28.6

Preparation for Release

The whole prison sentence should be regarded as part of a planned and staged journey toward a safe release back into the community. Prisoners should be informed through the case management process about the regimes and different levels of control that accompany each security stage.

Except where to do so would unreasonably threaten the safety of the community, the last stage of every prison sentence should be completed in minimum-security with increased levels of trust replacing the high level of institutional control found in closed-security prisons.

There is a considerable body of evidence³⁸ to show that the first three to six months are the most critical for re-offending. Good assistance with preparation for release can significantly reduce re-offending.

In the last few months prior to release, every prisoner should have access to basic welfare, such as assistance with accommodation, employment and social security benefits.

131 While all prisoners should be held in custody at the least restrictive level consistent with protecting the safety of the community, those who are in the last few months of their sentence prior to release, should be placed at minimum-security and preferably in work camps or other pre-release centres.

- 131.1 A range of fit-for-purpose pre-release and work camp facilities should be available in each region so that prisoners' release may be made close to their home area.
- 131.2 Equitable provision for women and men should be made with work camps and pre-release centres designed and operated as culturally appropriate to the location and the prisoners to be released.
- 131.3 The regimes at work camps and pre-release centres should be focused on prisoners developing skills and knowledge appropriate to their safe return to the community.

Supporting Documentation
EPR 107.2, 107.3

132 Prisoners should be provided with programs and services that will assist a successful transition from custody to community.

- 132.1 Programs and services that will assist prisoners upon release should be included in case management plans.
- 132.2 Where appropriate, pre release programs should include work release, day leave, weekend leave, education and family leave so that prisoners are gradually reintroduced to community life.
- 132.3 Pre-release programs and services should address practical matters such as housing, employment and community support.
- 132.4 Pre-release and release arrangements, programs and services should be coordinated with community corrections, where appropriate.

³⁸ See for example, , Social Exclusion Unit, Reducing Re-Offending by Ex-Prisoners (July 2002)

REHABILITATION

- 132.5 Community support groups/staff should have access to prisoners during their sentence in order to build relationships and ensure optimal preparation for release.
- 132.6 Prisoners should be provided with suitable clothes for their release or be able to have clothes cleaned that have been stored in prison for a long time..
- 132.7 Prisons should ensure that prisoners have sufficient funds to sustain themselves in the immediate period following release.
- 132.8 The prison must ensure prisoners are provided with all appropriate documentation for their release.

Supporting Documentation
R-SGCA 3.6, 3.14, 3.15, 3.16, 3.17, 3.18
SMRTP 60(2), 64, 80, 81
EPR 6, 7, 33.7, 33.8, 103.6, 107.4, 107.5

133 Prisons must ensure the transportation of prisoners back to their home upon release.

- 133.1 Releasing prisons must ensure prior to release, that prisoners have the means to safely reach their home. This may mean checking that arrangements for friends or family to collect a prisoner are viable or providing a ticket for public transport, ensuring that arrangements are in place where connections or overnight stays are involved.
- 133.2 Prisoners, who are to return to a remote community or station, may require special arrangements to be made to ensure that they are not left stranded
- 133.3 Prisoners whose only transport back to their home is an infrequent or weekly service should be given favourable consideration for a release synchronised with the service departure, even if this means releasing the prisoner a few days earlier than would otherwise be the case.

Supporting Documentation
EPR 33.3

Employment

For most prisoners, work provides a way out of the mindless tedium of idleness, a constructive use of their time, an opportunity to learn new skills, and a way of earning a small gratuity. For the prison system, such work enables prisoners to offset the cost of keeping them in prison by undertaking work that otherwise would need to be undertaken through contract or paid employment. For the community, it provides a mechanism through which prisoners may make some reparation for the harm they have done.

Consequently, it is important that prisons provide appropriate work opportunities for prisoners. However, prisoners have a right to safe and healthy working conditions that must comply with relevant legislation, such as the Occupational Health and Safety Act 1984. Prisoner work should never be afflictive or degrading nor expose the prisoner to ridicule.

134 Prisoners should have access to a range of productive employment opportunities.

- 134.1 All Sentenced prisoners should be required to work or undertake education or training, subject to their physical and mental capacity.
- 134.2 The prison should have sufficient employment opportunities to employ all prisoners.
- 134.3 Prisoner employment should be constructive and beneficial and not be afflictive.
- 134.4 Prisoners should be informed of the full range of employment opportunities available.
- 134.5 Prisoners should have equal opportunity to apply for all work
- 134.6 The mix of prisoners undertaking Section 94 work (outside the prison) or other desirable work in the prison should reflect the prisoner mix. That is, all groups should participate equitably in the most advantageous and better paid work.
- 134.7 Employment opportunities should be free of gender or racial stereo-typing.
- 134.8 Employment opportunities should reflect the needs of the population, wherever possible.

135 The working day for prisoners should be constructive and must be of a reasonable length.

The reality of many prisons is that there are insufficient employment opportunities and many prisoners are consequently consigned to sweeping phantom dirt from prison wings for a few hours a day.

- 135.1 Full-time work should comprise at least six hours of work a day for five days a week.
- 135.2 Prison work must not be exploitative and while there may be insufficient work for all prisoners, it can often be the case that some prisoners are required to work very long hours in kitchens etc.
- 135.3 For many longer-term prisoners who have secured a prison job that attracts higher levels of gratuity it becomes impossible to get a break, even after 12 months continuous work. If they do seek a break, they often lose their position and must work their way back up the gratuity scale once again. Consequently,

prison work places should give consideration to implementing periodic holidays with pay for longer-term prisoners.

Supporting Documentation
R-SGCA 4.2, 4.4, 4.12
SMRTP 71(1, 2, 3), 75
EPR 26.1, 26.2, 26.4, 26.15, 26.16

136 Occupational health and safety standards must be enforced in all prison employment

- 136.1 All prisoners and staff should undergo occupational health and safety training prior to, or early in, their employment.
- 136.2 Provision should be made to indemnify prisoners against industrial injury, including industrial disease.
- 136.3 The prisoner work force should be provided with a 'Code of Conduct' that prescribes a set of guiding principles and duty of care obligations which assist them in determining acceptable workplace conduct.
- 136.4 Industry within prisons should be consistent with the National Code of Practice on Prison Industries and National Competition Policy.

Supporting Documentation
R-SGCA 4.5, 4.6, 4.9
SMRTP 74
EPR 26.13, 26.14

137 Employment in prison should provide opportunities to increase a prisoner's employability upon release. (Also see Vocational training)

- 137.1 Prison should provide opportunities for prisoners to be employed:
 - in the day to day operations of the prison,
 - and to acquire skills that will be useful upon release,
 - and to acquire skills that are in demand in the employment market.
- 137.2 Prison employment should offer an opportunity to achieve national competency accreditation, wherever possible.
- 137.3 Opportunities should be provided to Aboriginal prisoners that intend to return remote traditional communities to acquire skills likely to be of value to that prisoner. These may include art, general maintenance, budgeting, etc.
- 137.4 Provision should be made for prisoners to be released from work to attend approved programs and education.

Supporting Documentation
R-SGCA 4.10, 4.11, 4.13
SMRTP 71(4, 5)
26.3, 26.5

138 Prisoners should be remunerated for their work according to a preset scale that recognises different levels of skill and effort.

- 138.1 There should be an equal opportunity for every prisoner to acquire the skills necessary to be promoted to a higher level.
- 138.2 Special protection should be accorded to mothers for a reasonable period before and after childbirth. During such periods, working mothers should be accorded paid leave or leave with adequate benefits.

Supporting Documentation
R-SGCA 4.3

139 **Wherever possible, prisoner work should be made available to offset the costs of imprisonment to the community.**

- 139.1 Wherever possible, prisoners should be employed to undertake the cooking, cleaning, gardening and routine maintenance of the prison.
- 139.2 Part of any revenue generated from prison industries should be channelled back into prison infrastructure and programs for prisoners.

Supporting Documentation
R-SGCA 4.7, 4.8

140 **Wherever possible, prisoners should be employed in work that provides specific benefit to the community.**

- 140.1 Wherever possible, prisoners should participate in community work outside the prison where this does not pose a risk to community safety.
- 140.2 The management and supervision of community work should be commensurate with the complexity of the tasks to be undertaken and the number of prisoners requiring supervision.

Supporting Documentation
R-SGCA 4.14, 4.15

RESOURCES AND SYSTEMS

Human Resources

The complexities of modern penal practice require a multidisciplinary workforce that is appropriately trained and accredited for the complex array of tasks to be performed.

141 The number and mix of staff should adequately meet the needs of the prison and the prison population.

- 141.1 A staffing analysis should be conducted periodically to determine staffing needs.
- 141.2 The composition of the workforce should provide a gender mix that reflects the prison population, where practicable.
- 141.3 The composition of the workforce should provide an ethnicity mix that reflects the prison population, where practicable.
- 141.4 covering staff leave and use/management of overtime (expand)

142 Staff must be adequately trained to ensure the highest standards of professional competence, integrity and honesty in the performance of their assigned duties.

- 142.1 There should be prerequisite entry level training for new staff.
- 142.2 All staff should have access to training relevant to the functions they are required to perform.
- 142.3 Training should be ongoing/refreshed (expand)
- 142.4 Prison officer training modules should fully reflect the standards set out in the Standard Guidelines for Corrections in Australia.
- 142.5 Prison officer training should provide basic awareness of prisoners' human rights.
- 142.6 Staff training should emphasise the fair and respectful treatment of prisoners.
- 142.7 Those in the workforce who are engaged for the purpose of providing services within a recognised profession, should possess a relevant qualification from a recognised tertiary institution. Where necessary, membership or registration with a relevant professional body, association or board.
- 142.8 The prison workforce should be familiar with the national "Standard Precautions for Infection Control" and have access to infectious diseases emergency materials.
- 142.9 Staff should undergo occupational health and safety training.

143 Each prison should have an effective Performance Management system.

- 143.1 All staff positions should have an accurate and current Job Description.

RESOURCES AND SYSTEMS

144 Custodial services should ensure that all staff working in a custodial environment should have access to an appropriate range of supports

- 144.1 Staff should be informed of workplace developments through meetings, notices and briefings.
- 144.2 Staff should have access to the resources necessary to perform required tasks.
- 144.3 Staff should be advised of the full range of available training, counselling, mentoring, and other supports available.
- 144.4 Following critical incidents, all affected staff should be offered a range of relevant opportunities for debriefing and receiving such assistance as is appropriate to the circumstances.

145 The workforce should be appropriately authorised and receive security clearance for the tasks they are required to perform.

146 The Department should provide all employees with the opportunity to express and resolve work related grievances in a timely manner and in accordance with the principles of natural justice.

- 146.1 The Department should take all reasonable steps to ensure that grievances are resolved promptly, fairly, sensitively and confidentially that every attempt is made to resolve workplace grievances at the lowest level;
- 146.2 Employees should be informed of their rights and responsibilities in resolving grievances.

Supporting Documentation
R-SGCA 5.1, 5.3, 5.4, 5.5, 5.6, 5.9, 5.10, 5.11
SMRTP 46, 47
EPR 8, 72.4, 76, 77, 81.1, 81.2, 81.4, 82, 85, 89.1

Prison Management Policy and Planning

Each prison has its own individual regime and has a role in the whole prison system and in addressing specific regional needs or by providing a specialised function for a subset of the prisoner population. The challenge for each prison management team is to ensure that they understand the prison's role and the target population well enough to ensure that regimes are appropriately calibrated and targeted to achieving the purposes of imprisonment with their target population.

147 Each prison should have a Management Plan that defines the general aims, principles and values of the prison.

- 147.1 Management Plans should incorporate an analysis of the prisoner population that includes the needs of significant prisoner cohort groups. Given that the prisoner population changes over time, the analysis should be updated on a regular basis.
- 147.2 Management Plans should aim for flexibility so that they can provide correctional services across the diversity of the prison's population, but should set performance targets wherever possible.
- 147.3 Staff should be involved in the development and implementation of the Management Plan.
- 147.4 The Management Plan should be readily available for all staff.
- 147.5 The Management Plan should regularly evaluated and should be updated as necessary.

148 Each prison should provide a regime that is specifically geared to the needs and risks of the significant prisoner groups held at the prison.

- 148.1 Based upon each prison's prisoner profile, a structured regime should make equitable provision for the significant groups of prisoners held at the prison. This may include male or female prisoners (including some female prisoners with babies), Aboriginal and non-Aboriginal prisoners, remand and sentenced prisoners, disabled and mentally impaired prisoners, foreign national prisoners, prisoners from ethnic minorities, older and younger prisoners, as well as protection prisoners.
- 148.2 Based upon each prison's prisoner profile, the structured regime should address prisoners' specific offending behaviour, improve educational and work skills, provide appropriate health and welfare services, and meet the various legitimate needs of prisoners for religious observance, recreational activities, family visits, etc.; as set out in other standards in the Code.
- 148.3 Each prison's regime should be regularly reviewed for its ability to meet the risks and needs of its prisoner population, and trends that emerge in the prisoner profile should be monitored and appropriate action should be taken;
- 148.4 The prison regime should not aggravate the suffering inherent in imprisonment.
- 148.5 Prison regimes should approximate as closely as possible the positive aspects of life in the community.
- 148.6 As far as possible, individual prisons or separate sections of a prison shall be used to facilitate the management of different regimes for specific categories of prisoners.

RESOURCES AND SYSTEMS

- 148.7 Prison regimes should provide for as many hours a day outside their cells as practicable for an adequate level of human and social interaction.

149 Each prison should have a Strategic vision.

- 149.1 The Management Plan should be supplemented by a longer-term strategic vision that anticipates changes in current demand.

150 Each prison should have a Financial Plan.

- 150.1 Each prison should develop a budget process in order to have access to financial resources and equipment necessary to support the Management Plan.

150.2

Supporting Documentation
SMRTP 60(1), 68, 72(1)
EPR 3, 5, 25.1, 25.2, 25.3, 102.1, 102.2, 103.5, 104.1 CE R(97) 12.36, 12.37, 12.38, 12.34, 12.35

The Prison and Community Relations

While some in the community continue to view imprisonment as a form of banishment, modern penological thinking recognises that the complete severing of community ties for prisoners is neither possible nor desirable. Firstly, it is important that as broad a cross-representation of the community as possible has access to prisons in order to ensure that community values and perspectives are continuously brought to bear upon imprisonment. In this way, the treatment of and conditions for prisoners are constantly subject to the gaze and questioning of members of the community, ensuring that imprisonment remains in-step with community values. Consequently, community service providers, not-for-profit organisations, individuals and other representative groups and stakeholders (identified for the purpose of this Standard as 'community-based service providers') should be encouraged to become directly involved in the delivery of services and to visit prisons³⁹.

Secondly, the treatment of prisoners should emphasize, not their exclusion from the community, but their continuing part in it. Community-based service providers should therefore be enlisted, wherever possible, to assist staff in the task of social rehabilitation of prisoners.

Thirdly, prisons alone will never have the resources necessary to assist prisoners to acquire the knowledge and skills to make the changes necessary for constructive participation in community life. By establishing working links and fully utilising the skills and assistance available from community-based service providers, the task of preparing prisoners for successful release will be considerably improved. The majority of prisoners will eventually be released from prison back into the community, sometimes after a considerable number of years in which the outside world has undergone significant change. Many prisoners who are shortly to be released were imprisoned before the advent of automatic banking or the internet and other technological changes that have radically transformed community life. For many long-term prisoners such changes are often bewildering and can inhibit them from fully resuming a productive life after prison.

Lastly, prisons should actively cultivate a range of outreach services and connections, whereby prisoners can contribute to the well-being of the local community and the environment and make some reparation for the harm done by their offending. (This theme is developed further in specific standards on reparation.)

Ultimately, the effectiveness of the prison system is improved through such openness and transparency of operations.

151 A wide range of community-based service providers should be regularly involved in the operations of prisons.

- 151.1 The encouragement and coordination of on-going contact with relevant community-based service providers is the responsibility of the prison superintendent who should ensure that it is appropriately facilitated and managed.
- 151.2 Prisons should particularly encourage community-based service providers who can contribute to prisoners' spiritual guidance, post-release connections for employment, domestic, financial and life skills development.
- 151.3 There should be a dedicated point within the prison where providers can book and be assured of the availability of the prisoner/s wishing to access their service, an escort and a safe and suitable meeting. This contact point should also be responsible for advising providers in the event there are changes to any aspect of the confirmed booking.

³⁹ Standard Guidelines for Corrections in Australia, 2004 [5.12]

RESOURCES AND SYSTEMS

- 151.4 The prison should continuously assess the changing sub-group needs among prisoners and ensure that minorities receive as much community assistance and contact as is practicable and appropriate.
- 151.5 The prison should maintain contemporary records on all community-based-service providers, including contact details and a description of their potential contribution to positive prisoner development.
- 151.6 Identifying diverse reparation options should be an ongoing objective, presenting prisoners with the opportunity to contribute to the welfare of the local community. Evaluation of these activities, acknowledgement of participating prisoners and feedback to the community should be ongoing.

Supporting Documentation
EPR 90.2

152 Community-based service providers should undergo an appropriate induction process

- 152.1 The prison should conduct appropriate checks and clearances for such providers.
- 152.2 The prison should regularly evaluate the material presented and the results of programs and assistance offered by community-based service providers, using the views of prisoner participants in their deliberations.
- 152.3 The prison has a responsibility to ensure that no prisoner or group of prisoners is prevented from accessing a service because of family, cultural or religious tensions that exist between the prisoner/s and the community-based service provider. Further, the prison should ensure it is aware of any family, tribal, gender or cultural barriers that would affect prisoners' access to community-based services.
- 152.4 The purpose of visits by Ministerial-appointed volunteer Independent Visitors should be understood by staff and prisoners and established protocols followed.

Supporting Documentation
R-SGCA 5.17

153 The community should be invited to know more about and have input into prisons, staff and their work, and in so doing, have a better understanding of the justice system.

- 153.1 A broadly representative 'Community Reference Group' should be formed for each prison. Such a group should meet regularly with the prison management and contribute to the prison's operational agenda, thus enhancing accountability and community involvement in corrections.
- 153.2 The prison should establish a positive relationship with the Aboriginal communities relevant to the prison population, to achieve better outcomes for these prisoners during their custodial sentence and after release.
- 153.3 Aboriginal cultural issues should be addressed by prison management engaging with representatives of Aboriginal communities. Prisoners should have access to recognised spiritual leaders and Aboriginal spirituality encouraged and strengthened through observance of customs related to language, food, death, funerals, healing, art and other tribal traditions.
- 153.4 Minutes should be kept of such meetings and Reference Group members should be provided with information concerning the progress of initiatives being undertaken.

Supporting Documentation

Environmental Sustainability

Sustainability is about meeting the needs of current and future generations through the integration of environmental protection, social advancement and economic prosperity. In this standard only environmental sustainability is addressed.

It is increasingly important that prisons become more committed contributors to Government environmental sustainability objectives and there is great potential for passing on good environmental sustainability practices to prisoners.

154 Waste generation should be kept to a minimum and handled in a safe, legal and environmentally responsible manner.

- 154.1 Where possible, waste should be recycled and reused
- 154.2 Biodegradable waste should be composted.

155 Water should be used efficiently and overall consumption minimised.

- 155.1 Prisons should implement strategies to reduce water costs.
- 155.2 There should be a waste water management plan and water leaks should be repaired in a timely manner.

156 Energy should be used efficiently and overall consumption minimised.

- 156.1 Prisons should implement strategies to reduce energy costs
- 156.2 Renewable energy resources should be investigated and applied where practicable.
- 156.3

157 Prison transport arrangements should be environmentally friendly.

- 157.1 Prisoner transport should only occur when absolutely necessary.
- 157.2 Fuel consumption should be minimised and alternative 'green' fuels promoted.
- 157.3 The prison transport vehicles should have low greenhouse gas emission ratings.
- 157.4 The prison transport fleet should be subject to regular environmental and efficiency assessments.

158 Procurement by each prison should be in line with environmental management agendas.

- 158.1 Where possible, goods purchased by the prison should be recycled.
- 158.2 Equipment purchased by the prison should be energy efficient.
- 158.3 Prisons should increase electronic procurement.

RESOURCES AND SYSTEMS

159 All new buildings should be designed giving consideration to environmental factors, the long term impact on stakeholders, and the lifetime costs of maintaining and servicing the building.

159.1 New buildings should be designed to minimise energy and water consumption.

160 Prisons should ensure responsible and sensitive land management.

160.1 Prison gardens that are used to grow produce for consumption or for landscaping effect should employ 'water wise' practices.

161 Prisons should develop staff and prisoner knowledge of sustainable practices through education and training.

161.1 Prisons should invite prisoner participation in the development of environmental sustainable practices.

161.2 Prisons should develop environmental sustainability indicators to measure and demonstrate sustainability.

Records Management

It is essential that prisons establish comprehensive, accurate and confidential records regarding all aspects of prison and prisoner management. However, prisoner management is primarily a people management business and consequently prison staff must not become desk bound with administrative work. Prison staff must allocate adequate time to patrolling, observing and assessing prisoners through regular and frequent interaction.

162 Prison management must establish processes to ensure the comprehensive and accurate management of records.

- 162.1 Official records should be comprehensively and accurately maintained and securely administered and archived.
- 162.2 An official record should be maintained concerning each prisoner under the jurisdiction of the Department.
- 162.3 Records of prisoners under the custody or supervision of a contracted service provider remain the property of the Department.
- 162.4 Prisoner records should be maintained in a secure location that is not accessible by prisoners or other persons not authorised to access them.
- 162.5 The Department should develop agreements with other relevant agencies concerning the exchange of offending history and other information relevant to the management of prisoners under its custody or supervision.
- 162.6 All documentation should be completed accurately and passed to the correct authority such as release boards, within agreed timescales.

Supporting Documentation
R-SGCA 1.19, 5.18, 5.19, 5.20, 5.21, 5.22
SMRTP 7(1), 66