



**ACT**

Government

Justice and Community Safety

## **Open Access release outcome decision – Partial access granted**

**Document Category:** Ministerial Briefs

**Title of document:** Minister for Corrections – Quarter 3 2018

**Description of the information:** Question Time and Oversight Briefs provided to the Minister for Corrections between 1 July to 30 September 2018.

The original record of this document contained information the release of which would be contrary to the public interest. This information has been redacted from this publicly available version of the document for the reasons outlined below.

### **Grounds for decision to withhold disclosure**

It was decided certain information contained in the document would not be disclosed as, on balance it would be contrary to the public interest test set out in section 17 of the FOI Act.

I have included below the relevant factors I considered in making this decision.

#### **2.1 Factors favouring disclosure in the public interest**

*(a) Disclosure of the information could reasonably be expected to do any of the following:*

- (i) promote open discussion of public affairs and enhance the government's accountability;*
- (ii) contribute to positive and informed debate on important issues or matters of public interest;*
- (viii) reveal the reason for a government decision and any background or contextual information that informed the decision.*

I consider that the release of the ministerial briefs may be expected to help inform ongoing discussions and debate on matters of continued public importance. The disclosure of this information also helps to promote government accountability and transparency.

#### **2.2 Factors favouring non-disclosure in the public interest**

*(a) Disclosure of the information could reasonably be expected to do any of the following:*

- (ii) prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004;*

On balance, I consider the ministerial briefs to be in the public interest to release, with minor redactions applied. This includes redactions to personal information, including details that may identify ACT Corrective Services staff and other members of the public where this could be reasonably expected to prejudice their right to privacy.

### **Review rights**

My decision to withhold open access information is a reviewable decision as identified in Schedule 3 of the FOI Act. You can seek an Ombudsman review of this outcome under section

## Open Access Decision – Quarter 3 2018 – Minister for Corrections

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73 of the Act within 20 working days from the day that my decision is published on the Justice and Community Safety Directorate website, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision, you may write to the ACT Ombudsman at:

The ACT Ombudsman  
Attention: ACT Strategy and FOI Section  
GPO Box 442  
CANBERRA ACT 2601  
Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

### Further assistance

If you have any queries regarding this Open Access release, please contact [JACSFOI@act.gov.au](mailto:JACSFOI@act.gov.au) or phone (02) 6207 2167.

### Authorised by



Lauren Callow  
Information Officer  
4 October 2023



## OPEN ACCESS Q3 2018 SCHEDULE

### PORTFOLIO: MINISTER FOR CORRECTIONS

No.	Page	Description	Date	Status	Reason for non-release or deferral
<b>Sitting Week 31 July to 2 August 2018</b>					
1	1-2	Minister for Corrections Question Time and Oversight Brief Index 31 July to 2 August and 14-16 and 21-23 August 2018	July/August	Partial release	Schedule 2 2.2(a)(ii)
2	3	Summary of Budget Initiatives	July/August	Full release	
3	4-6	Concerns raised	July/August	Partial release	Schedule 2 2.2(a)(ii)
4	7-9	Disability Data and Comments by ACT HRC	July/August	Partial release	Schedule 2 2.2(a)(ii)
5	10-14	Safety and Human Rights Detainees	July/August	Partial release	Schedule 2 2.2(a)(ii)
6	15-16	Inspector of Correctional Services – Current Review	July/August	Partial release	Schedule 2 2.2(a)(ii)
7	17-18	USB Privacy Issue	July/August	Partial release	Schedule 2 2.2(a)(ii)
8	19-21	Detainee Numbers	July/August	Partial release	Schedule 2 2.2(a)(ii)
9	22-23	FOI – John Stanhope	July/August	Full release	
10	24-26	Moss Review	July/August	Partial release	Schedule 2 2.2(a)(ii)
11	27	HRC Complaint	July/August	Full release	
12	28	Employee Conflict of Interest	July/August	Partial release	Schedule 2 2.2(a)(ii)
13	29	AMC Email Policy	July/August	Full release	
14	30	Clothing at AMC	July/August	Full release	
15	31	Fire incidents at AMC and ACTCS fire prevention measures	July/August	Partial release	Schedule 2 2.2(a)(ii)
16	32	Drug overdose in the AMC	July/August	Full release	
17	33	Contraband	July/August	Full release	
18	34-35	AMC Visits Policy	July/August	Full release	
19	36	Coroner's Report on Steven Freeman	July/August	Partial release	Schedule 2 2.2(a)(ii)
20	37	Recidivism	July/August	Full release	
21	38	Extended Throughcare	July/August	Full release	
22	39	Notification of assaults and incidents in custody	July/August	Full release	

No.	Page	Description	Date	Status	Reason for non-release or deferral
23	40	Incarceration rates	July/August	Full release	
24	41	Moss Implementation	July/August	Partial release	Schedule 2 2.2(a)(ii)
25	42	Serious Assaults	July/August	Full release	
26	43	Security Review	July/August	Full release	
27	44	Industries including Bakery Apprentices	July/August	Full release	
28	45	Women's Accommodation Pressures & Female Detainee Numbers	July/August	Full release	
29	46	Accommodation Pressures	July/August	Partial release	Schedule 2 2.2(a)(ii)
30	47	Extended Throughcare	July/August	Partial release	Schedule 2 2.2(a)(ii)
31	48	Programs and Education	July/August	Partial release	Schedule 2 2.2(a)(ii)
32	49	Health Services	July/August	Full release	
33	50	Auditor-General's report on the rehabilitation of male detainees at the AMC	July/August	Full release	
<b>Sitting Weeks 14-16 August and 21-23 August 2018</b>					
34	51-52	Minister for Corrections Question Time and Oversight Brief Index 31 July to 2 August and 14-16 and 21-23 August 2018	August	Partial release	Schedule 2 2.2(a)(ii)
35	53	Summary of Budget Initiatives	August	Full release	
36	54-56	Concerns raised	August	Partial release	Schedule 2 2.2(a)(ii)
37	57-59	Disability Data and Comments by ACT HRC	August	Partial release	Schedule 2 2.2(a)(ii)
38	60-64	Safety and Human Rights Detainees	August	Partial release	Schedule 2 2.2(a)(ii)
39	65-66	Inspector of Correctional Services – Current Review	August	Partial release	Schedule 2 2.2(a)(ii)
40	67-68	USB Privacy Issue	August	Partial release	Schedule 2 2.2(a)(ii)
41	69-71	Detainee Numbers	August	Partial release	Schedule 2 2.2(a)(ii)
42	72-73	FOI – John Stanhope	August	Full release	
43	74-76	Moss Review	August	Partial release	Schedule 2 2.2(a)(ii)
44	77-78	AMC Dog Handlers	August	Partial release	Schedule 2 2.2(a)(ii)
45	79	HRC Complaint	August	Full release	
46	80	Employee Conflict of Interest	August	Partial release	Schedule 2 2.2(a)(ii)
47	81	AMC Email Policy	August	Full release	
48	82	Clothing at AMC	August	Full release	

No.	Page	Description	Date	Status	Reason for non-release or deferral
49	83	Fire incidents at AMC and ACTCS fire prevention measures	August	Partial release	Schedule 2 2.2(a)(ii)
50	84	Drug overdose in the AMC	August	Full release	
51	85	Contraband	August	Full release	
52	86-87	AMC Visits Policy	August	Full release	
53	88	Coroner's Report on Steven Freeman	August	Partial release	Schedule 2 2.2(a)(ii)
54	89	Recidivism	August	Full release	
55	90	Extended Throughcare	August	Full release	
56	91	Notification of assaults and incidents in custody	August	Full release	
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59	94	Serious Assaults	August	Full release	
60	95	Security Review	August	Full release	
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62	97	Women's Accommodation Pressures & Female Detainee Numbers	August	Full release	
63	98	Accommodation Pressures	August	Partial release	Schedule 2 2.2(a)(ii)
64	99	Extended Throughcare	August	Partial release	Schedule 2 2.2(a)(ii)
65	100	Programs and Education	August	Partial release	Schedule 2 2.2(a)(ii)
66	101	Health Services	August	Full release	
67	102	Auditor-General's report on the rehabilitation of male detainees at the AMC	August	Full release	

**MINISTER FOR CORRECTIONS  
QUESTION TIME AND OVERSIGHT BRIEF INDEX  
31 July to 2 August and  
14-16 and 21-23 August 2018**

Question Time Briefs (updated for each Assembly Sitting)	
1.	Summary of Budget Initiatives
2.	Concerns raised by <span style="background-color: #d3d3d3;">Sch 2 s 2.2 (a)(ii)</span>
3.	Disability Data and Comments by ACT HRC
4.	Safety and Human Rights of Detainees
5.	Inspector of Correctional Services – Current Review
6.	USB Privacy Issue
7.	Detainee Numbers
8.	FOI – Jon Stanhope
9.	Moss Review
	<i>Oversight Brief Index on next page</i>

Oversight Brief (updated weekly)	
	<p><b>Hot Issues</b></p> <ol style="list-style-type: none"> <li>1. HRC Complaint</li> <li>2. Employee Conflict of Interest</li> <li>3. AMC Email Policy</li> <li>4. Clothing at the AMC</li> <li>5. Fire incidents at AMC and ACTCS fire prevention measures</li> <li>6. Drug overdoses in the AMC</li> <li>7. Contraband</li> <li>8. AMC Visits Policy</li> <li>9. Coroner's Report on Steven Freeman</li> </ol> <p><b>Aboriginal and Torres Strait Islander Issues</b></p> <ol style="list-style-type: none"> <li>10. Recidivism</li> <li>11. Extended Throughcare</li> <li>12. Notification of assaults and incidents in custody</li> <li>13. Incarceration Rates</li> </ol> <p><b>Ongoing Issues</b></p> <ol style="list-style-type: none"> <li>14. Moss Implementation</li> <li>15. Serious Assaults</li> <li>16. Security Review</li> <li>17. Industries including Bakery Apprentices</li> <li>18. Women's Accommodation Pressures &amp; Female Detainee Numbers</li> <li>19. Accommodation Pressures</li> <li>20. Extended Throughcare</li> <li>21. Programs and Education</li> <li>22. Health Services</li> <li>23. Auditor-General's report on the rehabilitation of male detainees at the AMC</li> </ol>

\*2018\*000084-030

**Portfolio:** Corrections

**ISSUE:** 2018-19 Budget Summary – Minister for Corrections

**Talking points:**

The 2018-19 Budget will invest **\$21.5 million** in the ACT Corrective Services. This includes:

- **\$15.5 million** over four years to provide additional staff resources associated with an increase in average detainee numbers at the AMC and to replace the mobile duress system
- **\$6 million** over three years to continue the Intensive Corrections Order Scheme to strengthen rehabilitation opportunities for offenders

**Background Information**

The ACT's budget announcements include initiatives relating to:

- More support for families and inclusion – Better resourcing for the Alexander Maconochie Centre;
- More support for families and inclusion – Intensive Corrections Orders;
- Better support when it matters - Enhancing security at the Alexander Maconochie Centre; and
- Better support when it matters - Integrating the Winnunga Model of Care and enhancing health services in the Alexander Maconochie Centre.

The 2017-18 2<sup>nd</sup> Appropriation provided:

- **\$11.6 million** over five years to enhance security and safety within the Alexander Maconochie Centre
- **\$6.8 million** over five years (JACS component) to introduce the Winnunga Model of Care at the Alexander Maconochie Centre. ACT Health component of \$1.6 million over two years will be offset against the Health Funding Envelope

Cleared as complete and accurate:	23/07/2018	
Cleared by:	Deputy Director-General	Ext:50567
Information Officer name:	David Pryce	
Contact Officer name:	Karen Schofield	Ext: 54775
Lead Directorate:	Justice and Community Safety	



## QUESTION TIME BRIEF

TRIM Ref: MIN:2018/000084-024

**Portfolio:** Corrections

**ISSUE:** CONCERNS RAISED BY ATSIEB MEMBER Sch 2 s 2.2 (a)(ii)

### Talking points:

- I can confirm that the Elected Body Justice representative has raised some concerns with my office about various matters involving ACT Corrective Services.
- On 19 April 2018, the Director-General, Justice and Community Safety Directorate, the Deputy Director-General, Community Safety, and the Executive Director, ACT Corrective Services met with Sch 2 s 2.2 (a)(ii) and discussed all concerns raised.
- This was a productive meeting and there have been no further concerns raised.
- The Government greatly values the input and advice from the Elected Body, which helps strengthen our strategies and responses to improve outcomes for Aboriginal and Torres Strait Islander people, especially in support of the Aboriginal Justice Partnership and our goal of reducing recidivism by 25 per cent by 2025.

### If asked about specific workplace matters involving employees

- Due to privacy reasons, I am unable to discuss individual matters involving employees.

### Rehabilitation Framework

- The Government is committed to improving the delivery of programs and employment for detainees in custody, including the provision of a structured day, for all detainees including Aboriginal and Torres Strait Islander detainees.
- The ACT Government is also committed to supporting detainee rehabilitation as a priority, including the continued delivery of therapeutic and educational programs, and utilisation of prison industries including the new laundry and bakery facilities.

Cleared as complete and accurate: 16/07/2018  
Cleared by: Executive Director  
Information Officer name: Jon Peach  
Contact Officer name: Sch 2 s 2.2 (a)(ii)  
Lead Directorate: Justice and Community Safety

Ext: 70879

## QUESTION TIME BRIEF

- ACT Corrective Services has developed a rehabilitation framework which aims to reflect the profile of the detainee population, outline the therapeutic programs provided, and guide the integration of rehabilitative activities and services through effective sentence planning and management.

### Funeral Escorts

- ACT Corrective Services staff escort detainees to funerals in accordance with the *Corrections Management (Escort) Policy and Operating Procedure*.
- Decisions to escort detainees to funerals, including interstate funerals, are made on a case-by-case basis, and involve necessary risk assessments.
- Decision regarding approval for funeral leave take into account factors such as kinship ties for Aboriginal and Torres Strait Islander detainees.

### Aboriginal Justice Partnership

- The Partnership takes a targeted approach to addressing the over-representation of Aboriginal and Torres Strait Islander people in the ACT criminal justice system and includes detailed actions, measures and areas of accountability.
- The three key objectives of the Partnership are to reduce over-representation by reducing recidivism and increasing access to diversionary programs, improve access to justice services and improve data collection and reporting.
- The Partnership consists of a total of 21 action areas with 38 key measures. In some instances these are jointly addressed by lead agencies bringing the total number of reportable action items to 79.

### **Key Information**

- On 9 April 2018, The Canberra Times published an article entitled 'Justice directorate staff are concerned about bullying and harassment'. The article pointed out some perceived problems with culture in the Justice and Community Safety Directorate, as evidenced by results of the recent staff survey. It is possible that [Sch 2 s 2.2 \(a\)\(ii\)](#) comments arise in that context (see Background Information).

### **Background Information**

- On 10 April 2018, [Sch 2 s 2.2 \(a\)\(ii\)](#) (an Elected Body member), contacted the Minister for Corrections (and others) in relation to actions allegedly taken by senior staff at the Alexander Maconochie Centre.

Cleared as complete and accurate: 16/07/2018  
Cleared by: Executive Director Ext: 70879  
Information Officer name: Jon Peach  
Contact Officer name: [Sch 2 s 2.2 \(a\)\(ii\)](#)  
Lead Directorate: Justice and Community Safety

**QUESTION TIME BRIEF**

Sch 2 s 2.2 (a)(ii)

- Without detail it is difficult to respond to the first allegation above.

Sch 2 s 2.2 (a)(ii)

Cleared as complete and accurate: 16/07/2018  
Cleared by: Executive Director  
Information Officer name: Jon Peach  
Contact Officer name: Sch 2 s 2.2 (a)(ii)  
Lead Directorate: Justice and Community  
Safety

Ext: 70879



## QUESTION TIME BRIEF

TRIM Ref: MIN:2018/000084-27

**Portfolio:** Corrections

**ISSUE:           DISABILITY ASSESSMENT AND DATA COLLECTION**

**Talking points:**

- Currently, individuals are requested to self identify as having a disability as part of the induction process for detainees at the Alexander Maconochie Centre (AMC).
- This information is captured in the Induction form. As it relies on self-identification the data is likely to grossly underrepresent actual figures.
- If a detainee identifies as having a disability, this is taken into consideration during the development of their case management plan.
- The data related to the numbers of individuals who have identified as living with a disability is not captured in the current system in a format that allows for the data to be easily extracted.
- Once the new Corrective Services Information Management Solution (CSIMS) is deployed in 2019, detainee data will be collated into an online system, from which reports on detainee numbers and identifying factors, including disability status, may be generated. The information that will be captured in CSIMS will continue to rely on self-identification and it is likely that the data will continue to underrepresent actual figures.
- Additionally, as part of the induction health assessments of detainees conducted by Justice Health, screen for possible disability or impairment, which is then recorded in health records.
- Access to individualised services for detainees with an identified intellectual disability has increased since the introduction of the Corrections Psychological and Support Services (CPSS) unit.
- CPSS coordinates care for individuals identified as having significant complex presentations including living with a disability.
- Currently, as part of the induction process for detainees at the AMC individuals self identify as having a disability, which may refer to physical or intellectual disabilities, or development conditions such as Autism Spectrum Disorder (ASD).

Cleared as complete and accurate: 16/07/2018  
Cleared by: Executive Director  
Contact Officer Name: Sch 2 s 2.2 (a)(ii)  
Lead Directorate: Justice and Community  
Safety

Ext: 70847

## QUESTION TIME BRIEF

This information is captured on the Induction form. The data is not captured in a format that allows for it to be easily extracted. At this time, ACTCS is unable to provide the definitive number of current detainees who identify as having ASD.

- Once the new Corrective Services Information Management Solution is deployed in 2019, detainee data will be collated into an online system, from which reports on detainee numbers and identifying factors, including disability status, may be generated.

### If asked about comments from ACT President of the Human Rights Commission

- I am aware of comments provided to the Editor of the Canberra Times by Dr Helen Watchirs OAM.
- Dr Watchirs advises that the ACT Human Rights Commission “*strongly supports the call for improved assessment and data collection in relation to the prevalence of disability in the prison population in the ACT, as recommended by the Auditor-General in 2015*”.
- I acknowledge that this type of data is important to help identify issues of systemic discrimination and service gaps.
- I am committed to seeing improvements in this area and will continue to work with the Human Rights Commission and ACT Corrective Services to achieve this.

### Justice Disability Strategy

- As part of the 2018-19 Budget, the ACT Government has announced the investment of \$580,000 to develop a Disability Justice Strategy to respond to the disadvantage people with disability face when dealing with the justice system.
- The Disability Justice Strategy aims to reform the civil and criminal justice system to ensure people with disabilities are treated equally before the law, and can participate on an equal basis in civic life through participation in the justice system.
- The Community Services Directorate is leading the implementation of the Strategy in collaboration with JACS.

# QUESTION TIME BRIEF

## Key Information

- ACT Corrective Services (ACTCS) does not currently capture data on disability as part of mandatory questioning. Data relies on detainees self identifying, prior to undergoing further assessment by Justice Health.
- The current form only allows for a detainee to identify as having a 'disability'. It does not specify the different types of disability.
- CSIMS is expected to be operational in 2019. ACTCS is investigating the potential inclusion of optional fields to specify the type of disability, including physical or intellectual.
- Only information critical to the operation of the prison is likely to be back-captured. However, ACTCS is still considering the notion of a broader, more comprehensive data migration.

## Background Information

### Data

- In 2015, the ACT Auditor-General's Report on 'The Rehabilitation of Male Detainees at the Alexander Maconochie Centre' recommended that ACTCS capture data on detainees with physical disabilities and intellectual disabilities, in order to improve services for these cohorts and to evaluate the effectiveness of activities and services.
- In November 2015 ACTCS added this data item to the tender specification of the CSIMS.

### Hayes Ability Screening Index

- In an email to the Editor of The Canberra Times of 5 June 2018, Dr Helen Watchirs OAM, ACT President and Human Rights Commissioner, recommended that ACTCS screen new and current detainees using the Hayes Ability Screening Index (HASI).
- The HASI was piloted in the AMC in 2014 and administered to all detainees as part of induction. Due to the large numbers of detainees affected by drugs on admission, administering the HASI on admission was found to be unreliable. Key red flag questions are now included in the Induction form and if a disability is identified appropriate referrals are made.
- The HASI is able to be administered by CPSS staff on referral from Justice Health or AMC staff. The HASI is administered to detainees who are suspected of having poor or low level cognitive and intellectual functioning, to determine whether referral to Justice Health Services for comprehensive assessment is required.

Cleared as complete and accurate: 16/07/2018  
Cleared by: Executive Director  
Contact Officer Name: Sch 2 s 2.2 (a)(ii)  
Lead Directorate: Justice and Community  
Safety

Ext: 70847

TRIM Ref: 2018/000084-028

**Portfolio:** Corrections**ISSUE: SAFETY AND HUMAN RIGHTS OF DETAINEES****Talking points:**Safety of detainees

- Safety of all detainees is a priority for ACT Corrective Services (ACTCS).
- Safety and security within the centre continues to be enhanced with the implementation of a new management structure and operating model at the Alexander Maconochie Centre (AMC).
- A centralised intelligence unit is currently being established across both Community and Custodial Corrections, to work with staff, detainees and ACT Policing to intercept acts prior to their perpetration.
- This unit will also participate in emerging national security issues such as Outlaw Motor Cycle Gangs and countering violent extremism. Increased staffing to assist this unit will implement intelligence driven security activities.
- ACTCS continues to work closely with ACT Policing in support of drug and contraband interdiction measures including providing assistance with investigations, and with the ongoing exchange of information.
- Recommendation one of the Moss Review called for improved CCTV quality and coverage at the AMC. The AMC uses 525 CCTV cameras to monitor the movement and behaviour of detainees to ensure safety, security and good order at the AMC. The quality of the images that are captured by the CCTV System has also been improved.
- The Memorandum of Understanding (MOU) between ACTCS and ACT Policing was reviewed and updated to reflect the issues raised by recommendations two and three of the Moss Report. The amended MOU was agreed by both agencies and signed on 28 April 2017. It sets out the arrangement between ACT Policing and ACTCS, including information-sharing, cooperative management arrangements relating to serious incidents and operations, and the nature of incidents to be reported to and responded by ACT Policing.

Cleared as complete and accurate: 16/07/2018  
Cleared by: Executive Director Ext:70879  
Information Officer name: Jon Peach  
Contact Officer name: Sch 2 s 2.2 (a)(ii)  
Lead Directorate: Justice and Community Safety

## QUESTION TIME BRIEF

- The amended MOU includes arrangements for reporting serious assaults to Deputy Chief Police Officer level within ACT Policing to ensure investigations are appropriately prioritised and have appropriate oversight.

### Human Rights Standards

- On 26 March 2018, the ACT Government released the Human Rights Standards (the Standards) for ACTCS for community consultation.
- ACTCS already abides by the *Human Rights Act 2004*, other standards set in Commonwealth law and a number of international principles relating to human rights.
- These Standards detail the expectations that we as a community, and the ACT Government, have of adult correctional facilities.
- The Standards outline how detainees will be supported from their initial contact with ACTCS through to their release in the community. This support is provided across key areas including:
  - safety
  - respect and dignity
  - purposeful activity
  - rehabilitation and release planning.
- ACTCS will continue to consider human rights when developing policies, delivering services and making decisions.

### ACT Inspector of Correctional Services

- In May 2018, the ACT Government announced the appointment of Mr Neil McAllister to the role of the Inspector of Correctional services (the Inspector).
- The Inspector works collaboratively with ACTCS and oversight agencies such as the ACT Human Rights Commission, ACT Ombudsman, Public Advocate and the Official Visitors, to identify issues in adult corrections, and propose solutions to promote continuous improvement.
- The Inspector recently initiated a formal review into the management and care of remand detainees at the AMC. The review is not yet finalised.

Cleared as complete and accurate:	16/07/2018	
Cleared by:	Executive Director	Ext:70879
Information Officer name:	Jon Peach	
Contact Officer name:	Sch 2 s 2.2 (a)(ii)	
Lead Directorate:	Justice and Community Safety	



### Rehabilitation Framework

- ACTCS is undertaking extensive work to refresh and review existing policies and introduce pro-social methods of detainee management.
- ACTCS has finalised a rehabilitation framework which reflects the profile of the detainee population, outlines the therapeutic programs provided at the AMC, and guides the integration of rehabilitative activities and services through effective sentence planning and management.
- This over-arching framework will improve sentence management and the outcome of service delivery of offender rehabilitation programs.
- Recognising that security and safety are paramount, the Rehabilitation Framework will inform the operational philosophy for ACTCS.

### Structured Day

- ACTCS has implemented a structured day in the new female accommodation unit. This will progress to a pro-social model of detainee management including the introduction of an incentive and earned privilege scheme within the AMC.
- These changes will be embedded across all detainee cohorts over time.
- The structured day includes initiatives that provide opportunities for detainees to participate in employment, programs, education and other pro-social activities.
- A structured day also enables detainees to develop personal responsibility, apply values that reinforce law-abiding behaviour, and contribute positively towards society after release.
- Where possible, detainee employment will be linked to accredited training to provide opportunities for detainees to develop skills that improve employment prospects upon release.

### Employment

- ACTCS has made significant progress in developing industry employment opportunities for detainees at the AMC.
- Prison industries are a recognised rehabilitation tool utilised by many correctional facilities.

Cleared as complete and accurate:	16/07/2018	
Cleared by:	Executive Director	Ext:70879
Information Officer name:	Jon Peach	
Contact Officer name:	Sch 2 s 2.2 (a)(ii)	
Lead Directorate:	Justice and Community Safety	

## QUESTION TIME BRIEF

- Prison industries not only give detainees the opportunity to work and gain skills and qualifications, it introduces a meaningful daily routine, provides teamwork opportunities, helps to address offending behaviour and promotes pro-social interactions.
- Prison industries can equip detainees with the skills needed to reintegrate back into the community and to help individual's lead meaningful and successful lives. On a broader level it also helps reduce rates of recidivism and increases community safety.
- The construction of enhanced industries, namely, a new bakery, expanded laundry and the multi-purpose activities centre at the AMC, was completed last year.
- The expansion of prison industries includes the recruitment of a second baker, the expansion of the recycling area and an extension of industrial cleaning and grounds maintenance crew capabilities.
- Additionally, the Extended Throughcare Program (Throughcare) works in conjunction with case management in the AMC to support individuals into training or employment options post release.
- Throughcare has relationships with several training providers, and job network providers within the ACT, and continues to explore the Canberra work landscape to source and create new partnerships designed to support higher numbers of people into employment.

### Housing

- Throughcare are actively engaged in the ACT Housing Strategy workshops.
- Throughcare supports individuals who have recently exited the AMC to explore their housing options, through referrals to available services, and liaising with those services.

### **Key Information**

- ACTCS does not provide housing and employment supports for people exiting the AMC, other than the services provided by the Throughcare program.

Cleared as complete and accurate:	16/07/2018	
Cleared by:	Executive Director	Ext:70879
Information Officer name:	Jon Peach	
Contact Officer name:	Sch 2 s 2.2 (a)(ii)	
Lead Directorate:	Justice and Community Safety	

## Background Information

### ACT Inspector of Correctional Services

- The Inspector of Correctional Services is a statutory office holder role, with independence guaranteed by legislation.
- The Inspector was established in response to recommendation 8 of the Moss Review.

### Rehabilitation Framework

- The development of a rehabilitation framework addresses a number of recommendations made in external and internal reviews.
- As part of the Audit Office 2013-14 program, the Auditor-General undertook a performance audit of the AMC, with the final report tabled in the Assembly in 2015.
- Recommendation 1 of the audit recommended that ACTCS develop a rehabilitation framework for the AMC. You were briefed on the proposed framework in Min:2018/516.

### Structured Day

- Implementation of a Structured Day has been recommended in a number of external reviews:
  - Human Rights Audit on the Conditions of Women at the Alexander Maconochie Centre (Recommendation 23)
  - Auditor-General's review of the Rehabilitation of Male Detainees at the Alexander Maconochie Centre (specifically Recommendation 1 and 10).
  - Conclusions of the Moss Review observed that the lack of a structured day at the AMC leads to boredom.

Cleared as complete and accurate:	16/07/2018	
Cleared by:	Executive Director	Ext:70879
Information Officer name:	Jon Peach	
Contact Officer name:	Sch 2 s 2.2 (a)(ii)	
Lead Directorate:	Justice and Community Safety	

## QUESTION TIME BRIEF

TRIM Ref: 2018/000084-029

**Portfolio:** Corrections

### ISSUE: INSPECTOR OF CORRECTIONAL SERVICES – CURRENT REVIEW

#### Talking points:

- In May 2018, the ACT Government announced the appointment of Mr Neil McAllister to the role of the Inspector of Correctional services (the Inspector).
- The Inspector works collaboratively with ACTCS and oversight agencies to identify issues in adult corrections, and propose solutions to promote continuous improvement.
- The Inspector recently initiated a formal review into the management and care of remand detainees at the Alexander Maconochie Centre (AMC).
- The review team, led by the Inspector, attended the AMC from 12 to 14 June 2018 to meet with remandees in accommodation areas.
- While the review is not yet finalised, the Inspector made a point to commend the professionalism, assistance and friendliness of the staff and detainees at the AMC during the review.
- In recent years, ACTCS has undergone considerable organisational change, with further work identified through the ACTCS Strategic Plan 2017-19 'Resetting the foundations'.
- It was reassuring to hear from an independent body, such as the Inspector, that there is a positive culture operating at the AMC.

#### Key Information

- The review examined how ACTCS manages remandees with regard to the unique needs of individuals who may not have been imprisoned before, and who may be facing protracted legal proceedings.
- The review also examined the non-separation of remand and sentenced detainees, however will not make recommendations about the building of a separate remand prison in the ACT.
- There is a legislative requirement for the Inspector to give a report on each any review conducted to the ACT Legislative Assembly within 6 months of completing the review.

Cleared as complete and accurate:	16/07/2018	
Cleared by:	Executive Director	Ext: 70789
Information Officer name:	Jon Peach	
Contact Officer name:	Sch 2 s 2.2 (a)(ii)	
Lead Directorate:	Justice and Community Safety	

## QUESTION TIME BRIEF

### Background Information

- The Inspector of Correctional Services is a statutory office holder role, with independence guaranteed by legislation. The Inspector is required by legislation to examine and review each place declared to be a correctional centre under the *Corrections Management Act 2007* at least once every two years, and provide the findings of these reviews to the Legislative Assembly.
- The Inspector was established in response to recommendation 8 of the Moss Review
- The Inspector is authorised to:
  - enter a correctional centre at any time on his own initiative
  - inspect:
    - any document, including a health record relating to a detainee
    - any other record required to be kept by the correctional centre
    - any part of the correctional centre
    - any vehicle or equipment used at a correctional centre or in the provision of correctional services
    - speak to, or privately interview
      - a person other than a detainee at the correctional centre
      - a person involved in the provision of correctional services
      - a consenting detainee.
  - take any equipment reasonably required to effectively conduct an inspection.

Cleared as complete and accurate: 16/07/2018  
Cleared by: Executive Director  
Information Officer name: Jon Peach  
Contact Officer name: Sch 2 s 2.2 (a)(ii)  
Lead Directorate: Justice and Community Safety

Ext: 70789



## QUESTION TIME BRIEF

TRIM Ref: 2018/000084-025

**Portfolio:** Corrections

### ISSUE: **BREACH OF PRIVACY/CONTRABAND FIND – USB DEVICE**

#### Talking points:

- In March 2018, an individual's privacy was inadvertently breached by ACT Corrective Services (ACTCS).
- I was disappointed to hear about this incident; however, I have spoken with the Executive Director of ACTCS and am confident that the matter is being handled appropriately.
- ACTCS has acted in accordance with the Office of the Australian Information Commissioner's (OAIC) *Data breach notification guide: A guide to handling personal information security breaches*.
- I understand the affected individual, as well as the ACT Human Rights Commissioner and the OAIC, were notified of the incident.
- In April 2018 ACTCS conducted an Internal Management Review into the incident to consider how this situation occurred and how ACTCS could prevent any further incidents. This review was completed on 30 April 2018.
- In response to recommendations arising from the review, ACTCS has applied additional measures to ensure that personal detainee information is protected from unauthorised access, use, modification or disclosure. USB devices required for staff use at the Alexander Maconochie Centre (AMC) are now encrypted and recorded on a register and an internal server for file sharing between the Court Transport Unit (CTU) and the AMC has been implemented.
- On 10 July 2018 the OAIC informed ACTCS that, at this time, it did not intend to take any action in response to the data breach.

#### Key Information

- ACTCS briefed the Minister about this matter in April 2018 as part of a broader brief relating to contraband finds at the Alexander Maconochie Centre (see MIN:2018/001728).

Cleared as complete and accurate:	16/07/2018	
Cleared by:	Executive Director	Ext: 70879
Information Officer name:	Jon Peach	
Contact Officer name:	Sch 2 s 2.2 (a)(ii)	
Lead Directorate:	Justice and Community Safety	

**Background Information**

Sch 2 s 2.2 (a)(ii)

Cleared as complete and accurate:	16/07/2018	
Cleared by:	Executive Director	Ext: 70879
Information Officer name:	Jon Peach	
Contact Officer name:	Sch 2 s 2.2 (a)(ii)	
Lead Directorate:	Justice and Community Safety	

## QUESTION TIME BRIEF

TRIM Ref: 2018/000084-031

**Portfolio:** Corrections

### ISSUE:        **DETAINEE NUMBERS**

#### Talking points:

- On 19 June 2018, detainee numbers in the ACT reached a new high of 507.
- The increasing detainee population has placed pressures on accommodation for detainees at the AMC.
- To ameliorate the situation, ACT Corrective Services (ACTCS) expanded accommodation for male detainees in the Alexander Maconochie Centre (AMC) in 2016 and relocated female detainees to the Special Care Centre in late 2017.
- While this has increased the number of available beds within the AMC, the Government recognises that detainee numbers will continue to increase alongside the growth in the ACT's population.
- The Government is proactively managing the issues presented by increased detainee numbers through the Justice Reform Strategy and the Justice Reinvestment Strategy.

#### Female detainee numbers:

- Between 2014 and 2018, the ACT experienced a marked increase in female detainee numbers. Increases in the number of female detainees is not limited to the ACT; it is a national issue with all jurisdictions experiencing these increases.
- The ACT female imprisonment rate has increased from 14 per 100,000 of the female adult population on 30 June 2015 to 26 per 100,000 of the female adult population on 30 June 2017.
- The average daily number of detained females in:
  - 2017-2018 financial year was 38
  - 2016-2017 financial year was 32
  - 2015-2016 financial year was 23
  - 2014-2015 financial year was 19

Cleared as complete and accurate: 17/07/2018  
Cleared by: Executive Director  
Information Officer name: Jon Peach  
Contact Officer name: Sch 2 s 2.2 (a)(ii)  
Lead Directorate: Justice and Community Safety

Ext: 70879



## QUESTION TIME BRIEF

- The ACT recorded a high of 45 female detainees on 5 June 2017.

### Indigenous detainee numbers:

- The ACT has experienced a steady increase in Indigenous detainees from 2014 onwards.
  - On 30 June 2018, Indigenous detainees comprised 22 per cent of the AMC prisoner population
  - On 30 June 2014, Indigenous detainees comprised 16 per cent of the AMC prisoner population
- Likewise, the age standardised imprisonment rate for Indigenous detainees in the ACT has increased:
  - 30 June 2017 - 1,703 per 100,000 of the Indigenous adult population
  - 30 June 2014 - 1,219 per 100,000 of the Indigenous adult population
- Average daily number of Indigenous detainees in
  - 2017-2018 financial year - 103
  - 2016-2017 financial year - 92
  - 2015-2016 financial year - 92
  - 2014-2015 financial year - 68
- On 13 March 2018, Indigenous detainee numbers in the ACT reached a new high of 115.

### **Background Information**

- Since 2012 the ACT has experienced a continued upward trend in detainee numbers. The overall trend in the ACT has been mirrored at a national level. Since 30 June 2016, the adult prisoner population has increased across all States and Territories except for the Northern Territory, which recorded a small decrease.
- During 2013, the actual number of ACT detainees jumped significantly, from less than 240 in January 2013 to in excess of 340 in October 2013. The average daily number of detainees in:
  - 2014 to 2015 financial year was 342, with a high of 411 in November 2015
  - 2015 to 2016 financial year was 402, with a high of 446 in November 2016
  - 2016 to 2017 financial year was 445, with a high of 473 on 20 May 2017
  - 2017 to 2018 financial year was 474.

Cleared as complete and accurate: 17/07/2018  
Cleared by: Executive Director Ext: 70879  
Information Officer name: Jon Peach  
Contact Officer name: Sch 2 s 2.2 (a)(ii)  
Lead Directorate: Justice and Community Safety

## QUESTION TIME BRIEF

- On 28 November 2017 all female detainees were moved to a single accommodation unit within the existing AMC campus. The move increased the operational bed capacity for female detainees from 29 to 57.
- An additional 25 temporary bunk beds have been installed at the AMC, increasing the number of available beds for males in secure accommodation to 464.
- ACTCS is also utilising the Transitional Release Centre (TRC) to accommodate appropriately risk-assessed detainees. Previously, and for a sustained period, the number of detainees accommodated in the TRC was between four and six. On 13 July 2018, the number of detainees accommodated in the TRC was 12.
- Assuming that ACTCS is able to place appropriately risk-assessed detainees in the TRC, and by using all available accommodation other than 'special purpose beds', the AMC will have 464 male secure beds, 15 male unsecure beds and 57 female beds, a total of 536.
- Work continues within the AMC to identify further options to install double bunking arrangements appropriately.

Cleared as complete and accurate: 17/07/2018  
Cleared by: Executive Director  
Information Officer name: Jon Peach  
Contact Officer name: Sch 2 s 2.2 (a)(ii)  
Lead Directorate: Justice and Community Safety

Ext: 70879

TRIM Ref: 2018/000084-032

**Portfolio:** Corrections**ISSUE:       FOI – JON STANHOPE: Alexander Maconochie Centre (AMC)  
Needle Syringe Program (NSP)**

Jon Stanhope, former Chief Minister, submitted a Freedom of Information application on 3 May 2018 to request a copy of all documents of whatever description related to the granting of a so called veto to prison officers over the decision to introduce a needle program in the AMC.

**Talking points:**

- The Justice and Community Safety Directorate (JACS) processed the application to identify relevant documents including the Department of Justice and Community Safety Union Collective Agreement 2007-2010, the first agreement that referred to a needle exchange and subsequent relevant Agreements.
- The Agreements included that no needle exchange program, however presented, shall be implemented without prior consultation and agreement on how such a program can be implemented. Agreement was required initially between parties to the Agreement and this was amended in later agreements to between the Department/Directorate and the union(s) covered by the Agreement.
- This clause was negotiated in 2007 between the then Chief Minister and Community Public Sector Union (CPSU) prior to the opening of the AMC, and drafted between the Chief Minister's office and his department.
- The inclusion of this clause was considered to be non-negotiable.
- On 1 April 2015, I signed the Deed of Agreement with the CPSU, that included the establishment of a joint working group, a staff ballot process to determine the level of support for any proposed model, and the commitment not to implement any model without a majority of support from staff eligible to participate in the ballot.

Cleared as complete and accurate:	23/07/2018	
Cleared by:	Executive Director	Ext:50567
Information Officer name:	Danielle Krajina	
Contact Officer name:	Kaye Yen	Ext: 70566
Lead Directorate:	Justice and Community Safety	

## QUESTION TIME BRIEF

- My aim remains to establish a safe needle syringe program within the AMC. However, I note that the working group was provided clear advice that needle and syringe programs can only succeed when they have the full support of staff.
- The current Enterprise Agreement nominally expired on 30 June 2017, with negotiations for the new agreement underway and does not include a reference to a NSP.
- The Deed of Agreement will remain in force until a new enterprise agreement commences.

### Background Information

- A Canberra Times article (dated 20 April 2018) stated that when the AMC opened, then Chief Minister, Jon Stanhope, provided veto power to the Community Public Sector Union (CPSU) in the enterprise agreement. The article further quoted a spokeswoman for Minister Rattenbury stating that 'arrangements put in place in 2008, continue to stymie the process (of introducing a NSP).'
- The released documents showed that past government representatives have endeavoured not to create a fixed position of veto in relation to the NSP for AMC employees/Union for future negotiations. It should however be noted that Clause 262 of Department of Justice and Community Safety Union Collective Agreement 2007-2010, stated that no needle exchange program would be implemented without **prior consultation and agreement** by the parties to the Agreement on how such a program can be implemented.
- The Deed of Agreement (the Deed) signed by you in April 2015, resulted in a joint Working Group being established between the ACT Government and the CPSU, with the intention of creating an NSP model.

Cleared as complete and accurate:	23/07/2018	
Cleared by:	Executive Director	Ext:50567
Information Officer name:	Danielle Krajina	
Contact Officer name:	Kaye Yen	Ext: 70566
Lead Directorate:	Justice and Community Safety	

# QUESTION TIME BRIEF

TRIM Ref: 2018/000084-001

**Portfolio:** Corrections**ISSUE: MOSS REVIEW****Talking points:**

- On 2 June 2016, I announced that the Government would conduct an independent inquiry into the circumstances surrounding Steven Freeman's care and treatment while in custody.
- The Review, undertaken by Mr Philip Moss AM, concluded on 7 November 2016. In the interests of transparency and full disclosure, I released the report publicly on 10 November 2016.
- On 15 February 2018, I provided an update to the Assembly on the implementation and key milestones of the Moss Review recommendations.
- On 20 June 2018, the Moss Implementation Steering Committee closed the project.
- Seven of the nine recommendations of the Moss Review have been found satisfied by the Steering Committee.
- Recommendation 5 relates to the introduction of Winnunga into the AMC. Since 2 July 2018 staff from Winnunga have been present at the AMC developing protocols for service delivery.
- Recommendations 6 has not been achieved as it requires a commitment from Government to build another facility. No such decision has yet been made.
- I intend to table a report to the ACT Legislative Assembly on the closure of the Moss Review Recommendations.

**Key Information**

- Implementation of recommendations of the Moss Review is led by an Inter-Directorate Project team and overseen by a high-level Steering Committee. The Steering Committee is led by an independent Chair, Mr Russell Taylor AM, and has representatives from the Elected Body, Winnunga and the Aboriginal Legal Service.
- The implementation of the Moss Review recommendations has resulted in significant reform especially in ACT Corrective Services, other Government Directorates, and Statutory Office Holders, around the provision of health and custodial services at the AMC, to improve the health, safety and wellbeing of detainees.

Cleared as complete and accurate: 16/07/2018

Cleared by: Executive Director

Ext: 70847

Information Officer name: Jon Peach

Contact Officer name: Sch 2 s 2.2 (a)(ii)

Lead Directorate: Justice and Community  
Safety

## QUESTION TIME BRIEF

- Mr Moss made nine recommendations for the improvement of services to all detainees at the AMC. It made eight specific recommendations and one overarching recommendation that seeks to address a number of other conclusions and suggestions relating to the justice system more broadly.

### RECOMMENDATION STATUS REPORT

Rec	STATUS	Comment
1	Complete	On 22 November 2017 the Steering Committee decided that this recommendation has been satisfied.
2	Complete	On 12 December 2017 the Steering Committee decided that this recommendation has been satisfied.
3	Complete	On 12 December 2017 the Steering Committee decided that this recommendation has been satisfied.
4	Complete	On 25 January 2018 the Steering Committee decided that this recommendation has been satisfied.
5	Ongoing	ACT Health and ACTCS have worked collaboratively with Winnunga to develop and agree to a best practice model of Aboriginal and Torres Strait Islander health service delivery at the AMC. The Winnunga service is anticipated to commence in the AMC on 1 July 2018.
6	Not Achieved	While agreed in principle, this recommendation requires a commitment to build another facility by Government to allow for the separation of remand and sentenced detainees.
7	Complete	On 14 March 2018 the Steering Committee decided that this recommendation has been satisfied.
8	Complete	On 14 March 2018 the Steering Committee decided that this recommendation has been satisfied.
9	Complete	On 20 June 2018 the Steering Committee found that this recommendation has been satisfied. The Steering Committee has handed ongoing monitoring of the Moss Review conclusions to other oversight agencies.

### Background Information

- On 27 May 2016, 25 year old Aboriginal man, Steven Freeman, died whilst in custody at the Alexander Maconochie Centre (AMC). Steven Freeman had been held in custody from 28 April 2015.
- Steven Freeman was the subject of a serious assault in the AMC shortly after he arrived at the AMC.
- On 2 June 2016, I announced an independent inquiry into the management of the custody and care of Steven Freeman at the AMC. I appointed Philip Moss AM as the independent reviewer.
- The inquiry examined Steven Freeman's treatment during his period of incarceration, including whether ACTCS systems operated effectively and in compliance with human rights obligations.

Cleared as complete and accurate: 16/07/2018

Cleared by: Executive Director

Ext: 70847

Information Officer name: Jon Peach

Contact Officer name: Sch 2 s 2.2 (a)(ii)

Lead Directorate: Justice and Community Safety

## QUESTION TIME BRIEF

- Mr Moss titled the review *'So Much Sadness in our Lives, Independent Inquiry into the Treatment in Custody of Steven Freeman'*.
- As with all deaths in custody, Steven Freeman's death is the subject of a coronial inquest. The coronial hearings commenced on 27 February 2017 and the findings were handed down on 11 April 2018.
- Coroner Cook found that the quality of care, treatment and supervision afforded Mr Freeman by ACT Corrective Services and ACT Health was not found to contribute to his death.
- A formal government response to the coroners findings will be tabled in the ACT Legislative Assembly in August.

Cleared as complete and accurate: 16/07/2018  
Cleared by: Executive Director  
Information Officer name: Jon Peach  
Contact Officer name: Sch 2 s 2.2 (a)(ii)  
Lead Directorate: Justice and Community  
Safety

Ext: 70847



## 1. HRC complaint

- It is important to acknowledge the professional and diligent work of staff at the AMC, both custodial and non-custodial, who work in a challenging environment.
- On 29 May 2018 an image was drawn in the staff briefing room at the AMC depicting a 'hangman' game.
- The name of a detainee that identifies as Aboriginal and Torres Strait Islander was suggested below the image.
- I am deeply disappointed and concerned about this incident, as it undermines the challenging work of ACTCS staff and the positive work they do on a daily basis. It also goes against ACT Public Service values.
- The individual staff members responsible for the incident have not been identified.
- On 30 May 2018, the General Manager AMC, sent an email to the Area Manager and senior staff expressing his disappointment with the staff involved and noted the seriousness of the incident.
- On 5 July 2018, ACT Corrective Services received a complaint from the Human Rights Commission about the drawing. ACTCS responded to this complaint on 25 July 2018.
- On 6 July 2018, ACTCS referred the matter to the Justice and Community Safety, People and Workplace Strategy Unit, for further investigation.
- I have asked the directorate to keep me informed about this matter.

Cleared by: Jon Peach

Date: 27 July 2018



## 2. Employee Conflict of Interest

- Sch 2 s 2.2 (a)(ii) has not been a client of ACT Corrective Services (ACTCS), nor is the employee in the photograph an intelligence officer.
- Where allegations of potential criminal conduct are identified, these matters are referred to ACT Policing for investigation.
- Personal relationships are not generally a matter for the directorate other than where a conflict of interest (perceived or actual) is identified.
- Conflicts of interest are managed within the existing employment framework and policies, including the *Public Sector Management Act 1994* and the Directorate's Conflict of Interest – Close Personal Relationships policy.
- Employees are required to take all reasonable steps to avoid a conflict of interest; and declare or manage a conflict of interest that cannot reasonably be avoided.
- Conflicts of interest (perceived or actual) are continually assessed including consideration of the roles and duties of employees and appropriate action taken to manage the conflict.
- ACTCS assists employees to manage conflicts of interest, in accordance with the *Public Sector Management Act 1994*.
- In managing conflicts of interest, ACTCS takes into account the roles and duties of employees.
- No other documents will be released.

Cleared by: Jon Peach

Date: 27 July 2018

### 3. AMC Email Policy

- Detainee access to email is managed in accordance with the Corrections Management (Email, Internet and Legal Education and Resource Network [LEARN] for Prisoners) Policy 2010.
- Detainees request email contact with individuals and all applications are positively vetted in accordance with the above-mentioned policy. Individuals in the community are not able to make requests to email detainees. ACT Corrective Services (ACTCS) has identified that this would significantly increase the risk of victim contact as individuals may create an alias.
- Processing of applications is dependent on a number of factors, including the ability of ACTCS to contact the proposed recipient, staffing levels, and the number of applications that may require processing at any one time. Subject to these factors, ACTCS aims to have requests processed within 24 hours.

Cleared by: Jon Peach

Date: 27 July 2018

#### 4. Clothing at AMC

- Dress codes are imposed to reduce the opportunity for the introduction of contraband during visits, minimise the opportunity for the display of gang identification, and to ensure the safety of detainees, staff and visitors.
- Failure to comply with the dress code may lead to the visitor being denied entry and the visit being cancelled.
- Detainees are able to apply to have visitors to the AMC bring property.
- This will only be approved where the detainee is not already in possession of property in excess of the amounts specified in the policy.

Cleared by: Jon Peach

Date: 27 July 2018

## 5. Fire Incidents at AMC and ACTCS Fire Prevention Measures

- ACT Corrective Services has adopted a risk based approach to the provision and use of lighters within the AMC.
- The risk of banning lighters is evidenced to be greater than the risk of allowing detainees to have access to these item. Banning lighters has proven to lead to detainees using riskier methods, such as using live electrical wires or the heating elements in kettles, to light cigarettes.
- Detainees are allowed to have the lighters on their person at all times in the AMC.
- Detainees are not able to purchase matches.

### ACTCS fire prevention measures

- ACTCS is developing a broader strategic approach to emergency management, including fire management and prevention.
- From 9 July 2018, an ACT Fire & Rescue (ACTF&R) Commander has been seconded to the AMC for a three month period, to assist in improving the inter-operability between the AMC and ACTF&R.
- The primary objectives of the secondment are to ensure the AMC and ACTF&R operational procedures are consistent for fire related incidents, reduce the number of avoidable false alarms and to test newly developed fire response procedures.

Cleared by: Sch 2 s 2.2 (a)(ii)

Date: 27 July 2018

## 6. Drug Overdoses in the AMC

- Over the Christmas holiday period, corrections officers and medical staff responded to a number of medical incidents at the Alexander Maconochie Centre. Two of these incidents required hospital admittance as the result of suspected misuse of substances.
- In response to each of these incidents, ACT Corrective Services' policies and procedures relating to medical incidents were followed appropriately.
- Notwithstanding the efforts of ACT Corrective Services and partner agencies, it remains the unfortunate case that contraband, including illicit substances, still enters the AMC; however, this is not unique to the ACT.
- Intercepting prohibited or contraband items such as illicit drugs, drug paraphernalia and technology (such as USBs and mobile phones) is one of the most challenging functions undertaken by corrections agencies.
- ACT Corrective Services, like other jurisdictions, employs varied security measures designed to prevent entry of prohibited items into the AMC including:
  - physical searches by both corrections officers and Passive Alert Detector dogs, which are trained to detect illicit substances
  - metal detectors and x-ray scanners
  - the on-going exchange of information and intelligence with ACT Policing.
- A contraband strategy is currently being finalised to enhance current measures for the prevention of contraband introductions, but proactive activities have commenced and are proving to be highly successful.
- JACS, in partnership with the ACT Health Directorate, is in the draft stage of developing the AMC Drug Strategy and Blood Borne Virus Strategy 2018-2022. This strategy will focus on the three pillars of Harm Minimisation: demand reduction, supply reduction, and harm reduction. It will be focused on reducing the supply and demand of intravenous contraband into the AMC.

Cleared by: Jon Peach

Date: 27 July 2018

## 7. Contraband

- ACTCS works closely with ACT Policing to prevent the introduction of contraband at the AMC including providing assistance with investigations, and exchanging information and intelligence.
- In the 2017-18 financial year, corrections officers undertook 13,789 searches.
- Medication has always comprised a high number and proportion of items seized as part of ACT Corrective Services' (ACTCS) contraband search and seizure processes. Medication discovered in the possession of a detainee who it was not lawfully prescribed to is considered to be contraband.
- The 'medication' classification relates to items that may have been prescribed to detainees housed within the Alexander Maconochie Centre (AMC) and subsequently stockpiled, diverted or simply kept past an expected time of use. The medications range from drugs that would be available over the counter in the community (paracetamol) through to pharmacy or prescription medications.
- ACTCS has various physical and static security measures to prevent entry of prohibited items into the AMC.
- The AMC perimeter is approximately 1.3 km in length and is strengthened by security measures including 525 closed circuit television (CCTV) cameras. Staff check the grounds every morning.
- ACTCS undertakes measures to search visitors, staff, contractors, and their belongings entering the AMC. These include:
  - metal detectors;
  - X-Ray baggage scanner to scan property;
  - itemiser tests to detect traces of drugs and explosives; and
  - physical searches of all vehicles prior to entering and exiting the AMC including use of mirrors to search under the vehicles and random canine searches (except, for example, ambulances in case of emergency).
- Between 1 March 2018 and 30 June 2018, the Security Operations Team found 12 mobile phones, 22 mobile phone accessories (including charges and SIM cards), 18 USBs, 20 syringes and 61 drugs. The drugs category is broad and includes the seizure of multiple drugs, as well as the seizure of stockpiled or non-prescription medication.

Cleared by: Jon Peach

Date: 27 July 2018

## 8. AMC Visits Policy

### Booking System

- The visits phone line is a call back service which is staffed 9am to 5pm, Monday to Friday.
- The AMC Executive Support Unit is responsible for the phone line and makes every effort to respond to all voicemail messages within 24 hours.
- The call back service ensures that all visits are booked in the order that they are requested.
- This information, as well as the hours of operation, is conveyed in the recorded message for visits bookings.
- The visits phone line is currently the only way to organise AMC visits as the ACT Corrective Services (ACTCS) website has no capacity to accept online visits bookings at this time.
- ACTCS is investigating alternate options, including the ability to book visits online, as part of a broader review of the visits booking process.

### Security Process

- ACTCS is trialling new software which, once operational, will mean that visitors no longer have to complete a visitor form each time they visit the AMC.
- This is expected to significantly reduce the administrative component of the visits process.
- For security reasons, visitors will still be required to undergo an iris scan prior to being allowed to enter the AMC and comply with visits policy.

### Detainee property limits

- The AMC accommodates more than 450 detainees at any given time.
- Detainee property amounts are limited in order to reduce safety hazards, and to maintain the good order and hygiene of the facility.
- Detainees are able to apply to have visitors to the AMC bring additional items of clothing, in addition to what they already have within the AMC, subject to the limits specified in the policy.

### Visitor Dress Code and Behaviour

- For visitors coming to the AMC, there are rules to maintain the good order of the facility. These are publicly available and prominently displayed at the entrance to the AMC.
- Visitors are expected to behave courteously to AMC staff, other visitors and detainees, and to abide by the visitor dress code.

- This information is prominently displayed along with the specifications of the dress code.
- Dress codes are imposed to reduce the opportunity for the introduction of contraband, minimise the opportunity for the display of gang identification, and to ensure the safety of detainees, staff and visitors.
- Failure to comply with the dress code may lead to the visitor being denied entry and the visit being cancelled.

#### Visitation Bans

- ACTCS encourages family and friends of detainees to visit them while in custody in order to maintain important ties with the community.
- Where a detainee or visitor breaches the AMC visits policy (for example, through the introduction, or attempted introduction, of contraband or because of unacceptable behaviour), they can have their visitation rights withdrawn, or they can be placed on closed visits, to ensure the good order and safety of the AMC.
- Anyone subject to a visitation ban will be notified in writing of the restriction and the period for which it applies.
- Appeals against visitor bans may be made, in writing, to the Executive Director, ACTCS.

#### Intra-Centre Visits

- ACTCS facilitates visits between detainees in custody who have a confirmed relationship.
- Intra-centre visits are subject to specific conditions, including that:
  - Both detainees have been in custody for 28 days before a visit will be approved.
  - Both detainees submit a clean urine test prior to the visit being facilitated.
  - Both detainees must not have had any disciplinary action in the past 28 days.

#### Visits by Ex-Detainees

- Former detainees may apply to visit current AMC detainees.
- These applications will be reviewed by ACTCS on a case by case basis, and the applicant will be formally notified of the outcome.
- The outcome of their application may be influenced by Intelligence Unit reports, past history of involvement with the AMC and, if under a supervision order with ACTCS, the status of that order.
- Applications by detainees who are in breach of their supervision requirements or with outstanding warrants, will be declined.

Cleared by: Jon Peach



Date: 27 July 2018

## 9. Coroner's Report on Steven Freeman death

- On 11 April 2018, Coroner Cook released his findings following the coronial inquest into the tragic death of Steven Freeman at the Alexander Maconochie Centre (AMC) on 27 May 2016.
- The Coroner has not made any adverse findings in this matter.
- However, I note the Coroner's findings in relation to deficiencies and inconsistencies in some ACT Health and ACT Corrective Services procedures.
- The ACT Government has prepared a whole of government response that will be tabled in the ACT Legislative Assembly in August.
- The death of Steven Freeman at the AMC on 27 May 2016 remains a profound tragedy.
- The ACT Government acknowledges the acute grief, loss and sadness that Steven Freeman's family has experienced, and the impact this death has had on the Aboriginal and Torres Strait Islander community, and the wider AMC community including those involved in the various aspects of his treatment and care.
- The ACT Government also acknowledges the remarkable resilience and strong advocacy for change by Mr Freeman's mother, Sch 2 s 2.2 (a)(ii), following the death of her son.
- The ACT Government recognises its responsibility to protect all detainees within the AMC. Since the death of Mr Freeman, the Government has made significant changes to improve detainee health, care and safety in the AMC, including the commissioning of the independent Moss Review which has led to an extensive reform program for the government.

Cleared by: Jon Peach

Date: 27 July 2018

## 10. Recidivism

- ACTCS, through its Offender Services and Corrections Programs Unit, provides and facilitates services and programs tailored specifically towards Aboriginal and Torres Strait Islander detainees both in custody and offenders in the community under supervision.
- The recidivism statistics for inclusion in the 2017-18 Justice and Community Safety Annual Report will show that the ACT had 44.2 per cent of all detainees (released in 2014-15) return to prison, decreasing from 41 per cent in the previous year. Recidivism statistics are not disaggregated by Indigenous status.
- The Government is committed to building and maintaining a strong Indigenous workforce in ACTCS. This improves ACTCS's ability to provide informed culturally appropriate and sensitive responses to specific Indigenous issues.
- Aboriginal and Torres Strait Islander detainees are able to access programs, services and education available to the general AMC population, as well as programs and services specifically targeted towards Aboriginal and Torres Strait Islander people.

Cleared by: Jon Peach

Date: 27 July 2018

## 11. Extended Throughcare

- The ACT Government provided recurrent funding of \$5.347 million in the 2017-2018 Budget for the Extended Throughcare Program.
- This funding includes an additional full time employee in the designated position of Indigenous Throughcare Transition Officer, to focus on supporting Aboriginal and Torres Strait Islander ex-detainees reintegrating into the community.
- The University of New South Wales' evaluation of the Throughcare program found positive outcomes for Aboriginal and Torres Strait Islander women engaged in the program, but highlighted an area for improvement in engaging Aboriginal and Torres Strait Islander men

Cleared by: Jon Peach

Date: 27 July 2018

## 12. Notification of assaults and incidents in custody

- Upon admission to the AMC, detainees are asked whether they identify as Aboriginal and Torres Strait Islander.
- Those who identify as such are requested to nominate a next of kin for notification in certain emergency situations.
- ACTCS commits to notify next of kin of serious illness or injury in a timely manner. Serious illness or injury is where a detainee is required to be admitted to an external medical facility.
- In the event of a death in custody, next of kin are notified by the ACT Coroner's Court.
- If the Court does not have a suitably qualified officer available, the AFP Coroner's team will perform this function.
- Where appropriate, a designated Aboriginal or Torres Strait Islander representative from ACTCS may attend when notifying the next of kin to provide cultural support.
- In response to recommendations 2 and 3 of the Moss Review, ACTCS and ACT Policing signed an amended Memorandum of Understanding (MOU) on 28 April 2017.
- The MOU between ACT Policing and ACTCS has been updated to reflect the government's response to the Moss Review.
- The MOU contained an updated process to notify next of kin regarding the death of a detainee who identified as Aboriginal or Torres Strait Islander

Cleared by: Jon Peach

Date: 27 July 2018

### 13. Incarceration Rates

- Aboriginal and Torres Strait Islander people continue to be significantly over-represented in the criminal justice system, as both victims and offenders, principally due to historical social disadvantage, social exclusion and perceived systemic racism.
- During the September 2017 quarter, Aboriginal and Torres Strait Islander prisoners represented 27 per cent of the total full-time adult prisoner population (nationally), while accounting for approximately two per cent of the total Australian population aged 18 years and over.
- As at 10 May 2018, Aboriginal and Torres Strait Islander people accounted for 21.3 per cent of the total AMC detainee population – 104 detainees out of a total of 488.
- The ACT figures remain well below the national average for Aboriginal and Torres Strait Islander people as a percentage of the total detainee population.
- As at 10 May 2018, Aboriginal and Torres Strait Islander men accounted for 20.2 per cent of the total AMC male population – 91 detainees out of 450.
- As at 10 May 2018, Aboriginal and Torres Strait Islander women accounted for 34.2 per cent of the total AMC female population – 13 detainees out of 38.
- The ACT Government is committed to reducing the over-representation of Aboriginal and Torres Strait Islander people in the AMC. The redevelopment of the Aboriginal and Torres Strait Islander Justice Agreement as a Justice Partnership, and the strengthening of the Extended Throughcare Program is directed towards this reduction.
- The Aboriginal and Torres Strait Islander Justice Partnership (2015–2018) will build on the work of the 2010-2013 Justice Agreement. It contains a stronger focus on addressing over-representation through increased diversionary and rehabilitation options.

Cleared by: Jon Peach

Date: 27 July 2018

## 14. Moss Implementation

- The implementation of the Moss Review recommendations has resulted in significant reform in ACT Corrective Services, and other Government Directorates and Statutory Office Holders.
- All agencies have worked together to consider the provision of health and custodial services at the AMC and make changes to improve the health, safety and wellbeing of detainees.
- I am pleased of the work we have achieved with support from the Aboriginal and Torres Strait Islander community.
- The safety and care of detainees in the AMC is fundamental.
- Seven of the nine recommendations of the Moss Review have been found satisfied by the Moss Implementation Steering Committee.
- Recommendation 5 relates to the introduction of Winnunga into the AMC. Since 2 July 2018 staff from Winnunga have been present at the AMC developing protocols for service delivery.
- Recommendation 6 has not been achieved as it requires a commitment from government to build another facility. No such commitment has been made.
- I intend to table a report to the ACT Legislative Assembly on the closure of the Moss Recommendations.
- On 20 June 2018, the Moss Implementation Steering Committee closed the project.

Cleared by: Sch 2 s 2.2 (a)(ii)

Date: 27 July 2018

## 15.Serious Assaults

- Within correctional facilities there is the inherent potential for conflict amongst some detainees.
- There is often pre-existing tension in the relationships between detainees at the AMC resulting from interactions and associations, both in custody, and in the community.
- The Government's response to the Moss Review reflects our commitment to implementing transformational change and sharing with the community what we will do differently to improve the care, safety and health of detainees.
- Funding of \$8.8 million over the next three and a half years has been allocated for security-related matters at the AMC.
- This will assist ACTCS to combat assaults and other serious incidents.
- The Government also acknowledges the importance of ensuring that assaults, including those committed within the AMC, are thoroughly investigated with a view to holding offenders to account through prosecution of offences.

Cleared by: Jon Peach

Date: 27 July 2018

## 16. Security Review

- Due to the sensitive nature of operations of the AMC, a secure custodial facility, the Morison report cannot be publicly released.
- Recognising the strong public interest in maintaining public safety:
  - The review examined key elements of physical, process and dynamic security at the AMC and the circumstances of previous escapes, as well as considering more broadly what policy, procedural, compliance, governance, staffing, training, cultural and management structure changes may be necessary to improve the overall operational security of the AMC as it relates to the secure custody of detainees.
  - The review found that the perimeter, movement control, architecture, technology and other controls provide generally robust built—in physical security for AMC.
- We will act on all of the recommendations, in fact work on many of these is already underway or in the planning stage.
- Funding of \$8.8 million over the next three and a half years has been allocated for security-related matters at the AMC.
- Additional senior staff have been recruited to manage security, accommodation and offender management, and create a new centralised intelligence unit within ACTCS.
- These new additions provide the AMC with the capability to work closely with staff, detainees and the Australian Federal Police to address emerging issues, including contraband, organised crime and countering violent extremism.

Cleared by: Jon Peach

Date: 27 July 2018



## 17. Industries

- The Government is committed to improving the delivery of programs and employment for detainees in custody, including the provision of education, a structured day and skills to support their rehabilitation and reintegration back into society.
- I am pleased to report that the construction of the new bakery, expanded laundry and the multi-purpose activities centre at the AMC are now complete.
- Detainees also have work in the recycling bay.

### Bakery

- The Alexander Maconochie Centre (AMC) Bakery currently employs seven female detainees, who are learning basic hospitality and kitchen operations skills.
- These are skills that they will be able to take with them when they are released from ACT Corrective Services' (ACTCS) custody, and can feed into recognised trade qualifications should they wish to pursue this avenue after their release.
- Almost half of the women employed at the AMC Bakery have successfully completed recognised units of competency, including 'Work, Health & Safety', 'Use Hygienic Practices in Food Safety' and 'Numeracy Foundation Skills'.
- The remaining women are in the process of completing these units.
- Preliminary feedback from the women working in the AMC Bakery has been overwhelmingly positive. They are enjoying the opportunity to have a purposeful day and to learn new skills.
- Additionally, ACTCS has employed a second baker.
- The addition of the second baker will enable ACTCS to operate a second bakery shift, effectively doubling the employment capacity of the AMC Bakery.
- The second bakery shift will allow men to be separately employed in the bakery and to participate in the training currently only offered to women.
- Employment and educational opportunities are a significant factor in detainees' ability to successfully reintegrate into the community.
- ACTCS is currently exploring the potential to offer additional trade qualification opportunities to detainees as well as expanding the AMC employment industry.
- The bakery is a female only industry at present due to the recognised need for specific female employment in the AMC.

Cleared by: Jon Peach

Date: 27 July 2018

## 18. Women's Accommodation Pressures and Female Detainee Numbers

- The AMC has experienced a marked increase in female detainee numbers in recent times. This issue is not limited to the ACT; it is a national issue with all jurisdictions experiencing increases.
- On 28 November 2017, all female detainees moved to a single accommodation unit within the existing AMC campus.
- The new accommodation arrangement provides female detainees with improved access to health services, programs, employment and education within the AMC.
- Longer term solutions are being considered under the larger feasibility review of detainee accommodation in 2017-18.
- The options for all accommodation arrangements for both male and female detainees will be considered in the feasibility study.
- ACTCS has managed the increase of female numbers within existing resources. Female detainees continue to be accommodated separately from male detainees at all times.
- Female detainees demonstrate unique and complex behavioural and criminogenic needs. Many have come from disadvantaged families where they have experienced trauma and been victims of criminal behaviour.
- ACTCS has partnered with Winnunga Nimmityjah Aboriginal Health Service in the provision of wellbeing programs for women.

Cleared by: Jon Peach

Date: 27 July 2018

## 19. Accommodation Pressures

- The AMC has an Operational Bed Capacity of 536.
- Operational capacity refers to the total number of beds available for daily use to accommodate detainees.
- It excludes beds used for special purposes such as health, crisis support and disciplinary segregation beds.
- Not all beds can be utilised at all times due to separation issues. Separation refers to a need to separate cohorts of detainees with different classifications and characteristics (e.g. minimum from maximum; detainees who need protection from other detainees).
- The Government is proactively managing the issues presented by a continuing upward trend in detainee numbers.
- This requires a whole of government response to ensure the ongoing safety of detainees and corrective services staff and to meet the future needs of a growing ACT community.
- The overall trend in the ACT has been mirrored in other jurisdictions in recent years, with Victoria and NSW also experiencing a spike in numbers.
- Detainee numbers have recently been around the 490 level, but reached a high of 507 on 19 June 2018.
- While the Government is pleased by the recent completion of the AMC expansion project, there has been a continued increase in detainee numbers, particularly of remanded female detainees.

Cleared by: Sch 2 s 2.2 (a)(ii)

Date: 27 July 2018

## 20. Extended Throughcare

- Transitioning back into the community and life after prison can be a daunting and critical time for detainees.
- While the Government is committed to addressing offending behaviours and chronic disadvantage when detainees are in prison, we also acknowledge that unless we tackle the obstacles and barriers people face when they are released, the likelihood of re-offending will remain high.
- Detainees exiting custody with the support of Extended Throughcare receive a range of support targeted to individual need.
- This includes pre-release planning by the Assisted Release into Community program and may include linking the client with an outreach provider to assist them reintegrate into the community.
- An evaluation of Extended Throughcare suggested that the return to custody for detainees has reduced, and those returning to custody are remaining in the community for longer periods on average.
- A further \$5.3 million was provided in the 2017-2018 ACT Budget for the Extended Throughcare Program.

Cleared by: Sch 2 s 2.2 (a)(ii)

Date: 27 July 2018

## 21. Programs and Education

- The ACT Government encourages and supports detainee participation in rehabilitative programs at the AMC to assist with their successful reintegration into the community.
- The 2018 Report on Government Services (ROGS) (reporting on 2016-2017) highlighted that the ACT has 70.6 per cent of eligible detainees in education; well above the national average of 32.9 per cent.

### Domestic Violence Programs

- In 2013, ACTCS introduced the specialised Domestic Abuse Program (DAP) into the AMC. This is a program for male offenders convicted of violence against a female partner or spouse. In 2015 this program was extended to offenders in the community.
- Within the AMC, ACTCS runs the Out of the Dark Program for female offenders who have been victims of domestic or family violence.

Cleared by: Sch 2 s 2.2 (a)(ii)

Date: 27 July 2018

## 22. Health Services

- ACTCS and ACT Health both play important roles in ensuring the health and wellbeing of detainees at the AMC.
- The Directors-General of JACS and ACT Health have signed an Arrangement for the Delivery of Health Services to Detainees.
- The Arrangement goes towards the implementation of Recommendation 4 of the Moss Review.
- The Arrangement aims to improve health care and service delivery at the AMC by improving communications, information sharing and working relationships.
- ACTCS and ACT Health are currently working together to develop joint policies and procedures in the area of detainee health care.

### If asked: Detainee with disabilities

- The Government is committed to ensuring detainees with disability at the AMC have access to support in line with that available in the community including access to the National Disability Insurance Scheme (NDIS).
- Upon admission into custody all detainees are interviewed and assessed to identify any immediate physical or mental health, safety, or security risks and needs. This includes detainees with an intellectual disability.

Cleared by: Jon Peach

Date: 27 July 2018

### 23. Auditor-General's Report on rehabilitation of male detainees at AMC

- The Government is committed to improving the delivery of programs and employment for detainees in custody, including the provision of a structured day.
- The ACT Government is also committed to supporting detainee rehabilitation as a priority, including the continued delivery of therapeutic and educational programs and utilisation of the new laundry and bakery facilities.
- ACTCS has finalised a Rehabilitation Strategy for the AMC to address issues identified in the Reports.
- ACTCS is also progressing work to develop the AMC Operating Model.
- This work will inform the development of a future operating model to better manage remand status, security classification, health needs, case management and rehabilitation, and accommodation-based program participation of detainees in line with population increase trends for the ACT.

Cleared by: Jon Peach

Date: 27 July 2018

**MINISTER FOR CORRECTIONS**  
**QUESTION TIME AND OVERSIGHT BRIEF INDEX**  
**31 July to 2 August and**  
**14-16 and 21-23 August 2018**

Question Time Briefs (updated for each Assembly Sitting)	
1.	Summary of Budget Initiatives
2.	Concerns raised by <a href="#">Sch 2 s 2.2 (a)(ii)</a>
3.	Disability Data and Comments by ACT HRC
4.	Safety and Human Rights of Detainees
5.	Inspector of Correctional Services – Current Review
6.	USB Privacy Issue
7.	Detainee Numbers
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Oversight Brief (updated weekly)	
	<p><b><i>Hot Issues</i></b></p> <ol style="list-style-type: none"> <li>1. HRC Complaint</li> <li>2. Employee Conflict of Interest</li> <li>3. AMC Email Policy</li> <li>4. Clothing at the AMC</li> <li>5. Fire incidents at AMC and ACTCS fire prevention measures</li> <li>6. Drug overdoses in the AMC</li> <li>7. Contraband</li> <li>8. AMC Visits Policy</li> <li>9. Coroner's Report on Steven Freeman</li> </ol> <p><b><i>Aboriginal and Torres Strait Islander Issues</i></b></p> <ol style="list-style-type: none"> <li>10. Recidivism</li> <li>11. Extended Throughcare</li> <li>12. Notification of assaults and incidents in custody</li> <li>13. Incarceration Rates</li> </ol> <p><b><i>Ongoing Issues</i></b></p> <ol style="list-style-type: none"> <li>14. Moss Implementation</li> <li>15. Serious Assaults</li> <li>16. Security Review</li> <li>17. Industries including Bakery Apprentices</li> <li>18. Women's Accommodation Pressures &amp; Female Detainee Numbers</li> <li>19. Accommodation Pressures</li> <li>20. Extended Throughcare</li> <li>21. Programs and Education</li> <li>22. Health Services</li> <li>23. Auditor-General's report on the rehabilitation of male detainees at the AMC</li> </ol>

\*2018\*000084-030

**Portfolio:** Corrections**ISSUE: 2018-19 Budget Summary – Minister for Corrections****Talking points:**

The 2018-19 Budget will invest **\$21.5 million** in the ACT Corrective Services.

This includes:

- **\$15.5 million** over four years to provide additional staff resources associated with an increase in average detainee numbers at the AMC and to replace the mobile duress system
- **\$6 million** over three years to continue the Intensive Corrections Order Scheme to strengthen rehabilitation opportunities for offenders

**Background Information**

The ACT's budget announcements include initiatives relating to:

- More support for families and inclusion – Better resourcing for the Alexander Maconochie Centre;
- More support for families and inclusion – Intensive Corrections Orders;
- Better support when it matters - Enhancing security at the Alexander Maconochie Centre; and
- Better support when it matters - Integrating the Winnunga Model of Care and enhancing health services in the Alexander Maconochie Centre.

The 2017-18 2<sup>nd</sup> Appropriation provided:

- **\$11.6 million** over five years to enhance security and safety within the Alexander Maconochie Centre
- **\$6.8 million** over five years (JACS component) to introduce the Winnunga Model of Care at the Alexander Maconochie Centre. ACT Health component of \$1.6 million over two years will be offset against the Health Funding Envelope

Cleared as complete and accurate: 23/07/2018  
Cleared by: Deputy Director-General Ext:50567  
Information Officer name: David Pryce  
Contact Officer name: Karen Schofield Ext: 54775  
Lead Directorate: Justice and Community Safety

## QUESTION TIME BRIEF

TRIM Ref: MIN:2018/000084-024

**Portfolio:** Corrections

**ISSUE:** CONCERNS RAISED BY ATSIEB MEMBER Sch 2 s 2.2 (a)(ii)

### Talking points:

- I can confirm that the Elected Body Justice representative has raised some concerns with my office about various matters involving ACT Corrective Services.
- On 19 April 2018, the Director-General, Justice and Community Safety Directorate, the Deputy Director-General, Community Safety, and the Executive Director, ACT Corrective Services met with Sch 2 s 2.2 (a)(ii) and discussed all concerns raised.
- This was a productive meeting and there have been no further concerns raised.
- The Government greatly values the input and advice from the Elected Body, which helps strengthen our strategies and responses to improve outcomes for Aboriginal and Torres Strait Islander people, especially in support of the Aboriginal Justice Partnership and our goal of reducing recidivism by 25 per cent by 2025.

### If asked about specific workplace matters involving employees

- Due to privacy reasons, I am unable to discuss individual matters involving employees.

### Rehabilitation Framework

- The Government is committed to improving the delivery of programs and employment for detainees in custody, including the provision of a structured day, for all detainees including Aboriginal and Torres Strait Islander detainees.
- The ACT Government is also committed to supporting detainee rehabilitation as a priority, including the continued delivery of therapeutic and educational programs, and utilisation of prison industries including the new laundry and bakery facilities.

Cleared as complete and accurate: 16/07/2018  
Cleared by: Executive Director  
Information Officer name: Jon Peach  
Contact Officer name: Sch 2 s 2.2 (a)(ii)  
Lead Directorate: Justice and Community Safety

Ext: 70879

## QUESTION TIME BRIEF

- ACT Corrective Services has developed a rehabilitation framework which aims to reflect the profile of the detainee population, outline the therapeutic programs provided, and guide the integration of rehabilitative activities and services through effective sentence planning and management.

### Funeral Escorts

- ACT Corrective Services staff escort detainees to funerals in accordance with the *Corrections Management (Escort) Policy and Operating Procedure*.
- Decisions to escort detainees to funerals, including interstate funerals, are made on a case-by-case basis, and involve necessary risk assessments.
- Decision regarding approval for funeral leave take into account factors such as kinship ties for Aboriginal and Torres Strait Islander detainees.

### Aboriginal Justice Partnership

- The Partnership takes a targeted approach to addressing the over-representation of Aboriginal and Torres Strait Islander people in the ACT criminal justice system and includes detailed actions, measures and areas of accountability.
- The three key objectives of the Partnership are to reduce over-representation by reducing recidivism and increasing access to diversionary programs, improve access to justice services and improve data collection and reporting.
- The Partnership consists of a total of 21 action areas with 38 key measures. In some instances these are jointly addressed by lead agencies bringing the total number of reportable action items to 79.

### **Key Information**

- On 9 April 2018, The Canberra Times published an article entitled 'Justice directorate staff are concerned about bullying and harassment'. The article pointed out some perceived problems with culture in the Justice and Community Safety Directorate, as evidenced by results of the recent staff survey. It is possible that [Sch 2 s 2.2 \(a\)\(ii\)](#) comments arise in that context (see Background Information).

### **Background Information**

- On 10 April 2018, [Sch 2 s 2.2 \(a\)\(ii\)](#) (an Elected Body member), contacted the Minister for Corrections (and others) in relation to actions allegedly taken by senior staff at the Alexander Maconochie Centre.

Cleared as complete and accurate: 16/07/2018  
Cleared by: Executive Director Ext: 70879  
Information Officer name: Jon Peach  
Contact Officer name: [Sch 2 s 2.2 \(a\)\(ii\)](#)  
Lead Directorate: Justice and Community Safety

## QUESTION TIME BRIEF

Sch 2 s 2.2 (a)(ii)




- Without detail it is difficult to respond to the first allegation above.

Sch 2 s 2.2 (a)(ii)



Cleared as complete and accurate: 16/07/2018  
Cleared by: Executive Director  
Information Officer name: Jon Peach  
Contact Officer name: Sch 2 s 2.2 (a)(ii)  
Lead Directorate: Justice and Community Safety

Ext: 70879



## QUESTION TIME BRIEF

TRIM Ref: MIN:2018/000084-27

**Portfolio:** Corrections

**ISSUE:           DISABILITY ASSESSMENT AND DATA COLLECTION**

**Talking points:**

- Currently, individuals are requested to self identify as having a disability as part of the induction process for detainees at the Alexander Maconochie Centre (AMC).
- This information is captured in the Induction form. As it relies on self-identification the data is likely to grossly underrepresent actual figures.
- If a detainee identifies as having a disability, this is taken into consideration during the development of their case management plan.
- The data related to the numbers of individuals who have identified as living with a disability is not captured in the current system in a format that allows for the data to be easily extracted.
- Once the new Corrective Services Information Management Solution (CSIMS) is deployed in 2019, detainee data will be collated into an online system, from which reports on detainee numbers and identifying factors, including disability status, may be generated. The information that will be captured in CSIMS will continue to rely on self-identification and it is likely that the data will continue to underrepresent actual figures.
- Additionally, as part of the induction health assessments of detainees conducted by Justice Health, screen for possible disability or impairment, which is then recorded in health records.
- Access to individualised services for detainees with an identified intellectual disability has increased since the introduction of the Corrections Psychological and Support Services (CPSS) unit.
- CPSS coordinates care for individuals identified as having significant complex presentations including living with a disability.
- Currently, as part of the induction process for detainees at the AMC individuals self identify as having a disability, which may refer to physical or intellectual disabilities, or development conditions such as Autism Spectrum Disorder (ASD).

Cleared as complete and accurate: 16/07/2018  
Cleared by: Executive Director  
Contact Officer Name: Sch 2 s 2.2 (a)(ii)  
Lead Directorate: Justice and Community Safety

Ext: 70847

## QUESTION TIME BRIEF

This information is captured on the Induction form. The data is not captured in a format that allows for it to be easily extracted. At this time, ACTCS is unable to provide the definitive number of current detainees who identify as having ASD.

- Once the new Corrective Services Information Management Solution is deployed in 2019, detainee data will be collated into an online system, from which reports on detainee numbers and identifying factors, including disability status, may be generated.

### If asked about comments from ACT President of the Human Rights Commission

- I am aware of comments provided to the Editor of the Canberra Times by Dr Helen Watchirs OAM.
- Dr Watchirs advises that the ACT Human Rights Commission “*strongly supports the call for improved assessment and data collection in relation to the prevalence of disability in the prison population in the ACT, as recommended by the Auditor-General in 2015*”.
- I acknowledge that this type of data is important to help identify issues of systemic discrimination and service gaps.
- I am committed to seeing improvements in this area and will continue to work with the Human Rights Commission and ACT Corrective Services to achieve this.

### Justice Disability Strategy

- As part of the 2018-19 Budget, the ACT Government has announced the investment of \$580,000 to develop a Disability Justice Strategy to respond to the disadvantage people with disability face when dealing with the justice system.
- The Disability Justice Strategy aims to reform the civil and criminal justice system to ensure people with disabilities are treated equally before the law, and can participate on an equal basis in civic life through participation in the justice system.
- The Community Services Directorate is leading the implementation of the Strategy in collaboration with JACS.

## QUESTION TIME BRIEF

### Key Information

- ACT Corrective Services (ACTCS) does not currently capture data on disability as part of mandatory questioning. Data relies on detainees self identifying, prior to undergoing further assessment by Justice Health.
- The current form only allows for a detainee to identify as having a 'disability'. It does not specify the different types of disability.
- CSIMS is expected to be operational in 2019. ACTCS is investigating the potential inclusion of optional fields to specify the type of disability, including physical or intellectual.
- Only information critical to the operation of the prison is likely to be back-captured. However, ACTCS is still considering the notion of a broader, more comprehensive data migration.

### Background Information

#### Data

- In 2015, the ACT Auditor-General's Report on 'The Rehabilitation of Male Detainees at the Alexander Maconochie Centre' recommended that ACTCS capture data on detainees with physical disabilities and intellectual disabilities, in order to improve services for these cohorts and to evaluate the effectiveness of activities and services.
- In November 2015 ACTCS added this data item to the tender specification of the CSIMS.

#### Hayes Ability Screening Index

- In an email to the Editor of The Canberra Times of 5 June 2018, Dr Helen Watchirs OAM, ACT President and Human Rights Commissioner, recommended that ACTCS screen new and current detainees using the Hayes Ability Screening Index (HASI).
- The HASI was piloted in the AMC in 2014 and administered to all detainees as part of induction. Due to the large numbers of detainees affected by drugs on admission, administering the HASI on admission was found to be unreliable. Key red flag questions are now included in the Induction form and if a disability is identified appropriate referrals are made.
- The HASI is able to be administered by CPSS staff on referral from Justice Health or AMC staff. The HASI is administered to detainees who are suspected of having poor or low level cognitive and intellectual functioning, to determine whether referral to Justice Health Services for comprehensive assessment is required.

Cleared as complete and accurate: 16/07/2018  
Cleared by: Executive Director  
Contact Officer Name: Sch 2 s 2.2 (a)(ii)  
Lead Directorate: Justice and Community  
Safety

Ext: 70847



TRIM Ref: 2018/000084-028

**Portfolio:** Corrections**ISSUE: SAFETY AND HUMAN RIGHTS OF DETAINEES****Talking points:**Safety of detainees

- Safety of all detainees is a priority for ACT Corrective Services (ACTCS).
- Safety and security within the centre continues to be enhanced with the implementation of a new management structure and operating model at the Alexander Maconochie Centre (AMC).
- A centralised intelligence unit is currently being established across both Community and Custodial Corrections, to work with staff, detainees and ACT Policing to intercept acts prior to their perpetration.
- This unit will also participate in emerging national security issues such as Outlaw Motor Cycle Gangs and countering violent extremism. Increased staffing to assist this unit will implement intelligence driven security activities.
- ACTCS continues to work closely with ACT Policing in support of drug and contraband interdiction measures including providing assistance with investigations, and with the ongoing exchange of information.
- Recommendation one of the Moss Review called for improved CCTV quality and coverage at the AMC. The AMC uses 525 CCTV cameras to monitor the movement and behaviour of detainees to ensure safety, security and good order at the AMC. The quality of the images that are captured by the CCTV System has also been improved.
- The Memorandum of Understanding (MOU) between ACTCS and ACT Policing was reviewed and updated to reflect the issues raised by recommendations two and three of the Moss Report. The amended MOU was agreed by both agencies and signed on 28 April 2017. It sets out the arrangement between ACT Policing and ACTCS, including information-sharing, cooperative management arrangements relating to serious incidents and operations, and the nature of incidents to be reported to and responded by ACT Policing.

Cleared as complete and accurate: 16/07/2018

Cleared by: Executive Director

Ext:70879

Information Officer name: Jon Peach

Contact Officer name: Sch 2 s 2.2 (a)(ii)

Lead Directorate: Justice and Community  
Safety

## QUESTION TIME BRIEF

- The amended MOU includes arrangements for reporting serious assaults to Deputy Chief Police Officer level within ACT Policing to ensure investigations are appropriately prioritised and have appropriate oversight.

### Human Rights Standards

- On 26 March 2018, the ACT Government released the Human Rights Standards (the Standards) for ACTCS for community consultation.
- ACTCS already abides by the *Human Rights Act 2004*, other standards set in Commonwealth law and a number of international principles relating to human rights.
- These Standards detail the expectations that we as a community, and the ACT Government, have of adult correctional facilities.
- The Standards outline how detainees will be supported from their initial contact with ACTCS through to their release in the community. This support is provided across key areas including:
  - safety
  - respect and dignity
  - purposeful activity
  - rehabilitation and release planning.
- ACTCS will continue to consider human rights when developing policies, delivering services and making decisions.

### ACT Inspector of Correctional Services

- In May 2018, the ACT Government announced the appointment of Mr Neil McAllister to the role of the Inspector of Correctional services (the Inspector).
- The Inspector works collaboratively with ACTCS and oversight agencies such as the ACT Human Rights Commission, ACT Ombudsman, Public Advocate and the Official Visitors, to identify issues in adult corrections, and propose solutions to promote continuous improvement.
- The Inspector recently initiated a formal review into the management and care of remand detainees at the AMC. The review is not yet finalised.

Cleared as complete and accurate:	16/07/2018	
Cleared by:	Executive Director	Ext:70879
Information Officer name:	Jon Peach	
Contact Officer name:	Sch 2 s 2.2 (a)(ii)	
Lead Directorate:	Justice and Community Safety	

### Rehabilitation Framework

- ACTCS is undertaking extensive work to refresh and review existing policies and introduce pro-social methods of detainee management.
- ACTCS has finalised a rehabilitation framework which reflects the profile of the detainee population, outlines the therapeutic programs provided at the AMC, and guides the integration of rehabilitative activities and services through effective sentence planning and management.
- This over-arching framework will improve sentence management and the outcome of service delivery of offender rehabilitation programs.
- Recognising that security and safety are paramount, the Rehabilitation Framework will inform the operational philosophy for ACTCS.

### Structured Day

- ACTCS has implemented a structured day in the new female accommodation unit. This will progress to a pro-social model of detainee management including the introduction of an incentive and earned privilege scheme within the AMC.
- These changes will be embedded across all detainee cohorts over time.
- The structured day includes initiatives that provide opportunities for detainees to participate in employment, programs, education and other pro-social activities.
- A structured day also enables detainees to develop personal responsibility, apply values that reinforce law-abiding behaviour, and contribute positively towards society after release.
- Where possible, detainee employment will be linked to accredited training to provide opportunities for detainees to develop skills that improve employment prospects upon release.

### Employment

- ACTCS has made significant progress in developing industry employment opportunities for detainees at the AMC.
- Prison industries are a recognised rehabilitation tool utilised by many correctional facilities.

Cleared as complete and accurate:	16/07/2018	
Cleared by:	Executive Director	Ext:70879
Information Officer name:	Jon Peach	
Contact Officer name:	Sch 2 s 2.2 (a)(ii)	
Lead Directorate:	Justice and Community Safety	

## QUESTION TIME BRIEF

- Prison industries not only give detainees the opportunity to work and gain skills and qualifications, it introduces a meaningful daily routine, provides teamwork opportunities, helps to address offending behaviour and promotes pro-social interactions.
- Prison industries can equip detainees with the skills needed to reintegrate back into the community and to help individual's lead meaningful and successful lives. On a broader level it also helps reduce rates of recidivism and increases community safety.
- The construction of enhanced industries, namely, a new bakery, expanded laundry and the multi-purpose activities centre at the AMC, was completed last year.
- The expansion of prison industries includes the recruitment of a second baker, the expansion of the recycling area and an extension of industrial cleaning and grounds maintenance crew capabilities.
- Additionally, the Extended Throughcare Program (Throughcare) works in conjunction with case management in the AMC to support individuals into training or employment options post release.
- Throughcare has relationships with several training providers, and job network providers within the ACT, and continues to explore the Canberra work landscape to source and create new partnerships designed to support higher numbers of people into employment.

### Housing

- Throughcare are actively engaged in the ACT Housing Strategy workshops.
- Throughcare supports individuals who have recently exited the AMC to explore their housing options, through referrals to available services, and liaising with those services.

### **Key Information**

- ACTCS does not provide housing and employment supports for people exiting the AMC, other than the services provided by the Throughcare program.

Cleared as complete and accurate:	16/07/2018	
Cleared by:	Executive Director	Ext:70879
Information Officer name:	Jon Peach	
Contact Officer name:	Sch 2 s 2.2 (a)(ii)	
Lead Directorate:	Justice and Community Safety	

## Background Information

### ACT Inspector of Correctional Services

- The Inspector of Correctional Services is a statutory office holder role, with independence guaranteed by legislation.
- The Inspector was established in response to recommendation 8 of the Moss Review.

### Rehabilitation Framework

- The development of a rehabilitation framework addresses a number of recommendations made in external and internal reviews.
- As part of the Audit Office 2013-14 program, the Auditor-General undertook a performance audit of the AMC, with the final report tabled in the Assembly in 2015.
- Recommendation 1 of the audit recommended that ACTCS develop a rehabilitation framework for the AMC. You were briefed on the proposed framework in Min:2018/516.

### Structured Day

- Implementation of a Structured Day has been recommended in a number of external reviews:
  - Human Rights Audit on the Conditions of Women at the Alexander Maconochie Centre (Recommendation 23)
  - Auditor-General's review of the Rehabilitation of Male Detainees at the Alexander Maconochie Centre (specifically Recommendation 1 and 10).
  - Conclusions of the Moss Review observed that the lack of a structured day at the AMC leads to boredom.

Cleared as complete and accurate:	16/07/2018	
Cleared by:	Executive Director	Ext:70879
Information Officer name:	Jon Peach	
Contact Officer name:	Sch 2 s 2.2 (a)(ii)	
Lead Directorate:	Justice and Community Safety	

## QUESTION TIME BRIEF

TRIM Ref: 2018/000084-029

**Portfolio:** Corrections

### **ISSUE: INSPECTOR OF CORRECTIONAL SERVICES – CURRENT REVIEW**

#### **Talking points:**

- In May 2018, the ACT Government announced the appointment of Mr Neil McAllister to the role of the Inspector of Correctional services (the Inspector).
- The Inspector works collaboratively with ACTCS and oversight agencies to identify issues in adult corrections, and propose solutions to promote continuous improvement.
- The Inspector recently initiated a formal review into the management and care of remand detainees at the Alexander Maconochie Centre (AMC).
- The review team, led by the Inspector, attended the AMC from 12 to 14 June 2018 to meet with remandees in accommodation areas.
- While the review is not yet finalised, the Inspector made a point to commend the professionalism, assistance and friendliness of the staff and detainees at the AMC during the review.
- In recent years, ACTCS has undergone considerable organisational change, with further work identified through the ACTCS Strategic Plan 2017-19 'Resetting the foundations'.
- It was reassuring to hear from an independent body, such as the Inspector, that there is a positive culture operating at the AMC.

#### **Key Information**

- The review examined how ACTCS manages remandees with regard to the unique needs of individuals who may not have been imprisoned before, and who may be facing protracted legal proceedings.
- The review also examined the non-separation of remand and sentenced detainees, however will not make recommendations about the building of a separate remand prison in the ACT.
- There is a legislative requirement for the Inspector to give a report on each any review conducted to the ACT Legislative Assembly within 6 months of completing the review.

Cleared as complete and accurate:	16/07/2018	
Cleared by:	Executive Director	Ext: 70789
Information Officer name:	Jon Peach	
Contact Officer name:	Sch 2 s 2.2 (a)(ii)	
Lead Directorate:	Justice and Community Safety	

## Background Information

- The Inspector of Correctional Services is a statutory office holder role, with independence guaranteed by legislation. The Inspector is required by legislation to examine and review each place declared to be a correctional centre under the *Corrections Management Act 2007* at least once every two years, and provide the findings of these reviews to the Legislative Assembly.
- The Inspector was established in response to recommendation 8 of the Moss Review
- The Inspector is authorised to:
  - enter a correctional centre at any time on his own initiative
  - inspect:
    - any document, including a health record relating to a detainee
    - any other record required to be kept by the correctional centre
    - any part of the correctional centre
    - any vehicle or equipment used at a correctional centre or in the provision of correctional services
    - speak to, or privately interview
      - a person other than a detainee at the correctional centre
      - a person involved in the provision of correctional services
      - a consenting detainee.
  - take any equipment reasonably required to effectively conduct an inspection.

Cleared as complete and accurate: 16/07/2018  
Cleared by: Executive Director  
Information Officer name: Jon Peach  
Contact Officer name: Sch 2 s 2.2 (a)(ii)  
Lead Directorate: Justice and Community Safety

Ext: 70789



## QUESTION TIME BRIEF

TRIM Ref: 2018/000084-025

**Portfolio:** Corrections

### ISSUE: BREACH OF PRIVACY/CONTRABAND FIND – USB DEVICE

#### Talking points:

- In March 2018, an individual's privacy was inadvertently breached by ACT Corrective Services (ACTCS).
- I was disappointed to hear about this incident; however, I have spoken with the Executive Director of ACTCS and am confident that the matter is being handled appropriately.
- ACTCS has acted in accordance with the Office of the Australian Information Commissioner's (OAIC) *Data breach notification guide: A guide to handling personal information security breaches*.
- I understand the affected individual, as well as the ACT Human Rights Commissioner and the OAIC, were notified of the incident.
- In April 2018 ACTCS conducted an Internal Management Review into the incident to consider how this situation occurred and how ACTCS could prevent any further incidents. This review was completed on 30 April 2018.
- In response to recommendations arising from the review, ACTCS has applied additional measures to ensure that personal detainee information is protected from unauthorised access, use, modification or disclosure. USB devices required for staff use at the Alexander Maconochie Centre (AMC) are now encrypted and recorded on a register and an internal server for file sharing between the Court Transport Unit (CTU) and the AMC has been implemented.
- On 10 July 2018 the OAIC informed ACTCS that, at this time, it did not intend to take any action in response to the data breach.

#### Key Information

- ACTCS briefed the Minister about this matter in April 2018 as part of a broader brief relating to contraband finds at the Alexander Maconochie Centre (see MIN:2018/001728).


Cleared as complete and accurate:	16/07/2018	
Cleared by:	Executive Director	Ext: 70879
Information Officer name:	Jon Peach	
Contact Officer name:	Sch 2 s 2.2 (a)(ii)	
Lead Directorate:	Justice and Community Safety	



## Background Information

Sch 2 s 2.2 (a)(ii)



Cleared as complete and accurate:	16/07/2018	
Cleared by:	Executive Director	Ext: 70879
Information Officer name:	Jon Peach	
Contact Officer name:	Sch 2 s 2.2 (a)(ii)	
Lead Directorate:	Justice and Community Safety	

TRIM Ref: 2018/000084-031

**Portfolio:** Corrections**ISSUE:        DETAINEE NUMBERS****Talking points:**

- On 19 June 2018, detainee numbers in the ACT reached a new high of 507.
- The increasing detainee population has placed pressures on accommodation for detainees at the AMC.
- To ameliorate the situation, ACT Corrective Services (ACTCS) expanded accommodation for male detainees in the Alexander Maconochie Centre (AMC) in 2016 and relocated female detainees to the Special Care Centre in late 2017.
- While this has increased the number of available beds within the AMC, the Government recognises that detainee numbers will continue to increase alongside the growth in the ACT's population.
- The Government is proactively managing the issues presented by increased detainee numbers through the Justice Reform Strategy and the Justice Reinvestment Strategy.

**Female detainee numbers:**

- Between 2014 and 2018, the ACT experienced a marked increase in female detainee numbers. Increases in the number of female detainees is not limited to the ACT; it is a national issue with all jurisdictions experiencing these increases.
- The ACT female imprisonment rate has increased from 14 per 100,000 of the female adult population on 30 June 2015 to 26 per 100,000 of the female adult population on 30 June 2017.
- The average daily number of detained females in:
  - 2017-2018 financial year was 38
  - 2016-2017 financial year was 32
  - 2015-2016 financial year was 23
  - 2014-2015 financial year was 19

Cleared as complete and accurate: 17/07/2018  
Cleared by: Executive Director  
Information Officer name: Jon Peach  
Contact Officer name: Sch 2 s 2.2 (a)(ii)  
Lead Directorate: Justice and Community Safety

Ext: 70879

## QUESTION TIME BRIEF

- The ACT recorded a high of 45 female detainees on 5 June 2017.

### Indigenous detainee numbers:

- The ACT has experienced a steady increase in Indigenous detainees from 2014 onwards.
  - On 30 June 2018, Indigenous detainees comprised 22 per cent of the AMC prisoner population
  - On 30 June 2014, Indigenous detainees comprised 16 per cent of the AMC prisoner population
- Likewise, the age standardised imprisonment rate for Indigenous detainees in the ACT has increased:
  - 30 June 2017 - 1,703 per 100,000 of the Indigenous adult population
  - 30 June 2014 - 1,219 per 100,000 of the Indigenous adult population
- Average daily number of Indigenous detainees in
  - 2017-2018 financial year - 103
  - 2016-2017 financial year - 92
  - 2015-2016 financial year - 92
  - 2014-2015 financial year - 68
- On 13 March 2018, Indigenous detainee numbers in the ACT reached a new high of 115.

### **Background Information**

- Since 2012 the ACT has experienced a continued upward trend in detainee numbers. The overall trend in the ACT has been mirrored at a national level. Since 30 June 2016, the adult prisoner population has increased across all States and Territories except for the Northern Territory, which recorded a small decrease.
- During 2013, the actual number of ACT detainees jumped significantly, from less than 240 in January 2013 to in excess of 340 in October 2013. The average daily number of detainees in:
  - 2014 to 2015 financial year was 342, with a high of 411 in November 2015
  - 2015 to 2016 financial year was 402, with a high of 446 in November 2016
  - 2016 to 2017 financial year was 445, with a high of 473 on 20 May 2017
  - 2017 to 2018 financial year was 474.

Cleared as complete and accurate: 17/07/2018  
Cleared by: Executive Director Ext: 70879  
Information Officer name: Jon Peach  
Contact Officer name: Sch 2 s 2.2 (a)(ii)  
Lead Directorate: Justice and Community Safety

## QUESTION TIME BRIEF

- On 28 November 2017 all female detainees were moved to a single accommodation unit within the existing AMC campus. The move increased the operational bed capacity for female detainees from 29 to 57.
- An additional 25 temporary bunk beds have been installed at the AMC, increasing the number of available beds for males in secure accommodation to 464.
- ACTCS is also utilising the Transitional Release Centre (TRC) to accommodate appropriately risk-assessed detainees. Previously, and for a sustained period, the number of detainees accommodated in the TRC was between four and six. On 13 July 2018, the number of detainees accommodated in the TRC was 12.
- Assuming that ACTCS is able to place appropriately risk-assessed detainees in the TRC, and by using all available accommodation other than 'special purpose beds', the AMC will have 464 male secure beds, 15 male unsecure beds and 57 female beds, a total of 536.
- Work continues within the AMC to identify further options to install double bunking arrangements appropriately.

Cleared as complete and accurate: 17/07/2018  
Cleared by: Executive Director  
Information Officer name: Jon Peach  
Contact Officer name: Sch 2 s 2.2 (a)(ii)  
Lead Directorate: Justice and Community  
Safety

Ext: 70879

TRIM Ref: 2018/000084-032

**Portfolio:** Corrections**ISSUE:       FOI – JON STANHOPE: Alexander Maconochie Centre (AMC)  
Needle Syringe Program (NSP)**

Jon Stanhope, former Chief Minister, submitted a Freedom of Information application on 3 May 2018 to request a copy of all documents of whatever description related to the granting of a so called veto to prison officers over the decision to introduce a needle program in the AMC.

**Talking points:**

- The Justice and Community Safety Directorate (JACS) processed the application to identify relevant documents including the Department of Justice and Community Safety Union Collective Agreement 2007-2010, the first agreement that referred to a needle exchange and subsequent relevant Agreements.
- The Agreements included that no needle exchange program, however presented, shall be implemented without prior consultation and agreement on how such a program can be implemented. Agreement was required initially between parties to the Agreement and this was amended in later agreements to between the Department/Directorate and the union(s) covered by the Agreement.
- This clause was negotiated in 2007 between the then Chief Minister and Community Public Sector Union (CPSU) prior to the opening of the AMC, and drafted between the Chief Minister's office and his department.
- The inclusion of this clause was considered to be non-negotiable.
- On 1 April 2015, I signed the Deed of Agreement with the CPSU, that included the establishment of a joint working group, a staff ballot process to determine the level of support for any proposed model, and the commitment not to implement any model without a majority of support from staff eligible to participate in the ballot.

Cleared as complete and accurate:	23/07/2018	
Cleared by:	Executive Director	Ext:50567
Information Officer name:	Danielle Krajina	
Contact Officer name:	Kaye Yen	Ext: 70566
Lead Directorate:	Justice and Community Safety	

## QUESTION TIME BRIEF

- My aim remains to establish a safe needle syringe program within the AMC. However, I note that the working group was provided clear advice that needle and syringe programs can only succeed when they have the full support of staff.
- The current Enterprise Agreement nominally expired on 30 June 2017, with negotiations for the new agreement underway and does not include a reference to a NSP.
- The Deed of Agreement will remain in force until a new enterprise agreement commences.

### Background Information

- A Canberra Times article (dated 20 April 2018) stated that when the AMC opened, then Chief Minister, Jon Stanhope, provided veto power to the Community Public Sector Union (CPSU) in the enterprise agreement. The article further quoted a spokeswoman for Minister Rattenbury stating that 'arrangements put in place in 2008, continue to stymie the process (of introducing a NSP).'
- The released documents showed that past government representatives have endeavoured not to create a fixed position of veto in relation to the NSP for AMC employees/Union for future negotiations. It should however be noted that Clause 262 of Department of Justice and Community Safety Union Collective Agreement 2007-2010, stated that no needle exchange program would be implemented without **prior consultation and agreement** by the parties to the Agreement on how such a program can be implemented.
- The Deed of Agreement (the Deed) signed by you in April 2015, resulted in a joint Working Group being established between the ACT Government and the CPSU, with the intention of creating an NSP model.

Cleared as complete and accurate:	23/07/2018	
Cleared by:	Executive Director	Ext:50567
Information Officer name:	Danielle Krajina	
Contact Officer name:	Kaye Yen	Ext: 70566
Lead Directorate:	Justice and Community Safety	

# QUESTION TIME BRIEF

TRIM Ref: 2018/000084-001

**Portfolio:** Corrections**ISSUE: MOSS REVIEW****Talking points:**

- On 2 June 2016, I announced that the Government would conduct an independent inquiry into the circumstances surrounding Steven Freeman's care and treatment while in custody.
- The Review, undertaken by Mr Philip Moss AM, concluded on 7 November 2016. In the interests of transparency and full disclosure, I released the report publicly on 10 November 2016.
- On 15 February 2018, I provided an update to the Assembly on the implementation and key milestones of the Moss Review recommendations.
- On 20 June 2018, the Moss Implementation Steering Committee closed the project.
- Seven of the nine recommendations of the Moss Review have been found satisfied by the Steering Committee.
- Recommendation 5 relates to the introduction of Winnunga into the AMC. Since 2 July 2018 staff from Winnunga have been present at the AMC developing protocols for service delivery.
- Recommendations 6 has not been achieved as it requires a commitment from Government to build another facility. No such decision has yet been made.
- I intend to table a report to the ACT Legislative Assembly on the closure of the Moss Review Recommendations.

**Key Information**

- Implementation of recommendations of the Moss Review is led by an Inter-Directorate Project team and overseen by a high-level Steering Committee. The Steering Committee is led by an independent Chair, Mr Russell Taylor AM, and has representatives from the Elected Body, Winnunga and the Aboriginal Legal Service.
- The implementation of the Moss Review recommendations has resulted in significant reform especially in ACT Corrective Services, other Government Directorates, and Statutory Office Holders, around the provision of health and custodial services at the AMC, to improve the health, safety and wellbeing of detainees.

Cleared as complete and accurate: 16/07/2018

Cleared by: Executive Director

Ext: 70847

Information Officer name: Jon Peach

Contact Officer name: Sch 2 s 2.2 (a)(ii)

Lead Directorate: Justice and Community  
Safety

## QUESTION TIME BRIEF

- Mr Moss made nine recommendations for the improvement of services to all detainees at the AMC. It made eight specific recommendations and one overarching recommendation that seeks to address a number of other conclusions and suggestions relating to the justice system more broadly.

### RECOMMENDATION STATUS REPORT

Rec	STATUS	Comment
1	Complete	On 22 November 2017 the Steering Committee decided that this recommendation has been satisfied.
2	Complete	On 12 December 2017 the Steering Committee decided that this recommendation has been satisfied.
3	Complete	On 12 December 2017 the Steering Committee decided that this recommendation has been satisfied.
4	Complete	On 25 January 2018 the Steering Committee decided that this recommendation has been satisfied.
5	Ongoing	ACT Health and ACTCS have worked collaboratively with Winnunga to develop and agree to a best practice model of Aboriginal and Torres Strait Islander health service delivery at the AMC. The Winnunga service is anticipated to commence in the AMC on 1 July 2018.
6	Not Achieved	While agreed in principle, this recommendation requires a commitment to build another facility by Government to allow for the separation of remand and sentenced detainees.
7	Complete	On 14 March 2018 the Steering Committee decided that this recommendation has been satisfied.
8	Complete	On 14 March 2018 the Steering Committee decided that this recommendation has been satisfied.
9	Complete	On 20 June 2018 the Steering Committee found that this recommendation has been satisfied. The Steering Committee has handed ongoing monitoring of the Moss Review conclusions to other oversight agencies.

### Background Information

- On 27 May 2016, 25 year old Aboriginal man, Steven Freeman, died whilst in custody at the Alexander Maconochie Centre (AMC). Steven Freeman had been held in custody from 28 April 2015.
- Steven Freeman was the subject of a serious assault in the AMC shortly after he arrived at the AMC.
- On 2 June 2016, I announced an independent inquiry into the management of the custody and care of Steven Freeman at the AMC. I appointed Philip Moss AM as the independent reviewer.
- The inquiry examined Steven Freeman's treatment during his period of incarceration, including whether ACTCS systems operated effectively and in compliance with human rights obligations.

Cleared as complete and accurate: 16/07/2018

Cleared by: Executive Director

Ext: 70847

Information Officer name: Jon Peach

Contact Officer name: Sch 2 s 2.2 (a)(ii)

Lead Directorate: Justice and Community Safety



## QUESTION TIME BRIEF

- Mr Moss titled the review *'So Much Sadness in our Lives, Independent Inquiry into the Treatment in Custody of Steven Freeman'*.
- As with all deaths in custody, Steven Freeman's death is the subject of a coronial inquest. The coronial hearings commenced on 27 February 2017 and the findings were handed down on 11 April 2018.
- Coroner Cook found that the quality of care, treatment and supervision afforded Mr Freeman by ACT Corrective Services and ACT Health was not found to contribute to his death.
- A formal government response to the coroners findings will be tabled in the ACT Legislative Assembly in August.

Cleared as complete and accurate: 16/07/2018  
Cleared by: Executive Director  
Information Officer name: Jon Peach  
Contact Officer name: Sch 2 s 2.2 (a)(ii)  
Lead Directorate: Justice and Community Safety

Ext: 70847



# QUESTION TIME BRIEF

TRIM Ref: 2018/000084-034

**Portfolio:** Corrections

**ISSUE:** **AMC K9 Unit capability**

## Talking points:

- The ACT Corrective Services (ACTCS) K9 Unit conducts searches throughout the Alexander Maconochie Centre (AMC), including the visits area, accommodation blocks, mail and vehicles.
- Due to unexpected staff resignations, from 9 August 2018, ACTCS K9 Unit has been temporarily inoperative.
- ACTCS is in the process of recruiting new K9 handlers and arranging for appropriate K9 training.
- It is anticipated that the K9 Unit will resume operations in mid December 2018.
- The K9 unit is just one of many measures that ACTCS uses to assist with searches and prevent the entry of contraband into the AMC.
- The ACT Government has invested funding of \$8.8 million over the next three and a half years for security-related matters at the AMC.
- As an interim measure, AMC security will focus on barrier controls, including conducting random trace sampling in the visits area.
- This is a non-invasive search measure similar to the trace detection screening that occurs at Canberra Airport.

## Key Information

- ACTCS previously had two operational dog units consisting of Rusty, a Border Collie, and Uno, a Labrador, and their handlers.
- Both handlers unexpectedly resigned from their positions with ACTCS, and both dogs were retired with their handlers.
- The length of time that ACTCS is without Passive Alert Detector (PAD) dog capability is dependent on how soon ACTCS can recruit a dog handler and secure placement for approved K9 training.
- The correctional agency facilitating the K9 course will source PAD dogs for the handlers, as part of the course cost. Corrective Services NSW has available PAD dogs and places on the 17 September 2018 and early 2019 courses.

Cleared as complete and accurate: 10/08/2018  
Cleared by: Executive Director Ext: 70879  
Information Officer name: Jon Peach  
Contact Officer name: Sch 2 s 2.2 (a)(ii) [REDACTED]  
Lead Directorate: Justice and Community Safety

## Background Information

- ACTCS uses PAD dog searches to reduce the introduction or possession of drugs or contraband through searching visitors, employees, detainees, and vehicles entering or accommodated in the AMC.
- An Expression of Interest for a dog handler positions was circulated to corrections officers on 13 August 2018. Once the recruitment process is completed the successful applicant will be required to attend a 13 week PAD dog course.
- ACTCS does not have the operational capacity to facilitate a PAD dog course. Corrective Services NSW has a K9 course scheduled to begin 17 September 2018, with available PAD dogs, and will be in a position to include one ACTCS trainee dog handler. They have indicated that a course in early 2019 will have the capacity to include the other ACTCS trainee dog handler. Placement approval is subject to individual applications.

Cleared as complete and accurate: 10/08/2018  
Cleared by: Executive Director  
Information Officer name: Jon Peach  
Contact Officer name: Sch 2 s 2.2 (a)(ii)  
Lead Directorate: Justice and Community Safety

Ext: 70879



## 1. HRC complaint

- It is important to acknowledge the professional and diligent work of staff at the AMC, both custodial and non-custodial, who work in a challenging environment.
- On 29 May 2018 an image was drawn in the staff briefing room at the AMC depicting a 'hangman' game.
- The name of a detainee that identifies as Aboriginal and Torres Strait Islander was suggested below the image.
- I am deeply disappointed and concerned about this incident, as it undermines the challenging work of ACTCS staff and the positive work they do on a daily basis. It also goes against ACT Public Service values.
- The individual staff members responsible for the incident have not been identified.
- On 30 May 2018, the General Manager AMC, sent an email to the Area Manager and senior staff expressing his disappointment with the staff involved and noted the seriousness of the incident.
- On 5 July 2018, ACT Corrective Services received a complaint from the Human Rights Commission about the drawing. ACTCS responded to this complaint on 25 July 2018.
- On 6 July 2018, ACTCS referred the matter to the Justice and Community Safety, People and Workplace Strategy Unit, for further investigation.
- I have asked the directorate to keep me informed about this matter.

Cleared by: Jon Peach

Date: 27 July 2018

## 2. Employee Conflict of Interest

- Sch 2 s 2.2 (a)(ii) has not been a client of ACT Corrective Services (ACTCS), nor is the employee in the photograph an intelligence officer.
- Where allegations of potential criminal conduct are identified, these matters are referred to ACT Policing for investigation.
- Personal relationships are not generally a matter for the directorate other than where a conflict of interest (perceived or actual) is identified.
- Conflicts of interest are managed within the existing employment framework and policies, including the *Public Sector Management Act 1994* and the Directorate's Conflict of Interest – Close Personal Relationships policy.
- Employees are required to take all reasonable steps to avoid a conflict of interest; and declare or manage a conflict of interest that cannot reasonably be avoided.
- Conflicts of interest (perceived or actual) are continually assessed including consideration of the roles and duties of employees and appropriate action taken to manage the conflict.
- ACTCS assists employees to manage conflicts of interest, in accordance with the *Public Sector Management Act 1994*.
- In managing conflicts of interest, ACTCS takes into account the roles and duties of employees.
- No other documents will be released.

Cleared by: Jon Peach

Date: 27 July 2018

### 3. AMC Email Policy

- Detainee access to email is managed in accordance with the Corrections Management (Email, Internet and Legal Education and Resource Network [LEARN] for Prisoners) Policy 2010.
- Detainees request email contact with individuals and all applications are positively vetted in accordance with the above-mentioned policy. Individuals in the community are not able to make requests to email detainees. ACT Corrective Services (ACTCS) has identified that this would significantly increase the risk of victim contact as individuals may create an alias.
- Processing of applications is dependent on a number of factors, including the ability of ACTCS to contact the proposed recipient, staffing levels, and the number of applications that may require processing at any one time. Subject to these factors, ACTCS aims to have requests processed within 24 hours.

Cleared by: Jon Peach

Date: 27 July 2018

#### 4. Clothing at AMC

- Dress codes are imposed to reduce the opportunity for the introduction of contraband during visits, minimise the opportunity for the display of gang identification, and to ensure the safety of detainees, staff and visitors.
- Failure to comply with the dress code may lead to the visitor being denied entry and the visit being cancelled.
- Detainees are able to apply to have visitors to the AMC bring property.
- This will only be approved where the detainee is not already in possession of property in excess of the amounts specified in the policy.

Cleared by: Jon Peach

Date: 27 July 2018

## 5. Fire Incidents at AMC and ACTCS Fire Prevention Measures

- ACT Corrective Services has adopted a risk based approach to the provision and use of lighters within the AMC.
- The risk of banning lighters is evidenced to be greater than the risk of allowing detainees to have access to these item. Banning lighters has proven to lead to detainees using riskier methods, such as using live electrical wires or the heating elements in kettles, to light cigarettes.
- Detainees are allowed to have the lighters on their person at all times in the AMC.
- Detainees are not able to purchase matches.

### ACTCS fire prevention measures

- ACTCS is developing a broader strategic approach to emergency management, including fire management and prevention.
- From 9 July 2018, an ACT Fire & Rescue (ACTF&R) Commander has been seconded to the AMC for a three month period, to assist in improving the inter-operability between the AMC and ACTF&R.
- The primary objectives of the secondment are to ensure the AMC and ACTF&R operational procedures are consistent for fire related incidents, reduce the number of avoidable false alarms and to test newly developed fire response procedures.

Cleared by Sch 2 s 2.2 (a)(ii)

Date: 27 July 2018



## 6. Drug Overdoses in the AMC

- Over the Christmas holiday period, corrections officers and medical staff responded to a number of medical incidents at the Alexander Maconochie Centre. Two of these incidents required hospital admittance as the result of suspected misuse of substances.
- In response to each of these incidents, ACT Corrective Services' policies and procedures relating to medical incidents were followed appropriately.
- Notwithstanding the efforts of ACT Corrective Services and partner agencies, it remains the unfortunate case that contraband, including illicit substances, still enters the AMC; however, this is not unique to the ACT.
- Intercepting prohibited or contraband items such as illicit drugs, drug paraphernalia and technology (such as USBs and mobile phones) is one of the most challenging functions undertaken by corrections agencies.
- ACT Corrective Services, like other jurisdictions, employs varied security measures designed to prevent entry of prohibited items into the AMC including:
  - physical searches by both corrections officers and Passive Alert Detector dogs, which are trained to detect illicit substances
  - metal detectors and x-ray scanners
  - the on-going exchange of information and intelligence with ACT Policing.
- A contraband strategy is currently being finalised to enhance current measures for the prevention of contraband introductions, but proactive activities have commenced and are proving to be highly successful.
- JACS, in partnership with the ACT Health Directorate, is in the draft stage of developing the AMC Drug Strategy and Blood Borne Virus Strategy 2018-2022. This strategy will focus on the three pillars of Harm Minimisation: demand reduction, supply reduction, and harm reduction. It will be focused on reducing the supply and demand of intravenous contraband into the AMC.

Cleared by: Jon Peach

Date: 27 July 2018

## 7. Contraband

- ACTCS works closely with ACT Policing to prevent the introduction of contraband at the AMC including providing assistance with investigations, and exchanging information and intelligence.
- In the 2017-18 financial year, corrections officers undertook 13,789 searches.
- Medication has always comprised a high number and proportion of items seized as part of ACT Corrective Services' (ACTCS) contraband search and seizure processes. Medication discovered in the possession of a detainee who it was not lawfully prescribed to is considered to be contraband.
- The 'medication' classification relates to items that may have been prescribed to detainees housed within the Alexander Maconochie Centre (AMC) and subsequently stockpiled, diverted or simply kept past an expected time of use. The medications range from drugs that would be available over the counter in the community (paracetamol) through to pharmacy or prescription medications.
- ACTCS has various physical and static security measures to prevent entry of prohibited items into the AMC.
- The AMC perimeter is approximately 1.3 km in length and is strengthened by security measures including 525 closed circuit television (CCTV) cameras. Staff check the grounds every morning.
- ACTCS undertakes measures to search visitors, staff, contractors, and their belongings entering the AMC. These include:
  - metal detectors;
  - X-Ray baggage scanner to scan property;
  - itemiser tests to detect traces of drugs and explosives; and
  - physical searches of all vehicles prior to entering and exiting the AMC including use of mirrors to search under the vehicles and random canine searches (except, for example, ambulances in case of emergency).
- Between 1 March 2018 and 30 June 2018, the Security Operations Team found 12 mobile phones, 22 mobile phone accessories (including charges and SIM cards), 18 USBs, 20 syringes and 61 drugs. The drugs category is broad and includes the seizure of multiple drugs, as well as the seizure of stockpiled or non-prescription medication.

Cleared by: Jon Peach

Date: 27 July 2018

## 8. AMC Visits Policy

### Booking System

- The visits phone line is a call back service which is staffed 9am to 5pm, Monday to Friday.
- The AMC Executive Support Unit is responsible for the phone line and makes every effort to respond to all voicemail messages within 24 hours.
- The call back service ensures that all visits are booked in the order that they are requested.
- This information, as well as the hours of operation, is conveyed in the recorded message for visits bookings.
- The visits phone line is currently the only way to organise AMC visits as the ACT Corrective Services (ACTCS) website has no capacity to accept online visits bookings at this time.
- ACTCS is investigating alternate options, including the ability to book visits online, as part of a broader review of the visits booking process.

### Security Process

- ACTCS is trialling new software which, once operational, will mean that visitors no longer have to complete a visitor form each time they visit the AMC.
- This is expected to significantly reduce the administrative component of the visits process.
- For security reasons, visitors will still be required to undergo an iris scan prior to being allowed to enter the AMC and comply with visits policy.

### Detainee property limits

- The AMC accommodates more than 450 detainees at any given time.
- Detainee property amounts are limited in order to reduce safety hazards, and to maintain the good order and hygiene of the facility.
- Detainees are able to apply to have visitors to the AMC bring additional items of clothing, in addition to what they already have within the AMC, subject to the limits specified in the policy.

### Visitor Dress Code and Behaviour

- For visitors coming to the AMC, there are rules to maintain the good order of the facility. These are publicly available and prominently displayed at the entrance to the AMC.
- Visitors are expected to behave courteously to AMC staff, other visitors and detainees, and to abide by the visitor dress code.

- This information is prominently displayed along with the specifications of the dress code.
- Dress codes are imposed to reduce the opportunity for the introduction of contraband, minimise the opportunity for the display of gang identification, and to ensure the safety of detainees, staff and visitors.
- Failure to comply with the dress code may lead to the visitor being denied entry and the visit being cancelled.

#### Visitation Bans

- ACTCS encourages family and friends of detainees to visit them while in custody in order to maintain important ties with the community.
- Where a detainee or visitor breaches the AMC visits policy (for example, through the introduction, or attempted introduction, of contraband or because of unacceptable behaviour), they can have their visitation rights withdrawn, or they can be placed on closed visits, to ensure the good order and safety of the AMC.
- Anyone subject to a visitation ban will be notified in writing of the restriction and the period for which it applies.
- Appeals against visitor bans may be made, in writing, to the Executive Director, ACTCS.

#### Intra-Centre Visits

- ACTCS facilitates visits between detainees in custody who have a confirmed relationship.
- Intra-centre visits are subject to specific conditions, including that:
  - Both detainees have been in custody for 28 days before a visit will be approved.
  - Both detainees submit a clean urine test prior to the visit being facilitated.
  - Both detainees must not have had any disciplinary action in the past 28 days.

#### Visits by Ex-Detainees

- Former detainees may apply to visit current AMC detainees.
- These applications will be reviewed by ACTCS on a case by case basis, and the applicant will be formally notified of the outcome.
- The outcome of their application may be influenced by Intelligence Unit reports, past history of involvement with the AMC and, if under a supervision order with ACTCS, the status of that order.
- Applications by detainees who are in breach of their supervision requirements or with outstanding warrants, will be declined.

Cleared by: Jon Peach

Date: 27 July 2018

## 9. Coroner's Report on Steven Freeman death

- On 11 April 2018, Coroner Cook released his findings following the coronial inquest into the tragic death of Steven Freeman at the Alexander Maconochie Centre (AMC) on 27 May 2016.
- The Coroner has not made any adverse findings in this matter.
- However, I note the Coroner's findings in relation to deficiencies and inconsistencies in some ACT Health and ACT Corrective Services procedures.
- The ACT Government has prepared a whole of government response that will be tabled in the ACT Legislative Assembly in August.
- The death of Steven Freeman at the AMC on 27 May 2016 remains a profound tragedy.
- The ACT Government acknowledges the acute grief, loss and sadness that Steven Freeman's family has experienced, and the impact this death has had on the Aboriginal and Torres Strait Islander community, and the wider AMC community including those involved in the various aspects of his treatment and care.
- The ACT Government also acknowledges the remarkable resilience and strong advocacy for change by Mr Freeman's mother, Sch 2 s 2.2 (a)(ii), following the death of her son.
- The ACT Government recognises its responsibility to protect all detainees within the AMC. Since the death of Mr Freeman, the Government has made significant changes to improve detainee health, care and safety in the AMC, including the commissioning of the independent Moss Review which has led to an extensive reform program for the government.

Cleared by: Jon Peach

Date: 27 July 2018

## 10. Recidivism

- ACTCS, through its Offender Services and Corrections Programs Unit, provides and facilitates services and programs tailored specifically towards Aboriginal and Torres Strait Islander detainees both in custody and offenders in the community under supervision.
- The recidivism statistics for inclusion in the 2017-18 Justice and Community Safety Annual Report will show that the ACT had 44.2 per cent of all detainees (released in 2014-15) return to prison, decreasing from 41 per cent in the previous year. Recidivism statistics are not disaggregated by Indigenous status.
- The Government is committed to building and maintaining a strong Indigenous workforce in ACTCS. This improves ACTCS's ability to provide informed culturally appropriate and sensitive responses to specific Indigenous issues.
- Aboriginal and Torres Strait Islander detainees are able to access programs, services and education available to the general AMC population, as well as programs and services specifically targeted towards Aboriginal and Torres Strait Islander people.

Cleared by: Jon Peach

Date: 27 July 2018

## 11. Extended Throughcare

- The ACT Government provided recurrent funding of \$5.347 million in the 2017-2018 Budget for the Extended Throughcare Program.
- This funding includes an additional full time employee in the designated position of Indigenous Throughcare Transition Officer, to focus on supporting Aboriginal and Torres Strait Islander ex-detainees reintegrating into the community.
- The University of New South Wales' evaluation of the Throughcare program found positive outcomes for Aboriginal and Torres Strait Islander women engaged in the program, but highlighted an area for improvement in engaging Aboriginal and Torres Strait Islander men

Cleared by: Jon Peach

Date: 27 July 2018

## 12. Notification of assaults and incidents in custody

- Upon admission to the AMC, detainees are asked whether they identify as Aboriginal and Torres Strait Islander.
- Those who identify as such are requested to nominate a next of kin for notification in certain emergency situations.
- ACTCS commits to notify next of kin of serious illness or injury in a timely manner. Serious illness or injury is where a detainee is required to be admitted to an external medical facility.
- In the event of a death in custody, next of kin are notified by the ACT Coroner's Court.
- If the Court does not have a suitably qualified officer available, the AFP Coroner's team will perform this function.
- Where appropriate, a designated Aboriginal or Torres Strait Islander representative from ACTCS may attend when notifying the next of kin to provide cultural support.
- In response to recommendations 2 and 3 of the Moss Review, ACTCS and ACT Policing signed an amended Memorandum of Understanding (MOU) on 28 April 2017.
- The MOU between ACT Policing and ACTCS has been updated to reflect the government's response to the Moss Review.
- The MOU contained an updated process to notify next of kin regarding the death of a detainee who identified as Aboriginal or Torres Strait Islander

Cleared by: Jon Peach

Date: 27 July 2018



### 13. Incarceration Rates

- Aboriginal and Torres Strait Islander people continue to be significantly over-represented in the criminal justice system, as both victims and offenders, principally due to historical social disadvantage, social exclusion and perceived systemic racism.
- During the September 2017 quarter, Aboriginal and Torres Strait Islander prisoners represented 27 per cent of the total full-time adult prisoner population (nationally), while accounting for approximately two per cent of the total Australian population aged 18 years and over.
- As at 10 May 2018, Aboriginal and Torres Strait Islander people accounted for 21.3 per cent of the total AMC detainee population – 104 detainees out of a total of 488.
- The ACT figures remain well below the national average for Aboriginal and Torres Strait Islander people as a percentage of the total detainee population.
- As at 10 May 2018, Aboriginal and Torres Strait Islander men accounted for 20.2 per cent of the total AMC male population – 91 detainees out of 450.
- As at 10 May 2018, Aboriginal and Torres Strait Islander women accounted for 34.2 per cent of the total AMC female population – 13 detainees out of 38.
- The ACT Government is committed to reducing the over-representation of Aboriginal and Torres Strait Islander people in the AMC. The redevelopment of the Aboriginal and Torres Strait Islander Justice Agreement as a Justice Partnership, and the strengthening of the Extended Throughcare Program is directed towards this reduction.
- The Aboriginal and Torres Strait Islander Justice Partnership (2015–2018) will build on the work of the 2010-2013 Justice Agreement. It contains a stronger focus on addressing over-representation through increased diversionary and rehabilitation options.

Cleared by: Jon Peach

Date: 27 July 2018

## 14. Moss Implementation

- The implementation of the Moss Review recommendations has resulted in significant reform in ACT Corrective Services, and other Government Directorates and Statutory Office Holders.
- All agencies have worked together to consider the provision of health and custodial services at the AMC and make changes to improve the health, safety and wellbeing of detainees.
- I am pleased of the work we have achieved with support from the Aboriginal and Torres Strait Islander community.
- The safety and care of detainees in the AMC is fundamental.
- Seven of the nine recommendations of the Moss Review have been found satisfied by the Moss Implementation Steering Committee.
- Recommendation 5 relates to the introduction of Winnunga into the AMC. Since 2 July 2018 staff from Winnunga have been present at the AMC developing protocols for service delivery.
- Recommendation 6 has not been achieved as it requires a commitment from government to build another facility. No such commitment has been made.
- I intend to table a report to the ACT Legislative Assembly on the closure of the Moss Recommendations.
- On 20 June 2018, the Moss Implementation Steering Committee closed the project.

Cleared by: Sch 2 s 2.2 (a)(ii)

Date: 27 July 2018

## 15.Serious Assaults

- Within correctional facilities there is the inherent potential for conflict amongst some detainees.
- There is often pre-existing tension in the relationships between detainees at the AMC resulting from interactions and associations, both in custody, and in the community.
- The Government's response to the Moss Review reflects our commitment to implementing transformational change and sharing with the community what we will do differently to improve the care, safety and health of detainees.
- Funding of \$8.8 million over the next three and a half years has been allocated for security-related matters at the AMC.
- This will assist ACTCS to combat assaults and other serious incidents.
- The Government also acknowledges the importance of ensuring that assaults, including those committed within the AMC, are thoroughly investigated with a view to holding offenders to account through prosecution of offences.

Cleared by: Jon Peach

Date: 27 July 2018

## 16. Security Review

- Due to the sensitive nature of operations of the AMC, a secure custodial facility, the Morison report cannot be publicly released.
- Recognising the strong public interest in maintaining public safety:
  - The review examined key elements of physical, process and dynamic security at the AMC and the circumstances of previous escapes, as well as considering more broadly what policy, procedural, compliance, governance, staffing, training, cultural and management structure changes may be necessary to improve the overall operational security of the AMC as it relates to the secure custody of detainees.
  - The review found that the perimeter, movement control, architecture, technology and other controls provide generally robust built-in physical security for AMC.
- We will act on all of the recommendations, in fact work on many of these is already underway or in the planning stage.
- Funding of \$8.8 million over the next three and a half years has been allocated for security-related matters at the AMC.
- Additional senior staff have been recruited to manage security, accommodation and offender management, and create a new centralised intelligence unit within ACTCS.
- These new additions provide the AMC with the capability to work closely with staff, detainees and the Australian Federal Police to address emerging issues, including contraband, organised crime and countering violent extremism.

Cleared by: Jon Peach

Date: 27 July 2018

## 17. Industries

- The Government is committed to improving the delivery of programs and employment for detainees in custody, including the provision of education, a structured day and skills to support their rehabilitation and reintegration back into society.
- I am pleased to report that the construction of the new bakery, expanded laundry and the multi-purpose activities centre at the AMC are now complete.
- Detainees also have work in the recycling bay.

### Bakery

- The Alexander Maconochie Centre (AMC) Bakery currently employs seven female detainees, who are learning basic hospitality and kitchen operations skills.
- These are skills that they will be able to take with them when they are released from ACT Corrective Services' (ACTCS) custody, and can feed into recognised trade qualifications should they wish to pursue this avenue after their release.
- Almost half of the women employed at the AMC Bakery have successfully completed recognised units of competency, including 'Work, Health & Safety', 'Use Hygienic Practices in Food Safety' and 'Numeracy Foundation Skills'.
- The remaining women are in the process of completing these units.
- Preliminary feedback from the women working in the AMC Bakery has been overwhelmingly positive. They are enjoying the opportunity to have a purposeful day and to learn new skills.
- Additionally, ACTCS has employed a second baker.
- The addition of the second baker will enable ACTCS to operate a second bakery shift, effectively doubling the employment capacity of the AMC Bakery.
- The second bakery shift will allow men to be separately employed in the bakery and to participate in the training currently only offered to women.
- Employment and educational opportunities are a significant factor in detainees' ability to successfully reintegrate into the community.
- ACTCS is currently exploring the potential to offer additional trade qualification opportunities to detainees as well as expanding the AMC employment industry.
- The bakery is a female only industry at present due to the recognised need for specific female employment in the AMC.

Cleared by: Jon Peach

Date: 27 July 2018

## 18. Women's Accommodation Pressures and Female Detainee Numbers

- The AMC has experienced a marked increase in female detainee numbers in recent times. This issue is not limited to the ACT; it is a national issue with all jurisdictions experiencing increases.
- On 28 November 2017, all female detainees moved to a single accommodation unit within the existing AMC campus.
- The new accommodation arrangement provides female detainees with improved access to health services, programs, employment and education within the AMC.
- Longer term solutions are being considered under the larger feasibility review of detainee accommodation in 2017-18.
- The options for all accommodation arrangements for both male and female detainees will be considered in the feasibility study.
- ACTCS has managed the increase of female numbers within existing resources. Female detainees continue to be accommodated separately from male detainees at all times.
- Female detainees demonstrate unique and complex behavioural and criminogenic needs. Many have come from disadvantaged families where they have experienced trauma and been victims of criminal behaviour.
- ACTCS has partnered with Winnunga Nimmityjah Aboriginal Health Service in the provision of wellbeing programs for women.

Cleared by: Jon Peach

Date: 27 July 2018

## 19. Accommodation Pressures

- The AMC has an Operational Bed Capacity of 536.
- Operational capacity refers to the total number of beds available for daily use to accommodate detainees.
- It excludes beds used for special purposes such as health, crisis support and disciplinary segregation beds.
- Not all beds can be utilised at all times due to separation issues. Separation refers to a need to separate cohorts of detainees with different classifications and characteristics (e.g. minimum from maximum; detainees who need protection from other detainees).
- The Government is proactively managing the issues presented by a continuing upward trend in detainee numbers.
- This requires a whole of government response to ensure the ongoing safety of detainees and corrective services staff and to meet the future needs of a growing ACT community.
- The overall trend in the ACT has been mirrored in other jurisdictions in recent years, with Victoria and NSW also experiencing a spike in numbers.
- Detainee numbers have recently been around the 490 level, but reached a high of 507 on 19 June 2018.
- While the Government is pleased by the recent completion of the AMC expansion project, there has been a continued increase in detainee numbers, particularly of remanded female detainees.

Cleared by: Sch 2 s 2.2 (a)(ii)

Date: 27 July 2018

## 20. Extended Throughcare

- Transitioning back into the community and life after prison can be a daunting and critical time for detainees.
- While the Government is committed to addressing offending behaviours and chronic disadvantage when detainees are in prison, we also acknowledge that unless we tackle the obstacles and barriers people face when they are released, the likelihood of re-offending will remain high.
- Detainees exiting custody with the support of Extended Throughcare receive a range of support targeted to individual need.
- This includes pre-release planning by the Assisted Release into Community program and may include linking the client with an outreach provider to assist them reintegrate into the community.
- An evaluation of Extended Throughcare suggested that the return to custody for detainees has reduced, and those returning to custody are remaining in the community for longer periods on average.
- A further \$5.3 million was provided in the 2017-2018 ACT Budget for the Extended Throughcare Program.

Cleared by: Sch 2 s 2.2 (a)(ii)

Date: 27 July 2018



## 21. Programs and Education

- The ACT Government encourages and supports detainee participation in rehabilitative programs at the AMC to assist with their successful reintegration into the community.
- The 2018 Report on Government Services (ROGS) (reporting on 2016-2017) highlighted that the ACT has 70.6 per cent of eligible detainees in education; well above the national average of 32.9 per cent.

### Domestic Violence Programs

- In 2013, ACTCS introduced the specialised Domestic Abuse Program (DAP) into the AMC. This is a program for male offenders convicted of violence against a female partner or spouse. In 2015 this program was extended to offenders in the community.
- Within the AMC, ACTCS runs the Out of the Dark Program for female offenders who have been victims of domestic or family violence.

Cleared by: Sch 2 s 2.2 (a)(ii)

Date: 27 July 2018

## 22. Health Services

- ACTCS and ACT Health both play important roles in ensuring the health and wellbeing of detainees at the AMC.
- The Directors-General of JACS and ACT Health have signed an Arrangement for the Delivery of Health Services to Detainees.
- The Arrangement goes towards the implementation of Recommendation 4 of the Moss Review.
- The Arrangement aims to improve health care and service delivery at the AMC by improving communications, information sharing and working relationships.
- ACTCS and ACT Health are currently working together to develop joint policies and procedures in the area of detainee health care.

### If asked: Detainee with disabilities

- The Government is committed to ensuring detainees with disability at the AMC have access to support in line with that available in the community including access to the National Disability Insurance Scheme (NDIS).
- Upon admission into custody all detainees are interviewed and assessed to identify any immediate physical or mental health, safety, or security risks and needs. This includes detainees with an intellectual disability.

Cleared by: Jon Peach

Date: 27 July 2018

### **23. Auditor-General's Report on rehabilitation of male detainees at AMC**

- The Government is committed to improving the delivery of programs and employment for detainees in custody, including the provision of a structured day.
- The ACT Government is also committed to supporting detainee rehabilitation as a priority, including the continued delivery of therapeutic and educational programs and utilisation of the new laundry and bakery facilities.
- ACTCS has finalised a Rehabilitation Strategy for the AMC to address issues identified in the Reports.
- ACTCS is also progressing work to develop the AMC Operating Model.
- This work will inform the development of a future operating model to better manage remand status, security classification, health needs, case management and rehabilitation, and accommodation-based program participation of detainees in line with population increase trends for the ACT.

Cleared by: Jon Peach

Date: 27 July 2018