

Introduction

About the Justice Reform Initiative

The Justice Reform Initiative (JRI) is a national justice advocacy organisation working to reduce over-incarceration in Australia and promote a community, in which disadvantage is no longer met with a default criminal justice system response.

We currently have a network of over 100 eminent Australians as our patrons, including two former Governors-Generals, former High Court judges, and former parliamentarians from all sides of politics. The JRI's patrons in the Australian Capital Territory (ACT) are:

- **Professor Lorana Bartels (co-chair)**, Australian National University (ANU); Adjunct Professor, University of Canberra (UC) and University of Tasmania
- **Emeritus Professor John Braithwaite**, School of Regulation and Global Governance (RegNet), ANU
- **Professor Tom Calma AO**, Chancellor, UC; Co-Chair, Reconciliation Australia; former Aboriginal and Torres Strait Islander Social Justice Commissioner and Race Discrimination Commissioner
- **Kate Carnell AO**, former Chief Minister of the ACT; Deputy Chair, BeyondBlue; Australian Small Business and Family Enterprise Ombudsman
- **Simon Corbell**, former Deputy Chief Minister, Attorney General, Minister for Police and Emergency Services of the ACT; Adjunct Professor, UC
- **Dr Ken Crispin QC**, former ACT Director of Public Prosecutions, Justice of the ACT Supreme Court and President of the ACT Court of Appeal
- **Shane Drumgold SC**, ACT Director of Public Prosecutions
- **Gary Humphries AO (co-chair)**, former Chief Minister of the ACT and Senator representing the ACT in the Australian Parliament
- **Rudi Lammers APM**, former ACT Chief Police Officer
- **Dr Michael Moore AM PhD**, former Independent Minister for Health and Community Care, ACT Legislative Assembly; Past President, World Federation of Public Health Associations; Distinguished Fellow, The George Institute, University of NSW; Adjunct Professor, UC
- **The Honourable Richard Refshauge**, Acting Justice of the ACT Supreme Court; former ACT Director of Public Prosecutions
- **Dr Helen Watchirs OAM**, President, ACT Human Rights Commission

We are supported by our Advocacy and Campaign Coordinator, Indra Esguerra.

The JRI's general principle is that **jailing is failing**. Specifically, we argue that it is failing:

- **Aboriginal and Torres Strait Islander people:** In 2018, Aboriginal and Torres Strait Islander peoples accounted for 3% of the total population, but 28% of the adult prison population. In an even grimmer statistic, only 5% of young people (age 10–17) are Aboriginal and Torres Strait Islander people, but they represent 59% of young people in detention. It is now 30 years since the Royal Commission into Aboriginal Deaths in Custody. Although governments accepted almost all of the Commission's recommendations, many of them have not been implemented. Although the recommendation that imprisonment be used only as a 'last resort' exists in principle in the legislation, there are a range of reasons why this is not a reality in practice (including, critically, due to the absence of adequate alternatives). Governments have also failed to adequately address the underlying systemic issues which the Royal Commission identified as the cause of the disproportionate rate of Indigenous incarceration;
- **young Australians:** sadly, most of the young people in Australia's juvenile justice system come from backgrounds where they have already often suffered from severe neglect or abuse and/or have been placed in out of home care. This was clearly demonstrated by the Royal Commission into the Don Dale Centre in the Northern Territory. The children in these centres, who can be as young as 10, have often had the hardest of young lives and need family and community support, education and life opportunities, rather than being locked up;
- **women:** women represent the fastest growing cohort of Australia's prison population and a disproportionate number of those women are Aboriginal and Torres Strait Islanders. Most have committed non-violent offences and many are themselves victims of horrific domestic abuse. One immediate consequence of incarcerating these women is that they are separated from their children, who are thereby made victims of the same systemic failure;
- **those with particular challenges, such as people living with mental illness and cognitive disability:** more than 50% of adults in prison have a history of mental illness and more than 80% of young people in custody have had a diagnosed psychological disorder. The estimates of people in prison with intellectual disability or borderline intellectual disability are as high as 20%. These populations have limited access to appropriate mental health or other critical support while they are in prison and most will be released back into the community in a relatively short period of time from remand or having served their sentence, but still lacking strong enough supports to prevent reoffending. We should be diverting more people away from detention and into community-based support where possible and providing better therapeutic responses for those who cannot be diverted;

- **the most disadvantaged:** the number of people in prison has increased by nearly 50% since 2000. People from disadvantaged or marginalised groups are far more likely to come into contact with police and prisons than anybody else. Inter-generational poverty, homelessness, lack of education and opportunity, and exposure to constant policing cause more and more young people from disadvantaged communities to be criminalised. We should be providing solutions to disadvantage, not locking people up; and
- **victims of crime,** who indicate that they are not helped by ‘tough-on-crime’ rhetoric. Victims have frequently called for support and processes that recognise and give voice to their experience as victims, alongside programs that genuinely address the causes of offending and also ensure that people who have committed crime are held accountable for their actions (see JRI 2021).

Response to the Healthy Prison Review

We thank the ACT Inspector of Correctional Services (ICS) for the opportunity to provide this submission to the 2022 Healthy Prison Review (HPR). In making this submission, we are guided by the HPR’s four guiding principles. We are aware that some of the issues raised in the last HPR (ACT ICS 2019a) continue to be a concern, for example, the lack of encouragement for positive behaviour through incentives (Recommendation 6), inconsistent application of the disciplinary process (Recommendation 8), and failure to de-escalate conflicts (Recommendation 20). We also note Recommendations 27-30 in respect of ACTCS policies and procedures. Both staff and detainees have recently indicated in discussions with some of our patrons that there is poor compliance with policies, which raises significant concerns for us and begs the question of the utility of having the policies in the first place. Predictability in policy implementation is important for both staff and detainees, to ensure procedural fairness. We will raise further concerns with other specific recommendations from the 2019 HPR below.

Pillar 1: Safety

We commend ACT Corrective Services (ACTCS) for its success in minimising the spread of COVID throughout the Alexander Maconochie Centre (AMC) and recognise that the pandemic has posed monumental challenges for correctional administrations elsewhere in Australia, prompting an inquiry by the New South Wales (NSW) Inspector of Custodial Services (2022; see also NITV 2021; Rose 2022). Nevertheless, the JRI is concerned about the numerous recent media and other reports on a range of other safety problems, including riots (Fuller 2021), fires (Giannini 2020), the use of force in a strip search of a vulnerable Indigenous woman (Lindell & Bladen 2021), a high-profile prison escape in the community (Woolley 2021) and, tragically, a recent suicide of a young man on his first day in custody (Stanhope 2022). It follows from the foregoing that the current situation in the AMC would appear to pose a significant risk to the safety of both detainees and staff.

We recognise that many of these incidents are or have been the subject of investigation by the ACT ICS (2022) and we do not cavil with the findings of those investigations, especially as we recognise that there are many issues which are not in the public domain. More broadly, however, we urge all parties to not only consider the responses to such incidents, but have careful consideration of the underlying reasons as to *why* there appears to be such unrest amongst detainees at the present times and take all reasonable steps to ameliorate this, as this will enhance safety for both detainees and staff.

The AMC is governed by the *Human Rights Act 2004 (ACT)*, the *Corrections Management Act 2007 (ACT)* and the *Human Rights Principles for ACT Correctional Centres (ACT Government 2019b)*. The latter includes the following:

- Detainees must receive a **comprehensive induction**, which includes the provision of **information** covering correctional centre rules, and detainees' rights and obligations. Careful attention should be paid to whether the detainee understands the information, and appropriate measures should be taken if it appears they do not (for example, provision of an interpreter) (1.3);
- Detainees must receive a **health assessment** upon arrival, with particular attention paid to identify health care needs, including an assessment of the risk of self-harm or suicide, signs of ill-treatment, signs of psychological or other stress, signs of withdrawal from alcohol and other drugs, and signs of contagious diseases and other risks (1.4); and
- The **daily regime** in a correctional centre should encourage and reward good behaviour (2.1).

Discussions with detainees suggest these requirements are not being adhered to in a systematic fashion. We therefore urge the ICS to ensure that ACTCS complies with all the principles to which it is subject, including, where required, adequate training and support for staff.

Pillar 2: Respect and dignity

The *Guiding Principles for Corrections in Australia (Corrective Services Administrators' Council 2018)* stipulate, *inter alia*, that:

- Management systems, policies and procedures are evidence based and are informed by human rights principles and operational practice (1.1.4);
- Respect for human dignity is reflected in the values, beliefs and practices of correctional services in Australia (Outcome 2);
- Restrictions are the minimum required to maintain safety, security and good order, alongside their human rights (3.1.4);
- Prisoners are provided a standard of health care equal to services available in the community that meet their individual physical health, mental health and social care needs fostering continuity of care between custody and the community (4.1.4);

- Prisoners are provided with appropriate health practitioners to deliver the right care at the right time, consistent with equivalent codes of conduct and professional/ethical standards as those applying to public health services in the community (4.1.5).

In addition, under the *Human Rights Principles* (ACT Government 2019b),

- **Engagement** between detainees and management should be respectful and centred on building positive relationships (5.1);
- The **food** in correctional centres should be nutritious, well prepared, of suitable variety and with choice, and served hygienically (6.5);
- **Health needs** must be actively identified and supported through cooperation between ACTCS and health agencies providing services to correctional centres (10.1); and
- Appropriate health care services must be available to meet the particular health needs of **all** detainees (10.8).

Anecdotally, we are aware of numerous issues that undermine detainees' dignity, including, but not limited to, lack of access to medical treatment and the low quantity, quality and variety of food. We are especially concerned about reports that Winnunga Nimmityjah staff have on occasion arrived at the AMC to treat detainees, in line with an agreed partnership (see Arthur et al 2022; Groch 2019), and, despite Recommendation 56 in the 2019 HPR (ACT ICS 2019a), been denied access, reportedly due to a lack of AMC staff availability. In order to address this, we call for increased investment in health services, including community-based services such as Winnunga and Women's Health Centre. This also provides scope to develop ongoing relationships for through-the-gate healthcare, on return to the community.

There is also a need to ensure that detainees' underlying conditions are diagnosed and the time in custody is used as an opportunity to address these issues. For example, the 2016 *ACT Detainee Health Survey* (Young et al 2017) revealed that 19% of detainees screened positive for Attention-Deficit Hyperactivity Disorder (ADHD). There is an emerging body of research which suggests that re-offending rates can be reduced when it is treated. For example, one Swedish study examined 25,656 people with ADHD and found a 32% reduction in offending among men during medicated vs non-medicated periods and this rose to 41% among women (see Lichtenstein et al 2012). Systematic health screening for ADHD and other underlying conditions, and treatment (with consent) is required. This is consistent with promoting dignity and Principle 10.1 above, but also aligns with other ACT Government objectives, for example, reducing recidivism by 25% by 2025 (ACT Government 2020a) and its Disability Justice Strategy (ACT Government 2019a).

Like all incarcerated people in Australia, detainees' access to the National Disability Insurance Scheme (NDIS) and Medicare is suspended while in custody. This is a matter which is not solely the control of the ACT Government and therefore beyond the scope of the present review. However, given the high proportion of detainees that have chronic

health conditions, including disability (see Young et al 2017), we recommend that support be provided, so that all detainees leaving the AMC have a Medicare card and, where applicable, an NDIS plan. Again, this not only promotes detainees' dignity and is consistent the principles cited above, as well as the *Disability Justice Strategy* (ACT Government 2019a) but is again likely to reduce recidivism. For example, a small-scale pilot project with participants in the Murri Court in Queensland found that participants who were provided with disability support services recorded a 100% rate of not reoffending. This was the first time NDIS services had been directly offered to offenders in the Murri Court, after it was found most had some form of undiagnosed disability (see Armbruster 2021).

We were appalled at the allegations made in a recent media item on the poor treatment of female detainees by staff (Evans 2022). The specific needs of female detainees are well-established and commonly include trauma histories (see generally Bartels, Easteal & Westgate 2020; in the ACT context, see Watchirs et al 2014; Easteal et al 2015; Women's Centre for Health Matters 2019). We note Recommendation 36 of the previous HPR (ACT ICS 2019a) and commend the Government for finalising a framework for women (ACT Government 2020b), but such documents are of little value, if women are allegedly sexually assaulted by other detainees and a vulnerable detainee who had self-harmed by cutting herself was subsequently 'thanked by the custodial staff for the entertaining display and provided with new razors later that day' (Evans 2022).

These are very serious allegations and need to be investigated properly. We suggest that there is also a need for Members of the ACT Legislative Assembly to have a comprehensive understanding of the conditions in the AMC. Therefore, we suggest that senior ACTCS staff and Members of the Legislative Assembly (Minister for Corrections, Minister for Justice Health, and Opposition Members and crossbenchers with these portfolios) regularly walk through the facility and have the opportunity to speak directly with detainees and frontline staff. We further suggest that the ACT Minister for Women, Office for Women and Women's Health Matters, as well as Opposition and crossbench MLAs with women's portfolios, be invited to attend the AMC and engage directly with staff and detainees, to ensure best practice for female detainees.

Several recommendations in the previous HPR (ACT ICS 2019a) examined the specific needs of Indigenous detainees. The ACT now has the highest relative over-representation of Aboriginal and Torres Strait Islander people of any Australian jurisdiction (Australian Bureau of Statistics 2021b). In light of this, and especially given that Aboriginal and Torres Strait Islander women accounted for 40% of the female AMC population in September 2021 (compared with 24% for men), we also suggest that the Minister for Aboriginal and Torres Strait Islander Affairs, the Office for Aboriginal and Torres Strait Islander Affairs and relevant portfolio holders of the Aboriginal and Torres Strait Islander Elected Body be invited to attend the AMC and engage directly with staff and detainees, to ensure best practice. In order to facilitate a multi-partisan approach, we again urge that these invitations to be

extended to members of the Greens and Liberals with relevant portfolios. In order to underscore the importance of this suggestion, we note Eriksson's recent research with prison staff in seven Australian prisons, where one senior prison officer noted: 'the politicians should spend a couple of nights in here before they write their legislation; they have no idea about what this job is actually all about' (2021: 10).

The staff actions reported against women are broadly consistent with reports we have received from detainees and suggests there is little adherence to Principle 5.1 above. We have also heard reports of low staff morale and retention rates, high absenteeism, and a perceived and actual lack of safety. These issues also need to be taken seriously and we recognise the importance of providing a workplace that is safe and rewarding for staff. Eriksson's research is particularly instructive in this context. She emphasised the need for

strategies that can reduce staff turnover, increase staff safety and satisfaction, improve staff-prisoner interaction to support an increased emphasis on dynamic security, and identifying challenges and opportunities for new approaches to staff training and mentoring... there ought to be ways to make staff feel more valued, better supported, and better equipped with knowledge and training to do their job effectively and humanely (2021: 16).

In order to address these issues, we recommend the establishment of a working group, comprised of representatives from management, front-line correctional and justice health staff, detainees, and external parties, including at least one Indigenous person and someone with expertise in penology and/or restorative practices, to work towards developing a culture of mutual respect and genuine collaboration.

Whilst it is critical to ensure safety at all times in the AMC, it is concerning that some AMC detainees are being sent to NSW prisons for management purposes. We understand that it may ease the management of the mix of detainees in the AMC, but doing so removes the ability for those detainees to have the same regular contact with friends and family as those in the AMC. It would be good to understand the decision-making framework used to determine whether a detainee will be sent interstate.

Pillar 3: Purposeful activity

Much has already been written about the lack of activities for detainees to occupy their day and the ensuing boredom (see eg ACT Auditor-General 2015; ACT ICS 2019a; ACT ICS 2019b; ACT Legislative Assembly 2016; Bartels 2015). The JRI is concerned by the anecdotal evidence that this has only become worse in recent years. For example, we have been advised that there has not been an educational provider in the AMC for over a year. We therefore urge the ACT Government to urgently implement the recommendations of all past relevant reviews, and ensure detainees are able to engage in a range of educational, health

and other activities while in custody. This will enable the AMC to implement the human principles to which it aspires, namely:

- Detainees should be **afforded as much time out of their cell as possible**, and be able to access and engage in purposeful activity, including recreation with others (14.1);
- Detainees should have **access to a library** stocked with a wide range of resources and technology including education materials to enable detainees to educate themselves (14.2);
- Detainees should be encouraged and have the opportunity to **access work of a useful nature** (preferably developing skills that can be used upon release) that is fairly remunerated (14.3);
- Detainees should have **access to educational programs**, which as far as possible meet individual needs, take into account reasonable aspirations, are varied, and are culturally appropriate. Detainees should be **supported and encouraged** to undertake educational programs (14.4); and
- Programs and services provided to detainees, especially women, Aboriginal and Torres Strait Islander detainees, and detainees from non-English speaking backgrounds, should be established in **consultation with the appropriate community groups and experts** (14.5) (ACT Government 2019b).

More broadly, we urge ACTCS to take note of the work of Best et al, who have written about what they termed ‘institutional justice capital’ (IJC), which

describes the capital that institutions provide (including institutional actors) which either builds on or undermines the personal justice capital of justice-involved people. IJC is sustained by the norms, rules, and practices present in the justice institution(s) and creates the conditions and context for growth and for building personal and social capital (2021: 211).

As they further explained, positive justice capital ‘would include ... access to training and education in the prison’ (2021: 210), while

[n]egative capital refers to a failure to recognise and address the needs and challenges faced by those in justice institutions and the corrosive effect this can have on the rehabilitative potential of vulnerable and excluded populations. Examples of negative IJC would include..., social isolation or the lack of friendships other than with fellow offenders...and lack of resources in the prison to support rehabilitation, such as college courses, privacy and places to exercise and engage (2021: 211).

In the latter context, we are particularly troubled by reports of measures that impede what steps detainees may be taking to engage in purposeful activity that would increase their positive justice capital; for example, detainees who are engaged in tertiary education are unable to access their universities’ websites and computer software that may be required to

support their studies. We therefore call on ACTCS to ‘whitelist’ all recognised Australian universities’ websites (including access to their learning management systems and library pages, so that detainees can access academic journals necessary for their studies) and explore licence requirements for common software packages (eg SPSS, NVivo, Revit and CostX).

The JRI understands the difficulties of providing the same diversity of purposeful activities in the ACT as other jurisdictions, given that we have a single prison, not a broad array of prison campuses, with the many different training opportunities in such diverse areas, such as NSW, for example. However, what we do have in the ACT is a smaller city, with short travel times. Despite our size, we believe that it is achievable and affordable to better support detainees in the ACT to undertake purposeful activities under day release, such as employment, study or volunteer work in an area of interest. While this would require increased staffing to undertake supervision of detainees, it would also provide opportunities for detainees to make pro-social connections outside of the wire.

There are a range of employment, training or vocational opportunities that could be provided or enhanced within ACT Government agencies (such as Transport Canberra and City Services, Parks and Conservation Service, Yarralumla Nursery, etc), as well as opportunities to work closely with ACT businesses and community organisations. We recognise that there could be concerns about the risks of detainees in the community; however, most detainees are on short-term prison sentences and will be released within the next few years anyway, and there is no greater risk to the community in allowing them to be on day release. The Ngunnawal Bush Healing Farm could also be a good venue to provide a diversity of justice and rehabilitation programs.

[Pillar 4: Rehabilitation and preparation for release](#)

The ACT has the highest return-to-custody rates in Australia; 78% of detainees have previously been incarcerated, compared with 60% nationally (Australian Bureau of Statistics 2021b). We support the initiatives in the ACT Government’s (2020a) *Reducing Recidivism Plan*, but note the glaring oversight that nothing in the Plan refers to conditions in the AMC. This should be rectified, as the effective use of detainees’ time in custody plays a significant role in reducing recidivism. Furthermore, to support detainees’ rehabilitation and preparation for release, planning for release should commence from the time the person enters custody. Detainees are likely to have had far fewer educational and employment opportunities than average, so government should seriously consider the importance of offering these opportunities at this stage in detainees’ lives.

Principle 15.1 of the *Human Rights Principles for ACT Correctional Centres* (ACT Government 2019b) states that ‘[a]ll programs, services and activities should be delivered in line with the **individual needs** of detainees, and mindful of rehabilitation and reintegration needs and required supports’. To provide one simple example of a way in which ACTCS is not currently

adhering to this principle, all critical communications from ACTCS are currently disseminated to detainees by email. We are aware that many detainees are likely to have poor literacy, as the *2016 ACT Detainee Health Survey* found that Indigenous and non-Indigenous respondents had left school at an average age of 14.3 and 15.7 years old respectively (Young et al 2017). Furthermore, school attendance should not be taken as evidence of literacy, with data indicating that 14% of all Australian adults read at a primary school level (Australian Government 2022), while a recent report on improving literacy in prisons in Western Australia found that 80% of all prisoners there were at or below the literacy skill level expected of an 11-year-old (Western Australia Auditor General 2021). We therefore recommend that ACTCS deliver all relevant communications in a variety of formats that are accessible to (and do not shame) detainees with literacy issues (eg over loudspeaker, via videos, pictorial representations of key messages etc). This should be complemented by comprehensive remedial support to assist detainees in improving their literacy levels. In this context, we draw the Inspectorate's attention to the successful model funded by the Tasmanian Government (see *Adult Learning Australia* nd; Martin 2017; Archer 2019).

The issues with online access to study materials have been discussed above. More generally, the Western Australian Office of the Inspector of Custodial Services has noted:

Smart use of technology can help achieve [reintegration] in many ways. It can increase people's opportunities to stay in contact with family and friends while in custody, making reintegration less confronting. With the right technology, access to legal, health and government services in custody can be increased. Web based systems and other technologies offer opportunities to increase program and education services in the custodial environment (2018: i).

At the time that the AMC allowed detainees' access to the internet and emails in their cells, it was at the forefront of technological development, but this has since been overtaken by initiatives in other jurisdictions. For example, several prisons in NSW, including in the new Clarence Correctional Centre in Grafton, provide detainees with individual tablets, which can be loaded with a range of apps, and facilitate video calls with family throughout the day (see eg Fitzgerald 2020). We urge ACTCS to review its use of technology and consider what other online tools and materials would support detainees' positive social capital (eg information on financial planning, anger management, healthy relationships etc).

The previous HPR (ACT ICS 2019a) made a recommendation about the Transitional Release Centre (TRC). We are disappointed in the woeful underutilisation of the TRC in recent years. In particular, we note a media report that indicated that entry into the TRC required a detainee to reach a privilege level under a policy which was not yet operational, effectively rendering the entry criteria impossible to meet (Fuller 2021b). More recently, evidence before the ACT Legislative Assembly's Inquiry into Community Corrections has included submissions from detainees about the challenges of accessing the TRC (see ACT Legislative

Assembly Standing Committee on Justice and Community Safety 2022: Submissions 7, 8 and 9). Approximately 200 people are released from the AMC each quarter (Australian Bureau of Statistics 2021a), but recent years have seen around 8-12 annual residents in the TRC. It is therefore vital that the TRC is used to its intended capacity and detainees are provided with the necessary support to reintegrate into the community.

Other key supports that should be in place for all detainees include the provision of adequate and meaningful programs. There is a wide range of programs that can be offered to better support detainees – including educational programs, therapy and support programs – particularly those that help address trauma for people with high levels of childhood trauma, as well as basic rehabilitation programs and those that step people through the types of challenges they will encounter outside of prison. However, the range and number of programs actually being delivered in the AMC is very low. There are problems with programs not being offered if there are not enough people doing the program, which is often, as there are not big enough cohorts of people interested in the same thing at once. This is a false economy and instead there should be a focus on trying to provide courses whenever possible.

There is also the ongoing problem with people in AMC on remand not being eligible for programs, as it is unknown how long their sentence will be for. However, some detainees are often on remand for so long, they could have finished multiple courses; then, by the time they are sentenced, they have often already done their time and are released without having had opportunities for any support programs at all. We therefore suggest that, except for programs that require an admission of guilt that is incompatible with a detainee choosing to plead not guilty, programs be made available to remandees, wherever possible.

We also are concerned that the number of detainees who are supported by the Throughcare program is declining, due to the limiting of eligibility. Instead, Throughcare should be grown and strengthened, and offered to as many detainees as possible, if not all of them.

Two key areas which need much attention when a detainee is released are housing and employment. Despite moves to improve post-release housing options, there is still a vastly inadequate level of housing available for people upon release. Without stable housing, we know it is difficult for people to adjust, set up a new life and lifestyle, and very difficult to maintain employment. This needs to continue to be a focus for the ACT Government, especially if the sentence is for longer than a year, and previous stable housing options have likely disappeared.

Doyle et al recently documented the challenges people may experience with obtaining employment after release from the AMC. They called for ‘dedicated specialised employment support within the custodial environment, providing individualised support for both

unsentenced and sentenced people’, as well as ‘engage[ment] with potential employers about the benefits of employing people with criminal records (2021: 14). The JRI supports this and suggests that other relevant organisations, eg the Canberra Business Chamber, can also play a role in this context.

Detainees live a whole different life in prison and, if have they served a long sentence, most of their social ties are severed. Most detainees do not tend to have opportunities for connection with pro-social associates. Thus, connecting detainees with community groups who support people in areas that detainees can relate to can help them build friendships and community connections, as well as:

- better helping detainees understand more about community sector organisations that may be able to support them upon release;
- Building social connections with staff and volunteers at community services; and
- giving detainees an opportunity to organise volunteer work when they are released.

Detainees who are able to access the TRC should also be supported to undertake volunteer work with an organisation of relevance to them. Whilst this would require more ACTCS staffing support, the additional cost in the short-term would contribute to reducing recidivism.

Summary of recommendations

Pillar 1: Safety

1. The JRI urges all parties to carefully consider the underlying reasons for the apparent current unrest amongst detainees, take all reasonable amelioration steps and consider improved responses to such incidents, as this will enhance safety for both detainees and staff.
2. The JRI urges the ICS to ensure that ACTCS complies with all the principles to which it is subject, including adequate training and support for staff, especially in the areas of induction, health assessment and daily regime.

Pillar 2: Respect and dignity

3. The JRI calls for increased ACT Government investment in health services at the AMC, including community-based services, such as Winnunga and Women’s Health Centre.
4. Health screenings upon entry should include mental health screening, and for people likely to have ADHD, with their consent, they should be assessed for ADHD and given appropriate support and treatment.
5. Support should be provided for all detainees leaving the AMC to have a Medicare card and NDIS plan, where applicable. They should also be supported to make contact with relevant service providers, to enable an ongoing relationship with relevant organisations to occur.

6. Senior ACTCS staff and MLAs (Minister for Corrections, Minister for Justice Health, and Opposition Members and crossbenchers with these portfolios) should regularly walk through the facility and have the opportunity to speak directly with detainees and frontline staff.
7. The ACT Minister for Women, Office for Women, Women's Health Matters and Opposition and crossbench MLAs with women's portfolios should also be invited to attend the AMC and engage directly with staff and detainees, to ensure best practice for female detainees.
8. The Minister for Aboriginal and Torres Strait Islander Affairs, the Office for Aboriginal and Torres Strait Islander Affairs and relevant portfolio holders of the Aboriginal and Torres Strait Islander Elected Body should be invited to attend the AMC and engage directly with staff and detainees, to ensure best practice. In order to facilitate a multi-partisan approach, we again urge that these invitations to be extended to members of the Greens and Liberals with relevant portfolios.
9. The JRI recommends the establishment of a working group, comprised of representatives from ACTCS management, front-line correctional and justice health staff, detainees, and external parties, including at least one Indigenous person and someone with expertise in penology and/or restorative practices, to work towards developing a culture of mutual respect and genuine collaboration.
10. The availability of the Ngunnawal Bush Healing Farm should be evaluated for the possibility of delivering justice and rehabilitation programs.

Pillar 3: Purposeful activity

11. We urge the ACT Government to urgently implement the outstanding recommendations of all relevant past corrections reviews, and ensure detainees are able to engage in a range of educational, health and other activities while in custody.
12. We call on ACTCS to 'whitelist' all recognised Australian universities' websites (including access to their learning management systems and library pages, so that detainees can access academic journals necessary for their studies) and explore license requirements for common software packages (eg SPSS, NVivo, Revit and CostX).
13. Detainees should be better supported to undertake purposeful activities under day release, such as employment, study or volunteer work in an area of interest, increasing pro-social connections in the community.

Pillar 4: Rehabilitation and preparation for release

14. From the time a person enters custody, ACTCS should commence planning for the detainee's release.
15. The JRI recommends that ACTCS deliver all relevant communications in a variety of formats that are accessible to (and do not shame) detainees with literacy issues (eg over loudspeaker, via videos, pictorial representations of key messages etc). This should be

complemented by comprehensive remedial support to assist detainees in improving their literacy levels.

16. We urge ACTCS to review its use and offers of technology and consider what other online tools and materials would support detainees' personal growth and training (eg information on financial planning, anger management, healthy relationships etc).
17. The JRI calls for the TRC to be used to its intended capacity, so detainees can be provided with the necessary supports to reintegrate into the community.
18. Programs should be offered to detainees, even when there are only a few people interested in that course, and detainees should be eligible to do courses while on remand.
19. The Throughcare program should be extended to support more detainees on their release.
20. Increased investment in housing is required, to ensure that people are not detained in custody, due to homelessness.
21. The JRI supports the establishment of dedicated specialised employment support in the AMC, to providing individualised support for all detainees, as well as engaging with potential employers about the benefits of employing people with criminal records. We also suggest that other relevant organisations, such as the Canberra Business Chamber, can also play a role in this context.
22. Detainees, especially those in the TRC, should be supported to undertake volunteer work in organisations of relevance to them.

Conclusion

We thank the ICS for the opportunity to provide this submission and trust it is of assistance in promoting the objective of a healthier prison for detainees, staff and therefore, ultimately, improved safety for the general ACT community. In conclusion, we note the following observations from Best et al:

At a time where COVID-19 has created uncertainty and fear, it may be tempting to seek to reduce discussion of prison to issues around risk, including the risk of virus transmission.... Although such an approach makes intuitive sense in the short-term, it may contribute to the circumstances that have resulted in prison riots in some countries.... In the longer term, doing so will erode trust and undermine the positive capital that is, we suggest, integral to promoting desistance. Long after the pandemic has ended, there will be a need to promote human flourishing in a prison setting (2021: 219).

References

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