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**THE LEGISLATIVE ASSEMBLY
FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**GOVERNMENT RESPONSE TO
THE AUDITOR-GENERAL PERFORMANCE AUDIT:
THE REHABILITATION OF MALE DETAINEES
AT THE ALEXANDER MACONOCHIE CENTRE**

Presented by
Shane Rattenbury MLA
Minister for Justice

INTRODUCTION

The Auditor-General announced an intention to undertake a performance audit of the Alexander Maconochie Centre (AMC) as part of the Audit Office 2013-14 program. In the wake of the ACT Human Rights Commission review of the provision of services to women in the AMC (the HRC report was tabled in the Assembly in May 2014), the scope of the audit was refined to cover rehabilitation of male detainees at the AMC.

The audit was initiated in May 2014 and the final report was tabled in the Assembly on 17 April 2015.

The Justice and Community Safety Directorate and in particular ACT Corrective Services co-operated with the audit throughout.

The Government welcomes scrutiny and it was always intended that the AMC be operationally transparent and subject to a high level of scrutiny.

This is the third major external audit and the sixth external review conducted into the operations of the AMC since it first began accommodating detainees in March 2009.

SUMMARY

The Government welcomes the Auditor-General's report and notes that it makes a number of recommendations to improve delivery of rehabilitation programs within the AMC.

The Government acknowledges there is a need for improvement in the delivery of programs and intends to use the recommendations in the report as the basis for continued improvement.

In particular, the Government agrees there are inefficiencies regarding access to employment and too much unstructured time for detainees in the AMC due to inadequate employment facilities or other activities such as organised recreation. The report also identified some gaps in the offender case management framework which the Government agrees requires strengthening to improve the effective delivery of rehabilitation.

The Government was pleased to see that the Auditor-General had acknowledged improvements in management practices that contribute to improved rehabilitation services in the AMC. This has included enhanced performance in regard to case management administration such as increased contact between detainees and case managers, with some notable and measured advances in the timeliness of assessments, completeness of case records and the adequacy of case notes. There have been improvements in staff management and culture, evidenced by reductions in overtime, improved ratios of planned and unplanned leave as well as reductions in use of force and in use of detainee lockdowns.

The Auditor-General noted that the number of detainees participating in one or more vocational education and training session per month was higher and at times much higher, than had been anticipated in the planning process.

The Auditor-General has also acknowledged that considerable support is provided for Aboriginal and Torres Strait Islander detainees, ranging from specific programs to identified specialist positions as well as contact with external service providers and advocates.

The report recognises the complexities in providing rehabilitative services particularly within the AMC, given its combination of both female and male detainees as well as remand and sentenced detainees, and a mix of classifications. As noted by the Audit Office, the profile of the ACT detainee population in the first five years of operation has been substantially different to that foreshadowed and used to inform the planning stage of building design and program development. There has been a much greater proportion of higher security detainees, much greater levels of separation of detainees required than in other prisons and much higher numbers of detainees than anticipated. Some detainees may have a high profile within the relatively small ACT community and need additional protection while others have significant mental health issues. There has also been considerable churn of detainees with average sentence lengths shorter than those anticipated during program planning phase in 2007, notwithstanding that this has recently begun to change.

These factors along with a higher than anticipated detainee population have meant that the program planning developed prior to the opening of the AMC has not been completely realised in the complexity of an operational AMC.

These same factors have constrained access to some rehabilitative activities and services. The high utilisation levels of the prison for much of its operational life to-date have provided ACT Corrective Services with limited operational flexibility to accommodate new detainees. At times, the focus of operations has been, by legislative and operational necessity, oriented toward maintaining a safe, secure and humane custodial environment at the expense of enhanced program service delivery. The Government and the community both expect safe and secure custody to be the focus of AMC operations, but the demands on ACT Corrective Services staff caused by the pressures noted above has meant that there has been limited resources available to plan and deliver improved rehabilitative activities beyond core responsibilities.

The Government does have concerns that the audit's stated intention was to be a review of rehabilitation of male detainees at the AMC but did not analyse key aspects of rehabilitation services available at the centre. The Audit Office focussed on three primary criminogenic programs as well as looking at employment issues (in the context of the 'structured day'), but did not examine such key rehabilitation program service delivery as alcohol and drug treatment (AOD). Factual information about AOD and other programs such as the range of counselling services available to detainees (eg. financial, relationship, emotional, addiction), as well as education, was included in the audit report at the request of ACT Corrective Services but was not analysed. As a result, the Government is concerned that the audit does not provide a comprehensive examination of rehabilitation service delivery at the AMC.

The Audit Office has identified ten recommendations which it considers necessary to improve the delivery of rehabilitation services to detainees in the AMC. The Government has agreed to all recommendations and has asked ACT Corrective Services to undertake work to progress them.

The Government and ACT Corrective Services had identified that there were areas in need of improvement and work was already underway in a number of areas referenced within the recommendations. For instance, data improvement issues as referenced in recommendation 8 as well as in sub-recommendations 3(c), 4(a), 6(c) and 9(c) are being addressed as part of a long-term project to improve ACT Corrective Services information management systems. Work has commenced to examine industries options for the AMC as proposed at recommendation 2. This work included a visit in November 2014 by the Minister for Justice along with ACT Corrective Services officials to prison industries facilities in NSW. A discussion paper is being prepared to provide an understanding of the scope of an industries initiative for the AMC, which will include identifying what issues need to be addressed and resources required in order to develop appropriate industries at the AMC.

Some recommendations can be implemented relatively quickly (eg. recommendation 5 which relates to definition issues) while others are more complex and resource intensive and will inevitably take some time to fully implement (eg. recommendations 1, 2, and 4). It is also possible that in implementing some of the more complex recommendations, for example an evaluation framework, additional issues may emerge that require changes to the scope of implementation and have unforeseen resource implications (such as engagement with other jurisdictions and with major justice research agencies).

GOVERNMENT RESPONSE

Recommendation 1: Rehabilitative Framework

A rehabilitation framework for the Alexander Maconochie Centre (AMC) should be developed by ACT Corrective Services (ACTCS) which, among other things:

- a) reflects the profile of the detainee population;*
- b) is flexible to respond to changes while providing guidance;*
- c) guides the integration of rehabilitative activities and services to achieve a 'structured day' that incorporates sufficient 'purposeful activity' for detainees;*
- d) provide the rationale and outlines the therapeutic program that will be provided; and*
- e) guides the provision of employment.*

Response: Agreed. ACT Corrective Services acknowledges that while rehabilitation programs and related service delivery is occurring in the AMC, it lacks a coherent overarching framework to inform the focus and outcome of that service delivery.

The process for implementation of this recommendation has already commenced. It is expected that this work will be completed in less than 12 months.

Recommendation 2: Role of Commercial or Business Enterprises ('Prison Industries')

The role of commercial or business enterprises ('prison industries') in providing employment for detainees in the AMC should be clarified by the ACT Government. A paper for the Government's consideration, which outlines options and recommends the role of commercial or business enterprises ('prison industries') should be developed in consultation with stakeholders.

Response: Agreed. Work to identify the viability of industry at the AMC and how this might be achieved is already underway. A comprehensive paper for the Government's consideration is being developed and will be presented to the Minister for Justice in early 2016. This will include appropriate consultative processes. As noted above, this work has included a visit to an industries facility operated by NSW Corrections by the Minister and ACT Corrective Services officials.

Recommendation 3: Accountability and Reporting

Internal performance measures for rehabilitative activities and services should be developed by ACTCS. These measures should:

- a) reflect work already underway in response to the 2014 Review of Corrective Services Strategic and Accountability indicators;*
- b) complement those measures reported by the Justice and Community Safety Directorate (in its annual reports);*
- c) be supported by the collection of data which is stored in ACTCS information management systems; and*
- d) be included in business planning, be routinely monitored and guide improvements.*

Response: Agreed. It is noted that the Audit Office has recommended improvements in internal reporting measures. Internal reporting processes are already being developed and ACT Corrective Services will build upon these steps in order to further deliver against this recommendation.

These processes will also be reflected in ACT Corrective Services business planning which is currently being improved.

Effective delivery of this recommendation is also somewhat dependent upon improvements currently being made to the ACT Corrective Services information management system (see recommendation 8).

Recommendation 4: Evaluation Framework

An evaluation framework for rehabilitative activities and services should be developed by ACTCS which, among other things:

- a) integrates data collection, monitoring and evaluation;*
- b) specifies priorities, frequency and timeframes for evaluation;*
- c) guides routine programming of auditing and quality assurance work; and*
- d) establishes the basis for evaluating the changes in detainees' access and completion of rehabilitation programs prior to, and post, the completion of the new AMC buildings.*

Response: Agreed. ACT Corrective Services agrees that its service delivery should be evaluated. In a small jurisdiction such as the ACT, this may include utilising the program evaluations of relevant programs in larger jurisdictions or engaging with major justice research agencies.

The development of an evaluation framework will need to be done in concert with the development of the rehabilitation framework (recommendation 1) in order to ensure both frameworks are as effective as possible. As with recommendation 3, effective delivery of this recommendation is also dependent upon improvements currently being made to the ACT Corrective Services information management system (recommendation 8).

Recommendation 5: Throughcare

'Throughcare' and Extended Throughcare should be defined and incorporated into ACTCS policy.

Response: Agreed. ACT Corrective Services will address this recommendation through the development of a Throughcare policy which will also better explain the concept of a defined Extended Throughcare program.

Recommendation 6: Case Management Policy Framework

The draft Case Management Policy Framework (July 2014) should be updated and finalised by ACTCS in a timely manner. It should, among other things, provide guidance on how to:

- a) maintain detainee autonomy while increasing the priority given to detainees' rehabilitation goals, balancing these against the community's need for protection;*
- b) improve communication and coordination between those involved in supporting detainees; and*
- c) collect data on all detainees.*

Response: Agreed. While it is the case that significant work has already been done in regard to this framework, there are aspects of the existing draft which may require adjustment to better meet the needs of Corrections service delivery in the ACT. The full impact of these adjustments is still being assessed and it is possible that work will be required to determine resource implications.

In regard to the better communication and collection of data, the proposed improvements to the Corrective Services information management system (recommendation 8) are expected to facilitate the establishment of a single or co-ordinated case plan and improved communication between all Corrective Service business units.

Recommendation 7: Addressing Individual Detainee Needs

Data on detainees with physical disabilities, intellectual disabilities and those from culturally and linguistically diverse backgrounds should be collected by ACTCS. This should be used to improve services for detainees in these cohorts and evaluate the effectiveness of activities and services.

Response: Agreed. Meeting this recommendation is likely to involve the adoption of data collection methods similar to those used to collect Indigenous status within the Corrections environment which are reliant on self-identification.

There is scope for such status to be updated. In regard to disability, where processes within education or treatment programs allow for identification of a disability not previously known or recorded, then a detainee's disability status could be changed.

Recommendation 8: ACTCS Information Management System

The implementation of improvements to ACTCS information management systems should be accelerated to correct inadequacies as soon as possible.

Response: Agreed. This work is already underway, with investment a priority as evidenced by money provided in the 2014-15 budget and further work being considered as part of the 2015-16 budget process.

Recommendation 9: Improving Level of Service Inventory-Revised Effectiveness

Improvements should be made by ACTCS in its use of LSI-R assessments in the AMC. These should include:

- a) improving the reliability of LSI-R assessments through training and development of assessors, and supervisory quality assurance measures;*
- b) using LSI-R assessment information effectively in case management planning and implementation; and*
- c) recording LSI-R assessment scores in ACTCS information management systems.*

Response: Agreed. Improvement processes already underway in regard to the delivery of Community Corrections (which include enhanced training, improvements in staff supervision and better case management practices) will be further built upon in order to implement this recommendation.

Implementing this recommendation is also linked to improvements to the ACT Corrective Services information management system. Integrating the LSI-R within the information management system will be considered as part of these improvements.

Recommendation 10: The 'Structured Day' and Sufficient 'Purposeful Activity'

What constitutes a 'structured day' and sufficient 'purposeful activity' should be defined and articulated in ACTCS policy, based on:

- a) the operational experience of the first five years of providing rehabilitative activities and services at the AMC;*
- b) the desirable scale and scope of formal and informal activities; and*
- c) equity of access and opportunity, taking into account the specific requirements of cohorts within the AMC including remandees, those progressing through the Transitional Release Centre, and those accommodated in separate communities or units.*

Response: Agreed. ACT Corrective Services will develop clear definitions of both a 'structured day' and sufficient 'purposeful activity', and articulate that this is suitable policy in order to address this recommendation.

In the context of delivery of any 'structured day', there are cohorts of detainees in the AMC who are participating in specific programs (such as the Solaris Therapeutic Community) or treatment (as in the Crisis Support Unit) who already experience a structured day. It is expected that when additional accommodation units come on-line later in 2015 and in 2016, there will be additional environments where structured days will be implemented for other detainee cohorts.

In terms of achieving a more effective structured day with purposeful activity for detainees across the facility, this will be dependent upon improvements to the delivery of recreational activities as well as what improvements can be made in regard to employment and industries (see recommendation 2). There are likely to be resource implications that will need to be considered as part of normal budget processes.