

**ACT**
Government

Justice and Community Safety

Dr Brian Turner
President
Prisoners Aid ACT
GPO Box 112
CANBERRA ACT 2601



Dear Dr Turner

Concerns with the Accuracy of Evidence Provided to the Assembly's JACS Standing Committee

I am writing to raise the concerns of ACT Corrective Services in regard to comments made by the Prisoners Aid leadership group to a hearing of the Legislative Assembly's Justice and Community Safety (JACS) Standing Committee on 16 May 2016.

Having reviewed the Hansard record of the hearing, it is apparent members of Prisoners Aid made a number of statements to the Standing Committee about Corrective Services operations which were not factual. Having discussed this with the management team of ACT Corrective Services, it was universally agreed that Prisoners Aid be contacted and that other steps be taken to correct the record.

Of greatest concern was an allegation that staff had used unnecessary force on a detainee during a visit with her mother. This incident, which occurred on 14 April 2016, did not involve eight officers using force as was alleged during the hearing, did not involve officers being armed as was alleged during the hearing and was certainly not inhumane. What it did involve was a female detainee behaving in an offensive manner and using obscene language towards staff and in the presence of other detainees and visitors (including children), who refused reasonable directions to cease such behaviour, who did not respond to efforts by staff to de-escalate the incident, who threatened and assaulted staff before force was used to remove her from the Visits centre. While it may be the case that the detainee has a range of health issues (which I cannot confirm with you due to privacy) that may contribute to such behaviour, her actions needed to be managed in a place where members of the public including children were present and at risk of unintended harm and AMC staff did so appropriately.

This 'evidence' but almost certainly hearsay, provided by one of your senior members, was untrue and offensive to the management and staff of ACT Corrective Services. It was also extremely reckless as it risks undermining the confidence of members of the Assembly in a government agency providing an important service to the community.

A statement was made that our staff are not trained to deal with detainees with mental health issues or to de-escalate conflict. Again, this is not true. Many of our clients have mental health issues: dealing with such detainees is part of our business and our staff are trained to deal with such clients. Mental health first aid as well as de-escalation and effective communication skills are key parts of officer training.

There was other information provided which was also incorrect. A claim was made that it costs \$215,000 per annum to accommodate a detainee in the AMC. This is incorrect – the true figure is much lower (in 2014-15 it was \$296.04 per day, so in the order of \$108,000) but varies from year to year. The correct data is available in the Report on Government Services. There was a claim that there has been a considerable turnover of staff which is not true. The separation rate of staff in ACT Corrective Services has been trending down for some years and the rate for custodial staff is lower still.

Another example is in regard to Aboriginal and Torres Strait islander incarceration rates. This is a serious social problem in both the ACT and Australia more generally and one in regard to which the Minister for Corrections has made a number of well reported public statements in recent times. As you would be aware, incarceration is a whole of justice system (and possibly societal) issue and not just a corrections issue. However, the figure cited by your colleague was not correct. The percentage of AMC detainees of Indigenous heritage is not 30% - for the year to date to the end of April it was 22.6%.

While I am pleased that Extended Throughcare is a program which you support, I was surprised to find from reading the Hansard that members of Prisoners Aid lacked an understanding of how the Extended Throughcare program works, despite the involvement of Prisoners Aid in the program since its commencement. Significantly, your members provided evidence about eligibility which was incorrect. There is no requirement for supervision by ACT Corrective Services to access this voluntary program – any sentenced male detainee is eligible for the program upon release from the AMC. And all women, including remandees, are eligible. In fact, more than 30% of Extended Throughcare clients have no supervision obligations.

X When such statements are made by your members, it undermines this agency's confidence in your organisation and raises questions about the appropriateness of our working arrangements with Prisoners Aid.

Interestingly, you spoke about the need to fill gaps for detainees on release and offered the services of Prisoners Aid to do so. The gaps noted were in regard to employment, accommodation and with family and friends. These are the very things which Extended Throughcare focuses on: its key work packages for detainees are Health Services, Housing, Connections (which includes culture, family, friends and

transport), a Job and Basics (which provides intensive support for two weeks prior to release and six weeks after release for those requiring it).

The only group of detainees not being serviced by Extended Throughcare are male detainees released while still on remand. We do expect that your organisation would assist with this group and if you see the possibility of an expanded role for Prisoners Aid with them, please feel free to discuss this with us.

A range of other concerns were raised by Prisoners Aid at the hearing and I would like to provide information to you about these issues.

There was concern in regard to screening for mental health and disabilities. ACT Health undertakes comprehensive health screening including for both primary and mental health. I recommend you raise concerns about mental health and issues you have about drug replacement therapy with ACT Health.

In regard to screening for disabilities, there is a screening program that has been operating in the AMC for some months. AMC case managers undertake a preliminary screening as part of standard induction. Where this highlights concerns, the client is referred to the Corrections Psychological Support Services (CPSS) team for a more comprehensive screening using the Hayes Ability Screening Index (HASI) which is designed to identify potential cognitive impairment. If required, CPSS will then conduct a full IQ and cognitive assessment.

You talked about the need to identify suitable programs and to incentivise detainees. Corrections delivers a range of rehabilitation, education and employment preparation programs, including providing trade tickets and practical skills. Vocational education courses include accredited Certificates in Hospitality, Horticulture and Business.

You noted in your evidence announcements regarding expansion of industries at the AMC and this is a major initiative of the Government, funded from the savings made through the very effective management of the accommodation expansion project. Absolutely, there is a need to provide more work and activities and clearly both the Government, the Minister for Corrections and ACT Corrective Services is committed to this.

As part of our development of an industries base, we are reviewing how to provide real incentives to detainees to better encourage engagement in employment and programs. Developing an effective incentives regime fits hand-in-glove with being able to provide detainees with consequences for poor engagement through differing accommodation options, something we have been unable to do until the new accommodation units were completed.

If you have further recommendations relating to detainee rehabilitation, please provide them to us through our Offender Services and Programs Manager.

Your organisation expressed concerns about the changes to the Visits schedule at the AMC. Let me reiterate that the driver for these changes was to ensure equitable access to visits. It was the case that with the previous schedule, some detainees had more access to visits than others. It was also the case that under that system, some detainees and their families were booking multiple visits well in advance, filling up the Visits schedule and thereby preventing other detainees accessing visits.

This resulted in some recently admitted or first-time detainees being limited or unable to have visits with family members or friends in that most vulnerable time.

You proposed that the AMC return to a six day Visits regime and that the booking system be abandoned. Our five days a week arrangement is the most generous in Australia and we facilitate over 14,500 visits each year. Without a booking system, we would be unable to properly manage this system. Great effort has been made to improve the booking system and to abandon it would simply result in chaotic Visits management. The new Visits schedule will be reviewed after six months.

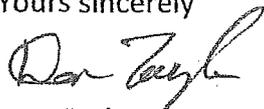
It is also useful to understand that while visits are clearly very important for maintaining connections and support, for an individual detainee lots of visits can impact upon their rehabilitation needs such as education and program attendance.

We acknowledge that aligning the bus timetable with visits has merit and have been working with ACTION in this regard.

You also expressed concerns about the move to cash-free visits. Cash causes contraband issues in custodial settings and the previous arrangements utilising tokens was not adequately managing this risk. The feedback we have had about the new arrangements from detainees and visitors, as well as from Prisoners Aid volunteers, has generally been very positive.

Ultimately, our expectation is that if you have issues of concern about Corrections service delivery, that you raise them first with us and if unsatisfied, then with the Government. This provides an opportunity to address issues and for correct information to be provided. This would be beneficial to both our organisations.

Yours sincerely



Don Taylor

A/g Executive Director
ACT Corrective Services

6 June 2016



Shane Rattenbury MLA

MINISTER FOR EDUCATION
MINISTER FOR CORRECTIONS
MINISTER FOR JUSTICE AND CONSUMER AFFAIRS
MINISTER FOR ROAD SAFETY

MEMBER FOR MOLONGLO

Mr Steve Doszpot
Chair
Standing Committee on Justice and Community Safety

Mr Doszpot, *Steve*

I am writing in response to correspondence I received 22 June 2016 from you in relation to a letter sent to Mr Turner, President of Prisoners Aid ACT, by ACT Corrective Services (ACTCS) regarding evidence presented to the Standing Committee on Justice and Community Safety on Monday 16 May 2016, inquiring into the Auditor-General's Report into Rehabilitation of Male Detainees at the AMC.

I do not in any way endorse the generally aggressive and accusatorial tone of the letter, which could be construed as an attempt to intimidate and threaten Prisoners Aid ACT in relation to the evidence that they gave to the Committee and that they should not give evidence in the future but instead deal with matters internally.

Whilst acknowledging that directorates may hold differing views from those presented during inquiries of this nature, it is clearly inappropriate for ACTCS to have raised any concerns with Prisoners Aid in this manner.

I understand that the proper process for resolving any divergent views of any factual evidence provided is to formally advise the Chair of the matters in contention. My office was advised on Tuesday 21 June that this had occurred, and that correspondence to the Committee was in accordance with standing conventions for correcting the record when possibly misleading or inaccurate evidence has been presented.

Having now read the correspondence addressed to Mr Turner, I would like to assure you that as the Minister for Corrections, I personally place great store in having respectful and robust working relationships with community sector organisations such as Prisoners Aid, in line with the ACT Government Social Compact.

I have today also written directly to the President of Prisoners Aid ACT to reiterate my personal commitment to respectful relationships between Government and non-government services, and have given my assurances that these matters will not have any adverse impacts on Prisoners Aid's ongoing service delivery or contract management. A copy of that letter is enclosed for the Committee's consideration.

I have also instructed the Director-General of the Justice and Community Safety Directorate to immediately communicate my views directly to the officials responsible for the correspondence Prisoners Aid have received, and to make appropriate management responses,

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possibly including undertaking training in dealing with the Legislative Assembly and its Committees.

I can assure you that I acknowledge the seriousness of the matter.

Thank you for bringing this matter to my attention.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Shane Rattenbury', with a stylized flourish at the end.

Shane Rattenbury MLA

Minister for Corrections

24 June 2016



Shane Rattenbury MLA

MINISTER FOR EDUCATION
MINISTER FOR CORRECTIONS
MINISTER FOR JUSTICE AND CONSUMER AFFAIRS
MINISTER FOR ROAD SAFETY

MEMBER FOR MOLONGLO

Mr Brian Turner
President
Prisoners Aid ACT

Dear Mr Turner, *Brian*

It has come to my attention that in your role as President of Prisoners Aid ACT, you have recently received correspondence from ACT Corrective Services in relation to evidence given by your organisation during the Legislative Assembly Standing Committee on Justice and Community Safety inquiry into Rehabilitation of Male Detainees in the AMC on Monday 16 May 2016.

On behalf of Corrective Services, I wish to apologise for the letter you received. I do not in any way endorse the generally aggressive and accusatorial tone of the letter, which could be construed as an attempt to intimidate and threaten Prisoners Aid ACT in relation to the evidence that they gave to the Committee and that they should not give evidence in the future but instead deal with matters internally.

Whilst acknowledging that directorates may hold differing views from those presented during inquiries of this nature, it is clearly inappropriate for ACTCS to have raised any concerns with your agency in this manner.

The proper process for resolving any divergent views of any factual evidence provided is to formally advise the Chair of the Committee of the matters in contention. It is then up to the Committee to consider these issues in their deliberations, seek further advice if required, and bear these views out in any subsequent reports.

Having now read and considered the correspondence, I would like to assure you that as the Minister for Corrections, I personally place great store in having respectful and robust working relationships with community sector organisations such as Prisoners Aid, in line with the ACT Government's Social Compact.

Further, while acknowledging the need for formal clarification in regard to some of your agency's evidence, I do not support the expectations outlined in the letter you received that issues of concern should be raised with line areas before being raised more broadly with directorates, me or indeed other Members of the Legislative Assembly.

All members of the community and non government organisations have the right to raise issues of concern publically, and perhaps to some extent even have a responsibility to do so in forums such as a public inquiry. Government agencies then have an opportunity to respond to those concerns in a range of methods, such as I have described above, but not in the manner you have experienced.

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I have instructed the Director-General of the Justice and Community Safety Directorate to communicate my views on the correspondence you have received directly to the officials responsible, and to make appropriate management responses, possibly including undertaking training in dealing with the Legislative Assembly and its Committees.

As I hope you appreciate from my recent attendance at the Prisoners Aid meeting on 1 June, I strongly value the role of non-government organisations, and the importance of a respectful relationship between Government and community organisations. You have my assurance that these recent interactions will not have any adverse impacts on Prisoners Aid's ongoing service delivery or contract management.

Yours Sincerely,



Shane Rattenbury MLA
Minister for Corrections
24 June 2016