

2023

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

**REPORT OF A REVIEW OF A CORRECTIONAL CENTRE BY THE ACT INSPECTOR OF
CORRECTIONAL SERVICES –
HEALTHY PRISON REVIEW OF THE ALEXANDER MACONOCHIE CENTRE 2022 –
GOVERNMENT RESPONSE**

**Presented by
Mick Gentleman MLA
Minister for Corrections
June 2023**

INTRODUCTION

The ACT Government welcomes the report from the Inspector of Correctional Services (the Inspector) titled *Report of a Review of a Correctional Centre: Healthy Prison Review 2022* (the Report), tabled in the ACT Legislative Assembly on 24 November 2022.

The establishment of an Inspector of Correctional Services was a commitment of the Government in response to Recommendation 8 of the Moss Review¹. This followed a death at the Alexander Maconochie Centre (AMC) in 2016. It recognised that effective independent oversight is vitally important in maintaining public confidence in our correctional system.

The *Inspector of Correctional Services Act 2017* (the Act) established an independent statutory authority to promote the continuous improvement of correctional centres and services in the ACT using a systematic review framework and independent and transparent reporting. Under section 17 of the Act, the Inspector must examine and review a correctional centre at least once every three years. This ensures a systemic and preventative approach to the oversight of these centres. The 2022 Healthy Prison Review follows the initial review in 2019.

The Report presents a whole-of-centre review of the AMC and, to a lesser extent, the Court Transport Unit (CTU), assessed across the four pillars established by the World Health Organisation. The pillars are:

- Safety
- Respect and dignity
- Purposeful activity and
- Rehabilitation and preparation for release.

The Report presents 63 findings and makes 29 recommendations:

- a. eight recommendations relate to the *Safety* pillar (1-8)
- b. twelve recommendations relate to the *Respect and Dignity* pillar (9-20)
- c. four recommendations relate to the *Purposeful Activity* pillar (21-24) and
- d. five recommendations relate to the *Rehabilitation and Preparation for Release* pillar (25-29).

ACT Corrective Services (ACTCS) and Canberra Health Services (CHS) have carefully considered all the findings and recommendations made in the Report. The Government

¹*So much Sadness in our Lives, Independent Inquiry into the Treatment in Custody of Steven Freeman'*
https://cdn.justice.act.gov.au/resources/uploads/JACS/Reviews/submissions/Treatment_in_Custody/Report_of_Independent_Inquiry.pdf

Response provides the position on each of the 29 recommendations and also indicates actions and timeframes for completion, where appropriate.

TIMING OF THE 2022 REPORT

It is important to note that the Report provides a point in time view of the AMC. Data and information gathering for this review was undertaken by the Inspector in the six to twelve months leading up to 30 June 2022; therefore, much of the data used was as at 30 June 2021. The Government notes that because of this, some significant work undertaken since the tabling of *Healthy Prison Review 2019* was not fully acknowledged in the *Healthy Prison Review 2022* report.

Due to the timing of the 2022 report, changes commencing in the second half of 2022 have not been recognised, nor has progress being acknowledged. Many of the recommendations identify areas where ACTCS already has a significant change program underway and this has resulted in a small number of recommendations not being accepted in full.

The ACT Government:

- Agrees to nine recommendations, five of which are completed.
- Agrees in Principle to nine recommendations, one of which is completed.
- Notes nine recommendations.
- Does Not Agree to two recommendations.

A summary of the recommendations and the Government's response is provided in the following table.

The Government notes that in addition to the recommendations, the Report presents some key finding and summary report of themes identified across the four pillars. Comments on these themes are provided at Appendix 1.

PILLAR 1: SAFETY

| Recommendation | Government Response | Implementation date |
|---|---|-------------------------|
| <p>Recommendation 1</p> <p>That ACT Corrective Services re-design the use of the admissions area to ensure intake interviews with detainees can be done in privacy, and detainees are not able to observe officers' computer screens in the officer area.</p> | <p>Agreed in Principle</p> <p>ACTCS will examine options to improve privacy in the admissions area and implement solutions that can be undertaken within current resourcing.</p> | <p>31 December 2023</p> |
| <p>Recommendation 2</p> <p>That drawing on experts in disability, ACT Corrective Services introduce a suite of induction materials that meet the needs of detainees with disability (e.g., an induction video, Easy Read induction packs) and are relatable for the diverse detainee population.</p> | <p>Agreed</p> <p>The Government notes that work in relation to admission and induction information is being progressed under the ACTCS Disability Action & Inclusion Plan, with engagement from the Office of Disability and ACTCS Disability Liaison Officers. ACTCS established a Disability Reference Group in December 2022 to provide ongoing support and guidance on disability related work including reviewing and developing information to ensure accessibility, inclusiveness and that alternative formats are available. ACTCS' commitment to detainee's access to information is part of business-as-usual practice.</p> <p>Initial activities under this suite of work include:</p> <ul style="list-style-type: none"> • development of an admissions video to play at the Court Transport Unit (expected commencement in 2023) • development of an information video for offenders on sentencing orders in the community (released for staff consultation 22 December 2022 and expected commencement in 2023) • development of the Disability Framework to guide all ACTCS policy, programs and activities in better practice approaches to inclusion (to be released in 2023) | <p>30 June 2023</p> |

PILLAR 1: SAFETY

| Recommendation | Government Response | Implementation date |
|--|--|---------------------|
| | <ul style="list-style-type: none"> review of relevant documents including the Detainee Handbook and development of alternate versions for greater accessibility. | |
| <p>Recommendation 3</p> <p>That ACT Corrective Services engage an independent Aboriginal and Torres Strait Islander expert(s) to review the security rating system to ensure that it is free of any cultural bias that could result in Aboriginal and Torres Strait Islander detainees being over-classified.</p> | <p>Noted</p> <p>ACTCS conducted an internal review in the absence of being able to identify an independent Indigenous expert in security classification tools. The review involved consultation with the Aboriginal and Torres Strait Islander staff, a review of current literature and a cross-jurisdictional scan of tools used (both nationally and internationally). An updated Classification Tool and Offence Severity Scale was introduced in 2022.</p> <p>The Government notes the tool in use in July 2021 was unchanged from the tool used in 2019. The Corrections Management (Detainee Classification) Policy 2022 and the tool were reviewed during 2022 and the policy was notified on 27 June 2022.</p> <p>The review of the classification tools aimed to address any biases in the previous tool. ACTCS reviewed classification tools from other Australian and international jurisdictions and sought input from internal Aboriginal stakeholders. Review of the tool was led by a Senior Director in Offender Reintegration who identifies as an Aboriginal person, and who currently holds one of the two roles of whole of ACT Government Cultural Adviser.</p> <p>ACTCS investigated various options to identify an expert to review the tool for potential bias against Aboriginal people, but despite broad inquiries was unable to identify a person able to undertake such a review.</p> | N/a |

PILLAR 1: SAFETY

| Recommendation | Government Response | Implementation date |
|--|---|---------------------|
| | <p>The current approach includes separate tools for initial classification and classification review. It requires a senior staff member to review and approve the initial classification, and a panel of staff to make a recommendation to a senior staff member for a classification review, with the classification review tool being just one factor for the panel's consideration.</p> <p>The classification review tool includes a range of dynamic factors, which also reduces the reliance on the static factors which likely contributed to any Aboriginal and Torres Strait Islander detainees being over-classified in the past. The Government has undertaken significant work that delivers on the spirit of this recommendation.</p> | |
| <p>Recommendation 4</p> <p>That ACT Corrective Services define what a 'cohort' is at the Alexander Maconochie Centre and develop a strategy to reduce the number of cohorts based on minimising rather than avoiding every possible risk, so that more detainees can mix (for programs, visits, recreation, etc.)</p> | <p>Not Agreed</p> <p>Limitations on detainees 'mixing' exist to maintain safety, security and good order. ACTCS considers non-associations (imposed by sentencing authorities or as requested by detainees), sex, gender, security classification and the applicability of relevant policies (such as the <i>Incentives and Earned Privileges Policy</i> and <i>Discipline Policy</i>) in determining the mixing of detainees. The circumstances and assessments made of detainee behaviour and classification are subject to change over time, which is then reflected in operational decisions concerning which detainees can 'mix'.</p> | <p>N/a</p> |

PILLAR 1: SAFETY

| Recommendation | Government Response | Implementation date |
|---|--|---------------------|
| <p>Recommendation 5</p> <p>That ACT Corrective Services amend relevant policies and procedures to ensure there is a caution on the use of prone position restraint and other high-risk positions, and that Use of Force training adequately reflects this.</p> | <p>Agreed in Principle</p> <p>The Government notes that ACTCS does not teach or use a prone position hold. The issue often associated with the “prone position” is not the transitory use of the position itself but rather medical complications that may occur during the prolonged use. It is agreed that appropriate warnings and training be given to officers to ensure the use of any prone restraint is limited and undertaken safely.</p> <p>ACTCS already teaches, and will continue to teach, the signs and symptoms of a medical emergency and how to respond. Officers are currently taught how to restrain without using body weight on the detainee. The prone position as taught at ACTCS lowers the risk to the detainee and officers as it places the detainee in a temporary position where they are less likely to hurt officers and less likely to be hurt by an officer needing to respond to an attack. In addition to training, the annex on medical warnings provided as a part of the Use of Force and Restraints Policy 2022 is provided at the end of the policy on the staff intranet and is not difficult to locate.</p> <p>ACTCS will continue to review restraint practices that contribute to the safety of staff and detainees and minimise the risk of injuries. Updated advice in line with training will be included in the revised Use of Force and Restraints Policy, which is currently under review.</p> | <p>30 June 2023</p> |

PILLAR 1: SAFETY

| Recommendation | Government Response | Implementation date |
|---|---|---------------------|
| <p>Recommendation 6</p> <p>That ACT Corrective Services develop and notify a body scanner procedure which makes clear that detainees detected carrying an object are given every opportunity to surrender the object before a strip search is conducted.</p> | <p>Agreed</p> <p>The X-ray Body Scanner Search operating procedure was notified in February 2023 and provide instruction consistent with the Searching Policy on undertaking searching scans. The operating procedure was reviewed by the Human Rights Commission (HRC) and feedback from the HRC was considered and addressed.</p> <p>As outlined in the procedure and in line with other kinds of searches undertaken, detainees will be provided with the opportunity to admit to and surrender any prohibited things on their person prior to the search being undertaken. In the case of the body scanner, if a scan suggests the presence of a prohibited thing, the detainee will be given opportunity to surrender the item, if that is immediately possible. The procedure also considers the next steps if a detainee is unwilling or unable to surrender the item.</p> <p>The Government notes the scanners provide an x-ray image of the person being scanned, with areas of possible discrepancy identified by an algorithm and highlighted for review. The scanners will not remove all requirements for strip searches, though it is expected they will greatly reduce the need for strip searches outside of the admissions process.</p> | <p>Complete</p> |

PILLAR 1: SAFETY

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|---|--|-------------------------|
| <p>Recommendation 7</p> <p>That ACT Corrective Services consult with key stakeholders to develop a strategy to prevent, track and respond to incidents of sexual coercion and violence in the Alexander Maconochie Centre.</p> | <p>Agreed in Principle</p> <p>The Government acknowledges the seriousness of sexual harassment, coercion and violence in closed institutions, and the stigma and harm that is often associated with being the victim of such offences. The Government also acknowledges the importance of a trauma-informed approach to working with detainees, many of whom have a history of trauma and victimisation, particularly women detainees.</p> <p>As a part of the Integrated Offender Management Framework (IOM), staff have recently been given additional guidance in working with people who have experienced trauma, including introducing the Working with Trauma Using Gender Informed Principles guide and relevant training.</p> <p>A significant element of success in improving reporting of such incidents and being able to respond depends on a level of trust between staff and detainees that reporting an incident will result in a response that is appropriate, supports the victim and addresses the allegations through transparent and reliable actions.</p> <p>ACTCS has discussed reporting mechanisms with the Human Rights Commission (HRC) and the HRC Commissioner agrees the HRC is an appropriate additional reporting pathway.</p> <p>Noting that no jurisdiction appears to have a solution to this issue, ACTCS will investigate the learnings from the Sexual Assault Prevention and Response Program, and work with CHS, HRC and other stakeholders to consider improvements to ACTCS' current policy, training and general approach in this area. ACTCS will then be better placed to ascertain the utility of such a strategy and whether it would achieve the intent of the recommendation.</p> | <p>31 December 2023</p> |
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PILLAR 1: SAFETY

| Recommendation | Government Response | Implementation date |
|---|--|---------------------|
| <p>Recommendation 8</p> <p>That the Blueprint for Change Oversight Committee or relevant part of the Justice and Community Safety Directorate consult with the Office of the Inspector of Correctional Services about the nature (and funding) of monitoring of the Committee’s recommendations.</p> | <p>Noted</p> <p>The Government believes there is sufficient scrutiny of the work being undertaken in response to the A New Future for Custodial Services report released by the Blueprint for Change Committee and does not see an active role for OICS in the Blueprint process. A comprehensive governance structure has been established to monitor the progress of the Blueprint for Change Reform Program.</p> | <p>N/a</p> |

PILLAR 2: RESPECT AND DIGNITY

| Recommendation | Government Response | Implementation date |
|---|---|---------------------|
| <p>Recommendation 9</p> <p>That a dialogue be initiated between detainee representatives and senior operational staff, facilitated by an appropriately independent individual, to identify factors contributing to a decline in detainee–staff relationships and opportunities for improving it.</p> | <p>Noted</p> <p>The Government does not agree that a bespoke meeting with an independent lead is required and notes significant work already addressing this issue. Relevant initiatives include:</p> <ul style="list-style-type: none"> • an increase in the number of in-area/service representatives for Detainee Delegate meetings. These meetings are Chaired by the Senior Director Detainee Services and now also include Custodial Officer Grade 4s • Official Visitors, Prisoner Aid, Health and Forensic Mental Health Service (FMHS) now also attend Delegate meetings and provide a level of independent representation for detainees • the clarification of the disciplinary process through a new policy and staff training is leading to more consistent outcomes for detainees. The IEP program rewards and promotes good detainee behaviour and fosters positive interactions with staff • Five Minute Intervention (FMI) training is being rolled out to operational staff. The FMI program seeks to make staff/detainee interactions more purposeful. <p>Representatives such as Official Visitors and Prisoners' Aid are well placed to identify factors contributing to changes in staff-detainee relationships and to advocate and act to address any such issues.</p> <p>To the extent that COVID-19 lock-ins and restrictions on visits contributed to the issue of staff/detainee relations, visits have returned to normal and AVL visits also continue. Current COVID-19 safety practices minimise impact on units away</p> | <p>N/a</p> |

PILLAR 2: RESPECT AND DIGNITY

| Recommendation | Government Response | Implementation date |
|---|--|---------------------|
| | from the source of any outbreak in the AMC and normal operations are maintained as a matter of course. | |
| <p>Recommendation 10</p> <p>That ACT Corrective Services increase the weekly detainee self-catering allowance to align at least with calculations derived from the Reserve Bank of Australia inflation calculator for the period of 2010 to 2020 and ensure that the allowance is adjusted annually in accordance with the Consumer Price Index.</p> | <p>Agreed</p> <p>The self-catering allowance has been reviewed annually since 2021. The 2021 increase was substantial due to the years without a review that had previously occurred. There is now an annual review using an alternative costing method which to date has resulted in a higher than CPI increase each year.</p> <p>ACTCS has included the inflation calculator in the review process from January 2023.</p> | Complete |

PILLAR 2: RESPECT AND DIGNITY

| Recommendation | Government Response | Implementation date |
|--|--|---------------------|
| <p>Recommendation 11</p> <p>That ACT Corrective Services create a senior level Aboriginal identified head office position to lead and drive policy and operational approaches to reduce the disadvantages of Aboriginal and Torres Strait Islander detainees, and potentially, those people under community-based orders. This position should report directly to the ACT Corrective Services Commissioner.</p> | <p>Agreed in Principle</p> <p>ACTCS has established a new Cultural Services Senior Director position which reports to the Assistant Commissioner, Offender Reintegration. The position is an identified position and is currently filled on a temporary basis for six months pending an external recruitment process for permanent filling which will be undertaken in mid-2023.</p> <p>The role is responsible for the provision of strategic review, planning, advice and guidance on issues relating to the overrepresentation of Aboriginal and Torres Strait Islander people in the criminal justice system. This includes the provision of best practice advice, policy guidance and reporting support. The Senior Director Cultural Services role will be focussed on working in partnership with clients (community and prison based), families, community, and ACT Corrective Services colleagues to deliver the best possible life outcomes for Aboriginal and Torres Strait Islander people engaged in the criminal justice system including providing advice to the ACTCS Executive.</p> <p>The Government also notes the investment in establishing the Indigenous Justice Branch (IJB) in JACS in 2022 to help reduce the overrepresentation of Aboriginal and Torres Strait Islander people in our justice system. The branch supports the delivery of programs and initiatives and works collaboratively across other areas of JACS, including ACTCS, to coordinate efforts on this important agenda. The IJB plays an integral role in building partnerships with community and community organisations to deliver meaningful services to Aboriginal and Torres Strait Islander people in contact with the justice system.</p> | <p>Complete</p> |

PILLAR 2: RESPECT AND DIGNITY

| Recommendation | Government Response | Implementation date |
|---|---|-------------------------|
| <p>Recommendation 12</p> <p>That ACT Corrective Services urgently expand women’s accommodation within the Women’s Community Centre precinct in order to provide more flexibility in accommodating the different cohorts of women (e.g., women on protection, segregation, separate confinement orders).</p> | <p>Noted</p> <p>Examination of the need for expanded secure accommodation for women will be undertaken as part of broader planning.</p> | <p>N/a</p> |
| <p>Recommendation 13</p> <p>That condoms, water-based lubricants and dental dams be made freely available in the units so detainees can access them without having to make a request to staff.</p> | <p>Agreed in Principle</p> <p>ACTCS will identify how these products can be issued in accommodation areas while maintaining privacy and dignity. Further, CHS have added dental dams to the bleach and condoms that are available in the Hume Health Centre and can be accessed without a request to staff.</p> | <p>31 December 2023</p> |
| <p>Recommendation 14</p> <p>That plans to refurbish and expand the Hume Health Centre that were suspended due to COVID-19 be resumed, or a new feasibility assessment for Health Centre expansion and refurbishment be conducted. In the interim, Justice Health (in consultation with ACT Corrective Services) must review the functionality of the Hume Health Centre as a matter of priority to determine if there is any way of improving patient access and capability in the short term. The use of the satellite clinics should also be reviewed to see if there is any way their use could be increased.</p> | <p>Agreed</p> <p>Physical works to refurbish and expand the capability of the Hume Health Centre were completed in 2022.</p> <p>COVID-19 outbreaks in the AMC throughout 2022 significantly impacted movements within the prison, including to the HHC so baseline data was not able to be obtained. Proposed KPIs in relation to access and flow to the HHC are currently being agreed and will be finalised via the ACTCS/JHS/WNAHCS Governance Meeting in April. Formal ongoing monitoring of the KPIs will commence once agreed.</p> | <p>Complete</p> |
| <p>Recommendation 15</p> <p>That Justice Health ensure that when detainees self-refer to Justice Health during medication rounds, it is done in a manner that protects their privacy.</p> | <p>Agreed</p> <p>CHS will consult with detainees and review suggestions on how to improve confidentiality for the self-referral process.</p> | <p>31 December 2023</p> |

PILLAR 2: RESPECT AND DIGNITY

| Recommendation | Government Response | Implementation date |
|--|--|-------------------------|
| <p>Recommendation 16</p> <p>That relevant policies and practices are changed to ensure that non-smokers are never compelled to share a cell with a smoker. This should not await the planned smoking ban at the Alexander Maconochie Centre.</p> | <p>Noted</p> <p>ACTCS already undertakes every reasonable effort to ensure non-smokers do not share a cell with a smoker. Smoking status is considered as a part of the assessment process undertaken to assign placements but may not always be accommodated given the large number of detainees who are smokers. Smoking is not permitted in cells and detainees who breach AMC rules are managed under the detainee discipline policy.</p> | <p>N/a</p> |
| <p>Recommendation 17</p> <p>That Justice Health expand the use of telehealth for a greater range of specialist service consultations.</p> | <p>Agreed</p> <p>CHS is looking at data to quantify what other specialist consultations are required and of these, what can be done via telehealth.</p> | <p>31 December 2023</p> |
| <p>Recommendation 18</p> <p>That the ACT Government engage an independent third party to convene and chair an urgent senior level working group between Justice Health, Winnunga and ACT Corrective Services to address the working relationships between the three entities in relation to the provision of culturally appropriate health care in the Alexander Maconochie Centre.</p> | <p>Agreed in Principle</p> <p>The intent of this recommendation will be addressed through implementation of recommendation 6 of the ACT Auditor-General's report No. 1/2022, <i>Management of Detainee Mental Health Services in the Alexander Maconochie Centre</i>, which was agreed in principle by CHS.</p> | <p>31 December 2023</p> |

PILLAR 2: RESPECT AND DIGNITY

| Recommendation | Government Response | Implementation date |
|---|--|---------------------|
| <p>Recommendation 19</p> <p>That ACT Corrective Services and Justice Health commission an independent joint review of the Crisis Support Unit (CSU) that addresses the purpose of the CSU; placement/admission criteria and the process for approval and review of placement and removal from the CSU; resource requirements (i.e., psychological and custodial staffing); custodial officer training requirements; and clinical/therapeutic interventions provided to detainees placed in the unit.</p> | <p>Agreed in Principle</p> <p>Addressing this recommendation as stated would require a psychiatrist or expert in the design of service systems in psychiatric care to undertake the review and make realistic and achievable suggestions in the context of the AMC. Such a review would not be sourced easily across Australia. It is a considerable undertaking factoring in the resources available to AMC. A pure therapeutic model (such as that referred to by the recommendation) could not be safely used at the Crisis Support Unit without extensive psychiatric oversight, a large increase in resourcing and a broad commitment from government to accept high risk of potential harm.</p> <p>CHS is in the process of implementing the recommendations from the <i>Inquiry into the Legislative, Workplace Governance and Clinical Frameworks of Dhulwa Secure Mental Health Unit</i> and regularly reports on progress to the Independent Oversight Board. With clarity on Dhulwa’s role as a forensic mental health unit, vulnerable detainees who are suitable for care within Dhulwa can be transferred there for the clinically appropriate time, freeing up CSU to focus on crisis and safety management of at-risk detainees.</p> <p>ACTCS and the CHS Forensic Mental Health Service (FMHS) are already implementing program and therapeutic support reforms that will impact the use and practices of the CSU. This work will also consider other Australian jurisdictions’ approaches to placement and review criteria, processes, and custodial officer training at equivalent units. Any changes to the model of service, staffing and training will be considered in that context.</p> | <p>30 June 2024</p> |

PILLAR 2: RESPECT AND DIGNITY

| Recommendation | Government Response | Implementation date |
|--|---|----------------------------|
| Recommendation 20 That Justice Health review as a priority the way detainee medication is transported around the Alexander Maconochie Centre to provide a more secure method of transport. | Agreed This is an internal operational issue that has been resolved through the purchase of a new medication trolley. | Complete |

PILLAR 3: PURPOSEFUL ACTIVITY

| Recommendation | Government Response | Implementation date |
|---|--|-------------------------|
| <p>Recommendation 21</p> <p>That ACTCS, as a priority, devise and implement a strategy to remove barriers for meaningful participation in distance tertiary education, with timeframes for implementation. The strategy should also include immediate or interim steps that are to be taken so detainees enrolled in education currently can access course requirements.</p> | <p>Agreed in Principle</p> <p>ACTCS has recruited a full time Senior Education Officer to support Distance Education students and is working to introduce stand-alone computers that have the capacity to hold specific educational or course related software required for detainees to complete required units.</p> <p>ACTCS will revise and update the <i>Detainee Access to Education, Library and ICT Policy</i> and associated materials to clearly explain the process for distance education enrolment and levels of support available. A strategy is not necessary to achieve the intent of this recommendation.</p> | <p>31 December 2023</p> |
| <p>Recommendation 22</p> <p>That ACT Corrective Services increase the staffing profile of Activities to include two additional full-time dedicated Activities Officer positions and increase the hours of operation to be in line with other areas of the Alexander Maconochie Centre (e.g., 12-hour shifts, seven days per week).</p> | <p>Agreed</p> <p>Two additional Activities Officer positions have been agreed and were filled in January 2023. As these roles are designated Correctional Officer roles they operate on a rotating roster of 12 hours per day over 7 days a week.</p> | <p>Complete</p> |
| <p>Recommendation 23</p> <p>That ACT Corrective Services fund the expansion of the contracted health and recreation provider hours of operation to allow for programs and activities to be scheduled on weekends and afternoons.</p> | <p>Noted</p> <p>An expansion of recreation activities will be achieved via the additional Activities Officers who will be operating on a standard roster (12 hours per day, 7 days a week). This negates the need to increase contracted services which add to the burden of custodial oversight.</p> | <p>N/a</p> |

PILLAR 3: PURPOSEFUL ACTIVITY

| Recommendation | Government Response | Implementation date |
|---|---|---------------------|
| <p>Recommendation 24</p> <p>That ACT Corrective Services commit to and fund a multi-purpose industries building. This follows from a recommendation made in the Alexander Maconochie Centre Healthy Prison Review 2019 (Recommendation 65) to explore the feasibility and cost of providing a modest multi-purpose industries building, that was accepted by the ACT Government but not implemented.</p> | <p>Noted</p> <p>Examination of the need for an industries building will be undertaken as part of broader planning.</p> | <p>N/a</p> |

PILLAR 4: REHABILITATION AND PREPARATION FOR RELEASE

| Recommendation | Government Response | Implementation date |
|--|---|---------------------|
| <p>Recommendation 25</p> <p>That ACT Corrective Services work with the Specialist Communities Team to refine a recruitment and retention strategy for that team, and fund reasonable costs associated with efforts to reach full team capacity.</p> | <p>Noted</p> <p>The Specialist Communities and Specialist Interventions Teams have been amalgamated and are now called the Supports and Interventions Unit (SIU). This allows an increased breadth of service provision across the AMC, providing multidisciplinary support and therapeutic interventions to detainees with disability, complex care and mental health related needs.</p> <p>The SIU staffing remit has expanded, and as of January 2023 there are 12 positions in the team. Recruitment is underway to fill vacant positions. Two new clinicians commenced in November 2022 and a Counsellor role and Disability and Complex Care Coordinator role were filled in early 2023.</p> | <p>N/a</p> |

PILLAR 4: REHABILITATION AND PREPARATION FOR RELEASE

| Recommendation | Government Response | Implementation date |
|---|---|---------------------|
| <p>Recommendation 26</p> <p>That if ACT Corrective Services cannot negotiate a cheaper cost-per-call rate with a telephone provider, the cost of calls is subsidised to a level broadly commensurate with the cost of landline calls in the community.</p> | <p>Agreed</p> <p>The AMC is currently running a hybrid-system where the external phone services are delivered to the AMC via NBN fibre links, but the internal hardware is still based on copper wiring connected to a PABX system. A new system to replace this is under development. Upgrades have been completed to the infrastructure that delivers phone services within the AMC to allow a migration to digital Voice Over Internet Protocol (VOIP) phone services.</p> <p>ACTCS and Digital, Data and Technology Solutions Group completed rolling out the required network to enable a full integration and the use of digital VOIP services for the AMC detainee telephone service in February 2023. The Detainee Telephone System replacement tender is expected to be released towards the end of 2023.</p> <p>Once the AMC has converted to VOIP delivery of phone services, ACTCS will have far greater flexibility in setting call rates as it will no longer be tied to a cost per phone-call charged by the external supplier. Call rates will be determined as part of the new system configuration and negotiated as part of the tender evaluation process. ACTCS expects that standard local call and mobile call rates will be significantly cheaper than the current system. ACTCS will review the size and duration of the subsidy if alternate solutions to the cost of calls cannot be identified and implemented.</p> | <p>30 June 2024</p> |

PILLAR 4: REHABILITATION AND PREPARATION FOR RELEASE

| Recommendation | Government Response | Implementation date |
|---|---|---------------------|
| <p>Recommendation 27</p> <p>That an independent audit of the Alexander Maconochie Centre’s paper mail system is conducted to determine if mail services for detainees (e.g., timeliness, reliability, costs) are as close as equivalent to those in the community as possible for a custodial environment.</p> | <p>Agreed in Principle</p> <p>ACTCS will approach other jurisdictional correctional services or other appropriate organisations to undertake a review of the AMC’s mail system.</p> | <p>30 June 2024</p> |
| <p>Recommendation 28</p> <p>That, as a matter of urgency, the ACT Government commit to increasing the size of the Alexander Maconochie Centre visits area to cater for realistic numbers of mainstream, protection and women detainees.</p> | <p>Noted</p> <p>Examination of the need for an expanded visits area will be undertaken as part of broader planning.</p> | <p>N/a</p> |
| <p>Recommendation 29</p> <p>That ACT Corrective Services report publicly on a quarterly basis on the current occupancy of the Transitional Release Centre and Transitional Release Program against capacity, starting January 2023.</p> | <p>Not Agreed</p> <p>The recommendation aims to promote transparency but doesn't address the issues raised in the HPR 2022 report. The recommendation will not improve either the number of detainees eligible for the program or the program uptake. Reporting on TRC and TRP numbers is regularly provided as a part of Annual Report and Estimates hearings and in response to Questions on Notice.</p> | <p>N/a</p> |

APPENDIX 1.

COMMENTS TO KEY THEMES AND FINDINGS

Lack of a structured day and boredom

The Government agrees that there are ongoing challenges in facilitating detainee engagement and occupation in meaningful activities at the AMC. There are multiple contributing factors, including challenges in engaging with service providers, COVID-19 arrangements during 2020 and 2021 and other environmental and procedural constraints. For example, detainees with non-associations and protection status have increased in recent years, and this constrains which detainees can mix freely. This is largely driven by detainees themselves who identify non-associations, including requesting protection status. ACTCS understands the trend is similar to other jurisdictions in Australia. Likewise, the increased use of audio-visual (remote) access to programs for detainees has resulted in more limited space for face-to-face program activities due to the fixed number of program spaces.

While the *Corrections Management Act 2007* (CMA) allows ACTCS to decline a request for protected status, this rarely happens in practice. While non-associations and protection status affect the mixing of different groups of detainees, ACTCS is working to offset or minimise this in a variety of ways, including with the introduction of the *Incentives and Earned Privileges* (IEP) program.

The IEP program went live on 1 September 2022 and has three levels: Basic (which provides all the minimum requirements as required by the CMA), Standard and Enhanced. Detainees on Enhanced are motivated to maintain their status and access to additional privileges through the continued maintenance of relevant behaviours. As a result, a greater number of detainees on the same IEP status can be supported to access visits and activities at the same time.

Introduction or refresh of programs as a part of the Integrated Offender Management (IOM) Framework also significantly increased in the second half of 2022. There has been a strong focus on programs to support female detainees and programs focused on reintegration and criminogenic programs such as drug and alcohol addiction. Some of these were pilot programs which are being reviewed for fit and effectiveness and, if continued, are likely to be in a significantly revised format responding to the review outcomes.

Education

The Government agrees that greater access to education programs is required and notes ACTCS has been investigating both interim and longer-term solutions since September 2022 to address the situation. It is important that detainees can access educational programs to acquire skills to support their transition to the community and employment.

ACTCS has recruited a full time Senior Education Officer and Assistant Director Detainee Services position to support Distance Education students. ACTCS is also revising and updating the *Detainee Access to Education, Library and ICT Policy* and associated materials to clearly explain the process for distance education enrolment and levels of support

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available for detainees. This will assist detainees to understand the requirements that should be considered before enrolling in tertiary education and identify the institutions already working with ACTCS to provide access to distance students in a correctional centre. Work is also underway to add software to support university degrees to a laptop to allow continued education access outside of restricted Education timeframes. ACTCS will continue to engage with tertiary institutions at the request of detainees but notes that many of the issues involved are out of ACTCS' hands and require action on the part of the educational institutions to enable electronic access. Access to online forums also must be established in a manner that does not undermine the security and good order of the AMC or pose a threat to victims.

The Government does not agree with the Inspector's assertions that there have been significant failures in the procurement process in relation to education services. After much effort, the tender process was appropriately terminated when it became evident that value for money for the Government could not be achieved. Instead, following termination of the vocational education tender process, ACTCS has facilitated several Request for Quote (RFQ) processes to engage suitably qualified Registered Training Organisations (RTO's) already on ACT government panels. Successful applicants will deliver separate priority education and vocational training courses to the detainees at the AMC over the next 12-24 months while a longer-term plan is developed. More than 20 certificate level or prerequisite courses (such as a "white card" course) are planned. Twelve RFQs were released to the market in October and November 2022.

As of March 2023, there have been four units of competency offered to all detainees. A total of 202 students have commenced these units (50% of all detainees). In April 2023 delivery increased with further units of competency in the Cert II in Cookery, White Card and asbestos awareness courses. ACTCS staff also continue to have all Detainees undertake Language Numeracy and Literacy assessments (LLN's) as relevant.

The provision of courses in Aboriginal Art and Culture studies, Foundational Skills (to support low level language, literacy and numeracy), Certificate II in Hairdressing and Retail Sales, Stop Slow Batten and Silica Awareness should be finalised in early April. Sourcing of additional educational options will continue to ensure a diverse selection of education provision supporting rehabilitation and reintegration.

Programs and Interventions

The Government agrees with the Inspector's concerns regarding the shortfall of programs over the last three years. ACTCS has had a particular focus on this as a part of the development and implementation of the *Integrated Offender Management Framework*. A new referral pathway process has been introduced for detainees and community-based offenders that will significantly improve ACTCS' ability to identify needs and inform program scheduling.

An updated *ACTCS Programs Compendium 2022* providing information on the programs offered through the Corrections Program Unit was released in December 2022.

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An audit of programs delivered by external agencies to detainees was completed in August 2022, and the new *Programs & Services Advisory Committee* has been established to ensure a high level of oversight for all programs and services moving forward.

No recommendations were made specifically about ACTCS programs and interventions.

Employment

The Report raises concerns about the types of employment opportunities open to detainees, including female detainees, and the hours available to provide meaningful engagement. There are opportunities in most service areas, including the bakery, horticulture and grounds. These positions can be problematic to fill, due to the requirements to demonstrate acceptable work performance, attendance and engagement including the ability to provide mentorship, guidance and information to others in the workplace. Other positions that are available and vacant (such as cleaning) are challenging to consistently fill because they are not roles that attract higher levels of remuneration.

As at 11 April 2023, ACTCS had approximately 8 vacancies for work roles outside of the accommodation units. Some positions, particularly in the bakery, have deliberately limited work hours to enable access by a greater number of detainees across the AMC. Other opportunities such as Women's Community Centre (WCC) grounds maintenance, visits cleaners and the women's nursery have additional positions allocated to increase work options for female detainees and resource areas to support their often short sentences. These employment options provide varied opportunities and gives ACTCS the ability to release detainees to scheduled programs and activities whilst maintaining service delivery.

Women taking up bakery positions has increased in the first quarter of 2023, with one vacancy as of 11 April 2023. Bakery days could be increased for the women if their numbers could support production needs. Overall, female custody numbers are low and they often have shorter sentences which makes stability in the bakery difficult. Women are not employed in the recycling or kitchen areas for the same reason.

As at 11 April 2023, the below numbers outline the overall state of women engaged in activities at the AMC:

- of the 32 in custody
 - 19 engaged in service industries
 - 1 was receiving an Intensive Case Management Gratuity
 - 11 were unemployed including one detainee housed in a location that does not support employment (Management Unit (MU)) and
 - 1 detainee was awaiting medical clearance for an injury.

The hours of many positions are discretionary and detainees can work up to 30 hours per week depending on the motivation of the detainee to engage in the role. These roles include detainee delegates, peer mentors, activities and cleaning.

The Government agrees that having purpose and a need to prepare for and attend their job on time helps detainees establish routines and demonstrate responsibility. It also gives

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detainees an opportunity to demonstrate pro-social behaviours and focus on their rehabilitation. Some detainees are engaged in programs or other meaningful activities that limit their capacity to work the maximum 30 hours. The number of vacant positions suggests that not all detainees are motivated to improve their rehabilitative or reintegration opportunities. ACTCS recognises the importance of all staff working in the AMC encouraging and supporting positive behavioural change that will contribute to rehabilitation and reintegration.

Transitional Release and Reintegration

The Government agrees a greater utilisation of the Transitional Release Centre (TRC) and Transitional Release Program (TRP) is desirable. Program changes already implemented include that anyone with a sentence longer than five years who otherwise meets the eligibility criteria, can apply to participate 24 months out from their non-parole period. This is a significant and positive change.

The *Transitional Release Program Policy* has been reviewed to improve processes for detainees accessing the program and its leave provisions, screening detainee sponsors and engaging with employment opportunities. The updates are responding to specific concerns arising from the current policy in the access and use of the program. The revised policy was notified in February 2023. Additional changes, such as the recently revised *Detainee Classification Policy*, are expected to also increase the number of detainees eligible for the TRP as detainees are reviewed and reclassified.

All detainees who meet eligibility criteria and wish to participate in the program are participating. As at 11 April 2023, there were eight detainees participating in the TRP and residing at the TRC. Based on the current policy, all eligible detainees are either residing at the TRC or are in the process of having their TRC application processed. However, this can change daily as changes to people's sentence status, classification, IEP level etc. occur. ACTCS undertakes a comprehensive evaluation process to ensure that detainees who are motivated to engage in the program are of low risk to the community, will benefit from the program and are unlikely to attempt to subvert the intent of the program. A report is run at least monthly to identify all detainees (male and female) who have become eligible against the basic criteria for further assessment.

However, broadening eligibility criteria needs to be considered in the context of potential increased risk to the community if medium security-rated detainees are also accessing the TRC. It should also be noted that access to the TRC requires a balance of the detainee's individual circumstances with the broader need of maintaining the security and good order of the AMC.

The Report states that "Women are still not being considered for the TRC..." (p.20). Section 98(1) of the *Corrections Management Act 2007* (CMA) requires that separate accommodation be provided for males and females. Women are therefore not able to be accommodated at the TRC at the same time as males; however, women are still eligible for the TRP.

Healthcare at the AMC - Delivery of health services

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The Report notes the hours for health service provision are very good for the size of the AMC; however, states that efficient and effective running of the health centre is severely impacted by the lack of physical space.

Works to expand the capability of the Hume Health Centre and Winnunga were completed in March 2022, making the space more fit for purpose. Reconfigurations undertaken were:

- repurposing a health ward 3 (HW3) into a fit-for-purpose treatment space for Winnunga
- repurposing the HW3 bathroom into a purpose-built room for Winnunga medication storage
- repurposing a makeshift office back into a treatment and allied health space
- repurposing an office into a third waiting room to increase detainee throughput and provide more options to manage separate classifications
- altering the entryway to create better flow between reception and the new waiting room plus improving staff security and
- a new administration building (Building J) was constructed.

Winnunga Aboriginal Health Service

The Report states there appear to be challenges in the interface between Justice Health Services, Winnunga and ACTCS causing tensions and frustrations that negatively impact the delivery of services to detainees.

The Government rejects the assertion within the Report that there is entrenched animosity between ACTCS, Justice Health and Winnunga, and that it is only a matter of time before there is a critical incident due to a lack of systems and processes in place between them. Whilst there may be different levels of service delivery and requirements between independent service providers and government services, each agency is committed to delivering the best available service to detainees.

Mental health and psychosocial disability

While the Report acknowledges that strong processes are in place for the assessment and management of detainees who are at risk of self-harm, it also asserts that there is a lack of support of detainees with mild to moderate mental health conditions. The Report notes that the ACTCS Specialist Communities Team has had significant difficulties attracting and retaining psychologists commensurate with shortages in the community.

The Supports and Interventions Unit (SIU) was established in November 2022 from an amalgamation of the Specialist Communities and Specialist Interventions Teams. The SIU provides support and therapeutic interventions to detainees with disability, complex care and mental health related needs. Operating procedures have been developed to support staff in the implementation of these new approaches and services.

This amalgamation allows an increased breadth of service provision across the AMC, providing support and therapeutic interventions to detainees with disability, complex care and mental health related needs. The SIU staffing remit has expanded, and as of January 2023 there are 12 positions in the team, of which four positions are new additions (Disability

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and Complex Care Coordinator (HP4), Counsellor (HP2), and two Allied Health Assistants (AHA 2, AHA 3)). The Assistant Director of SIU has been reclassified from a Senior Officer Grade C to a HP4, to align with best practice of clinical stream reporting lines. This role is temporarily filled pending recruitment being undertaken. The Counsellor role and the Disability and Complex Care Coordinator role are both filled. Recruitment for the Disability Liaison Officer (DLO) is complete and the successful applicant will commence in early May and recruitment for the vacant HP2 and HP1 roles are underway. The Allied Health Assistants will be advertised once the Assistant Director role is finalised, to ensure sufficient oversight for onboarding of the new roles are in place. An updated Model of Care which outlines the SIU service remit has also been released.

The Government agrees there are concerns regarding consistency in the approach to detainees accessing psychotropic medications. While there is no recommendation made on this topic, CHS will investigate how medicines are managed, including their delivery to detainees, in NSW prisons with the objective of improving the approach and service provision at the AMC.

Crisis Support Unit

The Report raises concerns around the suitability of the Crisis Support Unit (CSU), including that the environment fails to provide a therapeutic model of care, is likely to exacerbate and contribute to detainee psychological distress and trauma, and that the CSU is likely to escalate and trigger challenging behaviour. However, it is unclear on what basis the conclusions have been drawn. While the Government agrees there is no formal segregation of men and women, the unit is designed as a short-term facility and not intended for medium or long-term accommodation. The people accommodated in the unit are acutely unwell and at risk, and where possible are transferred to hospital. In the current building design, privacy cannot be improved without compromising safety.

The Report states that the CSU is used as an overflow area for the Management Unit and to accommodate problematic detainees who cannot be housed elsewhere in the centre. The ACT Government does not agree with this assessment. Detainees may move between the Management Unit and CSU, but a move to CSU from the Management Unit is always based on the threat or undertaking of self-harm, not behavioural issues that led to the detainee's placement in Management Unit.

It is possible, though highly unusual, that a detainee who has been injured or returned from hospital and requires more intensive observation may be placed in the CSU. When this occurs, they are subject to the same constraints as any other detainee in the unit and are relocated as soon as practicable.

Smoking at the AMC

The Report raises continuing concerns about non-smoking detainees sharing a cell with smoking detainees. All practicable efforts are made to minimise this occurring. The forthcoming move to a smoke free AMC is the single most effective approach to resolving this issue going forward. A significant change program is under development to support detainees and staff with going smoke free, with an expected live date of 7 August 2023. The

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program considers learnings from other jurisdictions' experiences in going smoke free and includes nicotine replacement therapies, additional activities for detainees, links to the *Incentives and Earned Privileges* program, brief interventions and quit programs.

As a part of the implementation process, smoking materials (tobacco, lighters, etc.) will become prohibited items at the time the smoking ban goes into effect. Incentives are being introduced to encourage detainees to commence giving up smoking in the months prior to the formal change. Relevant policies have been introduced or are being updated. Similarly, changes in practices are being rolled out over the course of several months with the intent that by the date that the AMC formally goes smoke free, smoking materials will be prohibited items and detainees wishing to access cessation aids will be well supported.

Aboriginal and Torres Strait Islander detainees

The Government agrees the overrepresentation of Aboriginal and Torres Strait Islander people in the ACT justice system remains a significant issue and must be addressed. Whole of Government initiatives including the [Justice Implementation Plan](#), a part of the [ACT Aboriginal and Torres Strait Islander Agreement 2019-2028](#) and the [Reducing Recidivism in the ACT by 25% by 2025](#) (RR25by25) initiative are focused on diversion and support programs that aim to reduce over-representation. The Government notes the court system is independent of other arms of government, including in setting periods of detention or corrections orders for individual cases within the framework of crimes and sentencing legislation.

The OICS engaged Deadly Connections Community and Justice Services, an Aboriginal Community Controlled Organisation, to review issues relating to the care and treatment of Aboriginal and Torres Strait Islander detainees. Deadly Connections concluded the cultural needs of Aboriginal and Torres Strait Islander detainees in relation to illness and death are not being met, and that significant harm and compounding dislocation from community were occurring because of this.

Women - Purposeful activity for women detainees

The Report expresses concerns for the lack of a structured day and meaningful activity for women detainees, though it also notes plans underway to improve the situation.

The revised timetable of programs that allows for structured day activities focussed on meaningful and purposeful activities has been in operation since September 2022. The timetable features an Alcohol and Drug pilot program for women, co-designed with Karralika Programs, and the EQUIPS suite of programs² (noting EQUIPS is available to sentenced women only). Programs such as those delivered by Toora Womens Inc, continue in partnership with ACTCS to deliver safe, supported accommodation, tailored interventions and case planning to women exiting the AMC.

The design of the AMC has reached its 'use by date'

² The EQUIPS suite of programs use cognitive-behavioural therapy (CBT) principles and strategies for behaviour change. There is a foundation course and specialist courses addressing aggression, domestic and family violence and addictions.

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The Report states the AMC “cannot” operate effectively with the six detainee categories (male remand, sentenced and protected, and female remand, sentenced and protected) in a single facility, and that no other prison in Australia has this combination of prisoners.

The Government contends that the AMC is able to accommodate the various categories of detainees. The Government is developing a strategic, medium to long-term accommodation and staffing plan for the AMC, which reflects current and projected detainee population and cohorts. This work will result in more sustainable investment in both building and program infrastructure going forward.

To assist in the management of the various categories of detainees, ACTCS has implemented relevant policies (such as the *Incentives and Earned Privileges Policy* and *Detainee Discipline Policy*), and non-associations and other considerations such as security classifications are continually reviewed as a part of planning and undertaking activities including visits, program participation and outdoor recreation.

Sexual coercion and violence

The Report raises the issue of sexual harassment and sexual assault among detainees, and the detainee survey results suggest there was perhaps a slight increase in detainees experiencing harassment or assault in 2022 than there were in 2019 (two additional respondents have “sometimes” or “often” experienced sexual harassment or assault in the more recent survey). The Government acknowledges the seriousness of sexual harassment, coercion and violence in closed institutions, and the stigma and harm that is often associated with being the victim of such offences. The Government also acknowledges the importance of a trauma-informed approach to working with detainees, many of whom have a history of trauma and victimisation, particularly women detainees.

As a part of the Integrated Offender Management Framework (IOM), staff have recently been given additional guidance in working with people who have experienced trauma, including introducing the Working with Trauma Using Gender Informed Principles guide and relevant training. A significant element of success in improving reporting of such incidents and being able to respond depends on a level of trust between staff and detainees that reporting an incident will result in a response that is appropriate, supports the victim and addresses the allegations through transparent and reliable actions. ACTCS has discussed reporting mechanisms with the Human Rights Commission (HRC) and the HRC Commissioner agrees the HRC is an appropriate additional reporting pathway. Noting that no jurisdiction appears to have a solution to this issue, ACTCS will investigate the learnings from the Sexual Assault Prevention and Response Program, and work with CHS, HRC and other stakeholders to consider improvements to ACTCS’ current policy, training and general approach in this area.

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Additional Government comments/considerations relating to the Report.

The Government accepts that a point in time must be chosen to progress the report, particularly for data analysis, but notes the choice of 30 June 2021 results in the data being seventeen months out of date by the publication date of the Report. Some activities, such as the number of strip searches undertaken, have decreased significantly in the time since then.

The way some data is presented in the Report could also be strengthened. For example, survey results for two different years provided as percentages are not directly comparable unless the difference in the total response rates are accounted for; however, results as percentages have been presented in the Report as if they are comparable.

This is especially important where the Report makes statements such as that the experience of incarceration for Aboriginal and Torres Strait Islander people at the AMC is a harsher one than the experience of non-Indigenous people.

The Report presents a discussion on the security classification of Aboriginal people compared with non-Indigenous people. However, it appears there was no analysis of crime types leading to conviction, behaviour in custody or risk to the community, all of which contribute to the security classification assigned to a detainee.

The Government suggests in some areas greater analysis of the data used by the OICS would be of significant use in understanding the information being presented, and that OICS could consider engaging further with ACTCS to undertake a deeper level of analysis.

Noting the above, the Government would like to take this opportunity to provide further clarifying information on some key areas.

Strip searches

With the introduction of the current *Searching Policy* (3 February 2022) and the introduction of CORIS (27 June 2022), there has been some significant changes in the data regarding strip searches.

In 2020-21 there were a total of **4077** strip searches conducted

In 2021-22 there were a total of **2160** strip searches conducted

The 2160 searches in 2021-22 were conducted on 771 detainees:

| 21-22 Unique PIDs | | |
|--|------------|--------------|
| | Number | % |
| Male - Aboriginal or Torres Strait Islander | 164 | 24.59 |
| Male - Non- Aboriginal or Torres Strait Islander | 498 | 74.66 |
| Male - Unknown | 5 | 0.75 |
| All Males | 667 | 86.51 |

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| | | |
|--|------------|--------------|
| Female - Aboriginal or Torres Strait Islander | 37 | 35.58 |
| Female - Non- Aboriginal or Torres Strait Islander | 62 | 59.62 |
| Female - Unknown | 5 | 4.81 |
| All Females | 104 | 13.54 |
| Total All | 771 | |

In the six months to 31 December 2022, there were **292³** strip searches undertaken on 256 detainees.

| 1 July 2022 – 31 Dec 2022 Unique PIDs | | |
|--|------------|---------------|
| | Number | % |
| Male - Aboriginal or Torres Strait Islander | 60 | 26.32 |
| Male - Non- Aboriginal or Torres Strait Islander | 158 | 69.30 |
| Male - Unknown | 10 | 4.39 |
| All Males | 228 | 89.06 |
| Female - Aboriginal or Torres Strait Islander | 12 | 42.86 |
| Female - Non- Aboriginal or Torres Strait Islander | 14 | 50.00 |
| Female - Unknown | 2 | 7.14 |
| All Females | 28 | 10.94% |
| Total All | 256 | |

The breakdown of the unique prisoner identifications suggest that strip searches of Aboriginal and/or Torres Strait Islander men occur to roughly the same proportion of this group as non-Indigenous men. This is harder to ascertain in the female population due in part to the small and significantly fluctuating numbers. For example, there were 37 unique Aboriginal and/or Torres Strait Islander women strip searched in 2021-22, however 33 of these searches were on admission, leaving only four strip searches in the year occurring on women for other reasons.

Policies and procedures

In relation to the list of 15 dated operating procedures provided in the Report, the Government is pleased to report that ACTCS notified updated versions in December 2022 of ten of these as a part of the work to renew and update the emergency management plan and incident codes. Another three are under review.

In relation to the multiple policies notified under the *Corrections Management Policies and Operating Procedures 2017 (No.2)*, ACTCS continues to work through updating and replacing the relevant policies as individually notified instruments. Of the seven policies and eleven operating procedures in this omnibus instrument, two policies and one operating procedure are still in force. These are all currently under review to be replaced with an updated notified policy and procedure.

³ Period covers the introduction of CORIS and so data is uncertain during the initial transition. We have not included 36 searches where no offender name was specified. Total searches in CORIS for the period is 328 including the incomplete records, but records may be duplicates of completed records or incomplete records. CORIS records are now being reviewed regularly to ensure strip searches are being accurately recorded.

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Of the other listed policy documents in the report:

- *Corrections Management (Functions, Court Transport Unit) Policy 2008* was revoked on 20 January 2023 as all elements are covered by more up to date notified policies
- *Corrections Management (Receiving Prisoners from Watch-House, Court Transport Unit) Operating Procedure 2008* is currently under review.

The default position now taken is for policies and operating procedures to be available on the Legislation Register in an unredacted state whenever possible. Of around 100 policy and procedure documents notified to the Legislation Register in 2022, more than 80 are unredacted. Additionally, policies and operating procedures relating to community corrections and Commissioner's and Executive Instructions to staff (none of which are notified) are published on the ACTCS public webpage unless they cannot be for security reasons.

The ACT Government is committed to maintaining correctional facilities where the safety of detainees and staff are paramount, while also respecting the human rights of detainees. ACTCS welcomes the findings and recommendations of this Report as they align with many initiatives already underway.

Reviews of the mail system and medication rounds, the Crisis Support Unit and the treatment of detainees across all aspects of policy and program implementation will continue the focus on building a culture of continuous improvement. The introduction of the body scanners should reduce the number of strip searches conducted across the AMC and improve both the dignity of detainees and the security of the centre. The number of recommendations agreed and already completed (six) reflects the early work coming to fruition in 2023.

ACTCS' focus on reforms continues to emphasise the safety and security of detainees, staff, visitors and the community and is underpinned by a commitment to maintaining the dignity and human rights of every detainee. ACTCS welcomes continuing work with our oversight agencies, particularly the Inspector.