

2019

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

**GOVERNMENT RESPONSE TO THE
REPORT OF A REVIEW OF A CORRECTIONAL SERVICE
BY THE
ACT INSPECTOR OF CORRECTIONAL SERVICES**

***THE CARE AND MANAGEMENT OF REMANDEES
AT THE ALEXANDER MACONOCHIE CENTRE 2018***

**Presented by
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INTRODUCTION

The ACT Government welcomes the Inspector of Correctional Services ('the Inspector') first review of a correctional service: *Report of a Review of a Correctional Service, The care and management of remandees at the Alexander Maconochie Centre 2018* ('the Review'), provided to the Speaker of the ACT Legislative Assembly on 20 February 2019. The onsite component of the Review was conducted by the Inspector between 11-15 June 2018.

Establishing an Inspector of Correctional Services was a commitment of the Government in response to Recommendation 8 of the Moss Review¹, following the death in custody of Steven Freeman at the Alexander Maconochie Centre (AMC) in 2016. It recognised that effective independent oversight is vitally important to maintain public confidence in our correctional system.

Following the Moss Review, and due to the unique make-up of the ACT's correctional system and taking into account existing oversight measures in the ACT, the ACT Government committed to establishing an external and independent Inspectorate of Correctional Services, intended to strengthen and improve existing oversight arrangements.

The *Inspector of Correctional Services Act 2017* ('the Act') establishes the independent statutory authority and systematic review framework to facilitate a preventative regime to oversee corrections centres in the ACT. Section 18(b) of the Act provides that the Inspector "*must examine and review correctional services at least once every 2 years*". This requirement ensures the systematic and preventative approach to oversee Act Corrective Services (ACTCS) and facilities, allowing the Inspector to conduct proactive reviews to identify the strengths and areas for improvement for correctional services in the ACT.

In May 2018, the ACT Government announced the appointment of Mr Neil McAllister to the role of Inspector. In June 2018, the Inspector initiated his first formal review of the management and care of remand detainees at the AMC. The Review was formally presented to the Legislative Assembly on 20 February 2019. This review examines the specific needs of the remand cohort at the AMC, and considers if remandees are being afforded their legal and human rights in accordance with their legal status as defined in the *Corrections Management Act 2007* (CMA).

The Review made 39 findings for the ACT Government to consider. In summary the findings relate to the:

- separation of remand and sentence detainees (finding 1);
- induction regime (findings 3-7);
- out of cell hours and managing cohorts (finding 8-15);
- telephone, email and visits (findings 16-25);
- dedicated cultural space areas for detainees (findings 26 and 27);

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

- care and treatment of women detainees, specifically those remanded (findings 28-33); and
- lack of ACTCS policies (findings 2, 12 and 36-38).

The ACT Government has carefully considered all of the findings made in the Review and:

- Agreed to nine findings (namely: 2, 7, 12, 15, 18, 22, 37, 38, and 39);
- Agreed in principle to eleven findings (namely: 3, 4, 5, 16, 17, 20, 21, 23, 24, 30 and 36);
- Notes twelve findings (namely: 1, 8, 9, 11, 13, 14, 25, 26, 27, 28, 29 and 35); and
- Not agreed with seven findings (namely: 6, 10, 19, 31, 32, 33, and 34).

It has been a year since the onsite component of the Review was conducted at the AMC. Since that time, ACTCS has implemented a range of policy and procedural changes that have addressed many of the issues raised in the Report.

A table summarising the ACT Government Response (which provides further clarity on why the finding is agreed, agreed in principle, noted or not agreed), including proposed actions and timeframes for completion to each of the 39 findings can be found at Annexure A.

Government Response

The ACT Government takes its obligations under the *Human Rights Act 2004* very seriously. The observance of human rights is integral to good correctional centre management and is the safest and most effective way of managing correctional centres.

The ACT Government recently released the first *Human Rights Principles for ACT Correctional Centres* ('the Principles'). This provides a clear statement that detainees must always be treated with humanity and with respect for the inherent dignity of the human person. These Principles are assisting ACTCS to update and develop correctional centre policies and procedures that best support all detainees, including female, male, intersex and gender diverse, Aboriginal and Torres Strait Islander, culturally and linguistically diverse, those with a disability and older detainees.

Separation of Remand and Sentenced Detainees

The separation of remanded and sentenced detainees remains a challenge for ACTCS due to the high numbers of remand detainees, and the complexities of managing a range of detainee cohorts in one facility.

Section 19(2) of the *Human Rights Act 2004* and the section 44(1) of the CMA clearly indicates the intent of legislation for sentenced detainees to be accommodated separately from non-convicted detainees. However, ACTCS relies on the application of section 44(4) of the CMA to address separation arrangements at the AMC. Sub-section (4) provides that, "...the director-general may give directions for different accommodation of a non-convicted detainee if the director-general suspects, on reasonable grounds, that it is necessary to ensure the safety of the detainee or anyone else".

Since its inception, both remand and sentenced detainees have been managed in a mixed custodial setting within the AMC, as it is the only adult prison in the ACT. It services a small jurisdiction with a detainee population comprising of male and female detainees of multiple security classifications, and often with long-standing interpersonal relationships. Grievances, debts and interpersonal conflicts often dictate non-association issues between sets of detainees due to threats or risks of violence, rather than solely their legal issues. These non-association issues often prevent the full separation of remand and sentenced detainees. Additionally, there may be circumstances where placement of remand and sentenced detainees together may be beneficial for individuals for cultural, religious or other wellbeing reasons.

The issue of separation was also canvassed in the Moss Review which concluded that AMC management needs to achieve both the obligations of detainee safety and human rights protection, including separation of remand and sentenced detainees. Recommendation 6 of the Moss Review stated, *“that ACTCS establish a separate remand prison within the AMC to ensure that remanded detainees are segregated from sentenced detainees”*. The Moss Review Implementation Steering Committee considered the status of this recommendation and concluded that it could not be met until the ACT Government commits to build a separate remand facility within the AMC, however, it was noted that ACTCS had implemented a range of other initiatives to address the issue of separation and demand on the AMC.

ACTCS continues to separate detainees where necessary based on risk, as at the present time the design of the AMC does not allow for complete separation to occur, especially with increased detainee numbers. The issue of separation continues to be recognised and progressively addressed by ACTCS through the refreshing and review of existing policies, and the introduction of pro-social methods of detainee management. These include the implementation of the ACTCS Rehabilitation Framework and the development of the AMC’s Operational Model.

ACTCS completed a feasibility study² in 2017, to identify, prioritise and inform future correctional requirements in a staged and cost effective manner. The feasibility study involved an infrastructure based assessment to address female accommodation issues at the AMC. The study found there is limited scope to increase the number of fixed beds within the existing accommodation, and proposes a number of options to inform future decisions about potential building expansion.

On 15 February 2019, the ACT Government announced new funding to support the ‘Building Communities, Not Prisons’ (BCNP) initiatives. This has seen an initial \$14.5 million of funds redirected away from high security prison expansion into a range of community programs, legislative reforms and policy initiatives, with a further \$70 million in the 2019-20 Budget. As part of the ‘building communities, not prisons’ strategy, the ACT Government is investing

² An Executive Summary of the Feasibility Study regarding the Alexander Maconochie Reintegration Centre is on the ACTCS website: <http://www.cs.act.gov.au/page/view/4059/title/alexander-maconochie-reintegration-centre-executive>

\$47 million to construct the Alexander Maconochie Reintegration Centre which will add up to an additional 80 beds. Formerly known as the Transitional Release Centre, it will allow a range of rehabilitation and reintegration programs to be delivered in partnership with non-government and government agencies support. ACTCS will continue to explore opportunities as the BCNP initiatives are realised in relation to the remand population.

ACTCS has developed the *Corrections Management (Remand Detainees) Policy 2019 (Remand Policy)*. It sets out the general principles for management of detainees on remand, specifically that they are subject to fewer restrictions than sentenced detainees and recognises the presumption of innocence for any offence for which the detainee is remanded. It establishes the broad arrangements for remand detainees to maintain their ties to the community and attend to their legal matters.

Induction Regime

A new process for managing new reception detainees was originally implemented in 2016 as a direct result of ACTCS initial response following the serious assault and the subsequent treatment and care of Mr Steven Freeman. The Moss Review specifically concluded that there was a deficiency in Steven Freeman's treatment at the AMC, in that the period of induction and admission was insufficient. The Moss Review further concluded that *"had measures and processes adopted since Steven Freeman's assault been in place when he was admitted, including the assessment of new receptions in a separate unit generally for five days, the likelihood of his being assaulted would have been significantly reduced."* This separation regime allowed sufficient time for intelligence check to occur of all new detainees at the AMC with ACT Policing and Youth Justice, to inform appropriate accommodation placement.

However, ACTCS acknowledges that at the time of the Inspectors Review the management of newly received detainees was not current best practice as it did not maximise access to time out of cells.

In November 2018, ACTCS repurposed a discrete unit within the AMC for the purpose of supporting detainees in their first 7-14 days. The regime of the unit is still under development, and will have a constructive regime in place which supports detainees to adjust to their new environment. It will also provide detainees with information in regard to their period of incarceration, and the services and supports that can be accessed while at the AMC. The longer intent will be to provide a full induction program including the commencement of sentence management processes and detainee peer support.

A full review of the induction process is being undertaken by ACTCS through 2019, to enhance current practice and embed a full program aimed at utilising those first few critical days within the AMC as both an information provision and assessment period for new detainees.

The *Corrections Management (Induction Policy) 2019* will be notified by 30 June 2019. The policy sets out the requirements for a structured induction process for detainees. It stipulates that the General Manager of Custodial Operations will ensure that the induction process

meets or exceeds the requirements of the *Corrections Management (Regime Planning) Policy 2018* (Regime Planning Policy) for time out of cell hours (10 hours) with consideration of risk and safety.

The risk of suicide and self-harm continues to be considered by ACTCS, in particular for new detainees, and the enhancements to the induction regime will improve outcomes for this vulnerable cohort. All detainees have access to mental health supports available at the AMC, through Justice Health Services.

Out of Cell Hours/Lock-Ins

ACTCS notes Finding 8 that the average annual out-of-cell hours provided to detainees in the ACT have been wanting compared to other jurisdictions.

The reasons for lock-ins are varied and can be due to events such as incident management, detainee health escorts, or training commitments. Rostering arrangements at the AMC are under review to ensure that staff resourcing is optimised to meet operational needs.

The AMC is a complex prison as it hosts and manages a wide number of different cohorts of detainees. The management of cohorts can impact on the out-of-cell hours more than in other jurisdictions.

ACTCS continue to examine operations of the AMC including the number of detainee cohorts and locations. At the time of the Review, the *Corrections Management (Time out of cell hours) Policy 2014* was in place. This has since been repealed and replaced with the *Regime Planning Policy*. As this work is continued, a *Placement Policy* will be developed to inform the management of cohorts. This approach has already seen an increase in out of cell hours across the AMC, and will continue to be a focus for ACTCS.

Telephone, email and visits

ACTCS is committed to ensuring that all detainees have adequate access to telephone communication as the key mean of communication for detainees. Telephone access has particular importance to remand detainees in order to maintain contact with family and legal representatives.

Replacement of the telephone system is being funded in the 2019-20 budget so that it can allow for the implementation of finding 16 and 17. The new telephone system will benefit all detainees at AMC through the provision of adequate telecommunications between detainees, their friends, families and legal representatives, and will also ensure community safety by allowing for the active monitoring of calls into and out of the AMC.

ACTCS appreciates the Inspector's acknowledgement of the AMC's 'progressive initiative' in providing detainees with email and limited internet. Both email and telephone accounts are routinely established within the first week of admission for all detainees. For detainees to add people to their email or telephone account list, verbal permission must be confirmed from the nominated individuals. In exceptional circumstances, delays may occur as ACTCS officers attempt to make telephone contact with the nominated person to obtain permission. At times, the relevant person does not answer or respond in a timely manner.

This is part of a necessary process to ensure that victims are not contacted and re-traumatised and people in the community that do not wish to be contacted by a detainee are protected.

The Inspector's findings in relation to improving the visiting regime for remand detainees (Findings 23 and 24) is considered in the *Remand Policy*, that aligns with Principle 13 of the *Human Rights Principles for ACT Correctional Centres* that specifies detainees right to maintain and develop relationships with family and friends. The *Remand Policy* extends this to prioritise visits between female remanded detainees and their children and provides for increased visits for remanded detainees.

Dedicated cultural space areas

The AMC has culturally appropriate areas including two yarning circles, and a cultural area within the horticulture program, which are used for Aboriginal and Torres Strait Islander detainees to gather, connect and share culture. ACTCS is currently considering how it may enhance these services by increasing detainee access to them.

The ACT Government acknowledges the significant over-representation of Aboriginal and Torres Strait Islander detainees at the AMC and that this cohort comprises around 22 per cent of the overall detainee population.

ACTCS funds and offers Aboriginal and Torres Strait Islander detainees a number of Indigenous specific programs within the AMC through both its Detainee Services Unit and registered training organisation, who deliver education services. All Aboriginal and Torres Strait Islander specific programs, services and events that are offered by ACTCS are supported by custodial operations and well attended and participated in by Aboriginal and Torres Strait Islander detainees. These programs and services provide detainees with the opportunity to learn and increase opportunities for cultural connection.

Women

ACTCS acknowledge that the use of the SCC for female detainees is not ideal, but at the time of the relocation this was the *only* viable option available. The move to the SCC was considered a significant improvement on the previous arrangements where female detainees resided in the Management Unit and Health Wards, and were unable to access services.

ACTCS believe this approach continues to provide a more appropriate and secure accommodation than previous considered alternatives. Since November 2017, due to population pressures, all female detainees have been relocated to the Special Care Centre (SCC) area of the AMC.

ACTCS undertook extensive risk mitigation work after the decision to transfer the women, to ensure that the issues that have been raised in Finding 29 were addressed. Winnunga Nimmityjah Health and Community Services were also engaged to support female detainees in the move by providing additional counselling sessions.

ACTCS considered the risk of the potential re-traumatisation of women and significant works were undertaken to prevent this from occurring. The AMC infrastructure was altered, including the erection of additional fencing to avoid inadvertent contact with males screening and visual barriers to reduce visibility between gendered areas; steps were taken to improve the availability of services and supports, and a Women's and Children Coordinator position has been created within ACTCS. The Women's and Children Coordinator works closely with families of all detainees to mitigate the negative impacts on children of incarcerated parents. The Women's Care Team, comprising of a Women's Case Manager and two Program facilitators, develop programs and services targeted to the specific criminogenic needs of the female detainee cohort. The availability of access to open air and a grassed area has been resolved. ACTCS are therefore of the view that there has been significant increase in the availability of purposeful activity, such as employment in the bakery, for female detainees since the move.

ACTCS are currently developing a Female Offender Framework ('the Framework') to further address the needs of female detainees, to be finalised by the end of 2019. The development of the Framework will require consultation and active engagement with non-government organisations and key stakeholders in the coming months. The Framework aims to meet the specific needs of female offenders and address their issues in order to optimise the chances of successful rehabilitation and reintegration into the community post release.

Lack of ACTCS Policies

At the time of the Review ACTCS did not have a policy that recognised the status of remand detainees as unconvicted persons. This has been rectified with the development of the Remand Policy which will be notified by 30 June 2019. It establishes the general principles for the management of detainees on remand, recognises that remand detainees be subject to fewer restrictions than sentenced detainees. It also establishes the broad arrangements for remand detainees to maintain their ties to the community and attend to their legal matters.

As part of ongoing continuous improvement, ACTCS is undertaking a full review of all ACTCS policies and procedures. This will be completed by mid-2019. Updates of procedures occur on a routine basis to ensure accuracy and consistency. When completed, all ACTCS policies and procedures that have not been restricted will be placed on the Justice and Community Safety Directorate website and all notified policies can also be found on the ACT Legislation Register (www.legislation.act.gov.au).

CONCLUSION

The ACT Government recognises that effective independent oversight provided by the Inspector of Correctional Services is important to build and maintain public confidence in the ACT's correctional system. The findings of this Review will contribute to the continuous improvement of the care, treatment and safety of all detainees in the ACT's correctional facilities.

Annexure 1

ACT Government response to the findings

Finding	Government Response	Implementation
Finding 1 That, contrary to ACT Corrections legislation and ACT and international human rights law, remandees are not separated from convicted detainees in the ACT	Noted The separation of remanded and sentenced detainees remains a challenge for ACTCS due to the high number of remand detainees and the complexities of managing a range of detainee cohorts in one centre. ACTCS relies on the application of Section 44(4) of the CMA to address separation arrangements at the AMC. At this time, a separate remand facility is not proposed, therefore absolute separation of remand and sentenced detainees cannot be achieved. ACTCS will continue to address the issue of separation in other ways, and explore opportunities as the impacts of the Building Communities Not Prison Program are realised with regard to the remand population.	N/A
Finding 2 That, contrary to the requirement in the <i>Corrections Management Act 2007</i> (ACT), there is no policy or procedure pertaining specifically to remandees.	Agreed The <i>Remand Policy</i> has been drafted.	Ongoing The <i>Remand Policy</i> will be notified by 30 June 2019.
Finding 3 That the induction regime at the AMC is inappropriate and unacceptable on the basis that newly received detainees are treated in a manner broadly akin to the practices under the <i>Corrections Management Act 2007</i> (ACT) of segregation for protective custody, investigative segregation, or separate confinement as punishment.	Agreed in principle At the time of the Review the management of newly received detainees was not current best practice. While the ACT Government does not agree that the treatment of new received detainees was akin to the practices of segregation, it accepts that the induction regime did not maximise access to time out cells. In November 2018, ACTCS created a specific induction unit to ensure that newly received detainees are provided with a constructive regime which supports them in adjusting to their new environment. Information will be provided to detainees with regards to their period of incarceration and how to access services and support while in the AMC. It also commences the sentence planning process. This is based around the development of a structured induction program which maximises time out of cells.	Ongoing New induction regime to be fully implemented by 30 June 2019
Finding 4 That the induction regime is inconsistent with the spirit	Agreed in principle A new process for managing new reception detainees was originally implemented in 2016 as a direct result	Ongoing New induction regime to be fully

Finding	Government Response	Implementation
<p>of section 12(e) of the Corrections Management Act 2007 (ACT), in that newly received detainees reported very limited access to open air and exercise.</p>	<p>of ACTCS initial response following a serious assault of a detainee, and was designed to maximise protection of new arrivals. At the time of the Review the management of newly received detainees was not current best practice as it did not maximise access to time out cells.</p> <p>The <i>Corrections Management Act 2005</i> does not provide a definition with regard to 'limited'. All detainees receive at least the minimum amount of access to open air and exercise in accordance with s45(1) of the CMA.</p>	<p>implemented by 30 June 2019</p>
<p>Finding 5 That the induction regime may increase the distress, and thus the risk of suicide or self-harm in newly received detainees, as it increases their social isolation at a stage of incarceration at which detainees are most vulnerable and fails to provide them with purposeful activity.</p>	<p>Agreed in principle A new process for managing new reception detainees was originally implemented in 2016 as a direct result of ACTCS initial response following a serious assault of a detainee, and was designed to maximise protection of new arrivals.</p> <p>At the time of the Review the management of newly received detainees was not current best practice as it did not maximise access to time out cells.</p> <p>See response to Findings 3 and 4.</p>	<p>Ongoing New induction regime to be fully implemented by 30 June 2019</p>
<p>Finding 6 That the prolonged lock-in of new reception detainees may amount to an unreasonable limitation of section 19 of the Human Rights Act 2004 (ACT) (the right to humane treatment when deprived of liberty).</p>	<p>Not agreed A new process for managing new reception detainees was originally implemented in 2016 as a direct result of ACTCS initial response following a serious assault of a detainee, and was designed to maximise protection of new arrivals. The policy was designed to enhance security and increase protections for vulnerable detainees, noting that improvements have since been identified.</p> <p>ACTCS are currently implementing a new induction regime as best practice. ACTCS do not agree that the previous practice may have amounted to an unreasonable limitation of the <i>Human Rights Act 2004</i>.</p>	<p>N/A</p>
<p>Finding 7 The current practices do not appear to be effective for a significant number of detainees in terms of imparting important information about AMC rules, procedures, and their rights and obligations as a detainee.</p>	<p>Agreed The new <i>Induction Policy</i> outlines the intent of induction processes to enable new detainee or those returning to a correctional centre to be provided with appropriate information relating to their entitlements and obligations, available services and for the commencement of assessments and sentence management processes.</p> <p>Also see response to Findings 3, 4 and 5.</p>	<p>Ongoing New induction regime to be fully implemented by 30 June 2019</p>

Finding	Government Response	Implementation
<p>Finding 8 That the average annual out-of-cell hours provided to detainees in the ACT have been wanting compared to other jurisdictions and this does not reflect well on the AMC as a prison in a human rights jurisdiction.</p>	<p>Noted The AMC is a complex prison that manages a number of different cohorts of detainees. This can impact, on a regular basis, on out-of-cell hours more than in other jurisdictions. The statistics on time-out-of cells should be interpreted with the caveat that, the operational functions of prison facilities vary between jurisdictions, which impact on the calculation of time out of cells.</p> <p>The implementation of the new <i>Regime Planning Policy</i> is intended to increase out-of-cell hours and ACTCS continue to explore further options to reduce lock-ins.</p>	N/A
<p>Finding 9 That there are staffing issues resulting in unacceptable lock-ins of detainees during normal unlock hours.</p>	<p>Noted The 'locking in' of detainees is not a desired practice and is limited where possible. There are various reasons for lock-ins, which is often due to unpredictable events such as incident management or unanticipated detainee health escorts.</p> <p>The new <i>Regime Planning Policy</i> seeks to manage lock-ins more equitably when they are required. Rostering arrangements are currently being reviewed to ensure that staff resourcing is optimised to meet operational needs.</p>	N/A
<p>Finding 10 That the data management system lacks the capacity to ensure that lock-ins are spread as equitably as possible across and within all units.</p>	<p>Not agreed The ACTCS data collection system that records lock ins is not appropriate to be used to manage the allocation of lock-ins equitably. ACTCS strives to ensure lock-ins do not adversely impact on any particular area, however, the need for lock-ins is a daily operational decision.</p>	N/A
<p>Finding 11 That it is not possible to verify if the minimum requirements in the Corrections Management Act 2007 (ACT) regarding access to open air and exercise are uniformly being met.</p>	<p>Noted The <i>Regime Planning Policy</i> made under the <i>Corrections Management Act 2007, s 14, (Corrections policies and operating procedures)</i> confirms the requirements of the regime for the AMC including access to exercise. This is the expected standard for the AMC. This policy establishes minimum core day for correctional centres. It also provides guidance around the provision of daily regimes seeking to maximise the opportunities for detainees to access services and activities, which enable and support successful reintegration into the community.</p> <p>The General Manager will review the core day as operationally required but at no greater period than every 12 months.</p>	N/A

Finding	Government Response	Implementation
	A review of the core day will be submitted annually to the March ACTCS Executive Governance Committee for implementation at the commencement of the financial year.	
Finding 12 That there are no ACTCS notified policies and procedures concerning the management of cohorts at the AMC.	Agreed ACTCS are currently examining the operations of the AMC, including the number of detainee cohorts and locations. As this work is completed a <i>Placement Policy</i> will be developed to inform the management of cohorts. The <i>Corrections Management (AMC Detainee Classifications) Policy 2012</i> provides for the management of detainee's according to their security classification. There are a range of other policies that relate to the management of specific cohorts. These include: <ul style="list-style-type: none"> • <i>Corrections Management (Aboriginal and Torres Strait Islander Detainee and Offender) Policy 2018</i> • <i>Corrections Management (At Risk Detainee) Policy 2018</i> • <i>Corrections Management (Induction Policy) 2009</i> • <i>Corrections Management (Management of Transgender Detainees and Detainees Born with Variations in Sex Characteristics) Policy 2018</i> • <i>Corrections Management (Reception and Management of Non-English Speaking Detainees) Policy 2014 (No 1)</i> 	Ongoing <i>Placement Policy</i> to be developed by 30 August 2019
Finding 13 That the lock-ins of cohorts are not recorded on the AMC lock-ins data report.	Noted The number of individual detainees subject to lock-ins is recorded on the AMC lock-ins and used for ROGS purposes.	N/A
Finding 14 The lunchtime lock-in of detainees is an unnecessary restriction on their time out-of-cells.	Noted The lunchtime lock-in is important in ensuring that Corrections Officers are afforded a lunch break as a requirement under the Enterprise Bargaining Agreement. It also provides an opportunity for a detainee count as a matter of security. ACTCS continue to explore further options to reduce lock-ins.	
Finding 15 That the existence of a plethora of 'cohorts' at the AMC negatively impacts all detainees' (remand and convicted) freedom of	Agreed See response to Finding 12.	Ongoing <i>Placement Policy</i> to be developed by 30 August 2019

Finding	Government Response	Implementation
movement within the AMC and overly complicates visits, programs and activities and the overall management of the centre.		
Finding 16 That there are insufficient telephones to meet the needs of the detainee population.	Agreed in principle Replacement of the telephone system is being funded in the 2019-20 budget so that it can allow for the implementation of finding 16 and 17. The new telephone system will benefit all detainees at AMC through the provision of adequate telecommunications between detainees, their friends, families and legal representatives, and will also ensure community safety by allowing for the active monitoring of calls into and out of the AMC.	Ongoing
Finding 17 That unit phones do not provide privacy or a quiet environment for detainees to speak to legal representatives or to discuss personal matters with family and friends.	Agreed in principle The infrastructure for the existing telephone system does not provide optimal privacy. Options for increased privacy will be considered alongside any work funded through the budget process as at Finding 16.	Ongoing
Finding 18 That ACTCS was very progressive in allowing detainees access to email and limited internet in 2010, providing detainees in the AMC with another means of maintaining contact with family and friends that is unavailable in other jurisdictions.	Agreed The ACT Government recognises that allowing detainees to access email and limited internet to the extent currently available is progressive compared to other jurisdictions.	N/A
Finding 19 That reported delays in establishing email accounts, combined with reported delays in establishing detainee telephone accounts, impede detainees' ability to communicate with family, friends and legal advisors.	Not Agreed Detainee email and telephone accounts are established within 5 working days or less except where there are exceptional circumstances. Delays are often due to the inability of ACTCS to confirm the willingness of nominated contacts to receive communications. The vetting process must be undertaken prior to all contacts being approved whether emails or telephone contacts. The vetting process ensure that family and friends of detainees: <ul style="list-style-type: none"> • have no legal restrictions that would inhibit contact with the detainee 	N/A

Finding	Government Response	Implementation
	<ul style="list-style-type: none"> want the detainee to maintain contact while at the AMC. <p>This process is essential in order to consider the needs and wishes of victims, who may not be easily identifiable or contactable in certain complex cases, such as family violence matters.</p>	
Finding 20 That there may be scope for re-modelling or making better use of the visits centre to provide more capacity for social visits.	Agreed in principle While the AMC visits schedule currently provides comparatively generous opportunities, and has been refined and reviewed over time, visits processes will be reviewed to consider visits processes and visiting arrangements to enhance current provisions.	Ongoing Review to be complete by 30 June 2019
Finding 21 That the limited access of AMC remandees to social visits does not recognise the status of remandees as unconvicted persons, or of their need for increased access to visits during a highly stressful period for both the detainee and their family.	Agreed in principle This will be considered in line with Finding 20. The <i>Remand Policy</i> will ensure that remand detainees are managed differently to sentenced detainees, and provides for remand detainees to be permitted to access increased visits in the form of longer visits bookings, additional visiting days, or an increased number of eligible visitor's accordance with the <i>Corrections Management (Incentives and Earned Privileges) Policy 2019</i> .	Ongoing Review to be complete by 30 June 2019
Finding 22 That there is no policy that specifically recognises the importance of facilitating the access of remandees to the outside world, including through the opportunity to receive frequent visits from family and friends.	Agreed At the time of the review there was no policy that recognised the importance of facilitating opportunities for remand detainees to receive frequent visits from family and friends. This will be rectified in the <i>Remand Policy</i> .	Ongoing The <i>Remand Policy</i> will be notified by 30 June 2019.
Finding 23 That, given the "stress factor" reported by new receptions, there should be a more flexible approach to the AMC to providing a first visit as soon as possible (e.g. within 24 hours) after admission.	Agreed in principle There is a clear benefit for new receptions to have access to visits at an early juncture. This finding will be considered in-line with the response to Finding 20.	Ongoing Review to be complete by 30 June 2019
Finding 24 That there is a need to re-evaluate the AMC's restrictive approach to visits to enable remandees, detainees with children that	Agree in principle ACTCS does not consider the approach 'restrictive'. The <i>Remand Policy</i> will enable remanded detainees greater access to visits, however ACTCS strongly supports ongoing positive contact with family, friends and legal advisors, and greater access to visits for all	Ongoing Review to be complete by 30 June 2019

Finding	Government Response	Implementation
visit, and others to have greater access to visits.	detainees will be considered in-line with the response to Finding 20.	
Finding 25 That there may be a place for video visits at the AMC to supplement live visits.	Noted ACTCS continue to consider options to enhance family ties and access to external services and supports	N/A
Finding 26 That while the AMC has many culturally appropriate design considerations, it lacks dedicated Aboriginal areas and spaces in which Aboriginal detainees can gather informally together, learn and share cultural experience.	Noted The AMC has several culturally appropriate areas including two yarning circles and a cultural area within the horticulture program, which are used for Aboriginal and Torres Strait Islander detainees to gather. The benefits of these spaces could be enhanced with increased access.	Ongoing To be addressed by end of 2019
Finding 27 That while not conducted in a designated Aboriginal cultural space, the yarning circles at the AMC acknowledge Aboriginal remandees' need for connection and cultural sharing.	Noted The yarning circles at the AMC have been very well received by Aboriginal and Torres Strait Islander detainees. The Elders & Community Leaders 'Men's' Yarning Circle Program runs in the AMC Culture room on a weekly basis with an average of 15 detainees in attendance at any given session. The Elders & Community Leaders 'Women's' Yarning Circle program runs in the Women's area programs room on a fortnightly basis and attracts and average of 12 detainees at any given session.	N/A
Finding 28 That the 2017 decision to move the female detainees from the women's community centre to a high security male accommodation block was at odds with the design philosophy of the AMC and recognised best practice concerning the care and management of women in detention.	Noted The move of female detainees was considered the only realistic options at the time, given the number of women detained in the AMC, limitations of available accommodation in the AMC, the suitability of other contingencies considered at the time, and the need to best maintain the human rights of female detainees. A range of stakeholders were engaged when the decision to move the female detainee's was made, to ensure that ACTCS could address any concerns raised. The stakeholders engaged in the process included: <ul style="list-style-type: none"> • President of the Human Rights Commission • Health Services Commissioner • CEO of the Women's Centre for Health Matters. ACTCS has continued to work with this agency to continuously build on the work already undertaken. 	N/A

Finding	Government Response	Implementation
<p>Finding 29 That the high-security accommodation unit designed for men and located within the main male prison is unsuitable for female remandees as it:</p> <ul style="list-style-type: none"> • Subjects female detainees to a higher level of security than necessary; • Restricts women's access to the outdoors due to the fencing around the area and supervision required whilst outside; • Exposes women with histories of domestic and family violence or sexual assault to the possibility of re-traumatisation due either to the location, or the necessity to walk past male accommodation areas when accessing the clinic, education and visits. 	<p>Noted The <i>Corrections Management (AMC Detainee Classification) Policy 2012</i> stipulates that male and female detainees are subject to the same system of security classification. Consideration is given to gender specific differences in terms of the nature and level of risk assessed.</p> <p>Time outside the unit is a current priority for the Women's Care Team. Female detainee are offered three sessions in the Multi-Purpose Building per week. Although there were initial delays for the female detainee to access unsupervised access to the grassed area, this has now been resolved.</p> <p>Male detainees at all times remain separate from female detainees.</p> <p>Most services, including programs and education, are now being delivered within the female accommodation area, which has reduced the need for female detainees to move around the AMC. The SCC building is securely separate from, but within the line of sight of, buildings where male detainees are accommodated. ACTCS has taken measures to maintain the previous standards of separation of men and women to minimise or eliminate visibility.</p> <p>Screening has been erected so that there are no inappropriate lines of sight between the men and the women. Women receive the same level of privacy, including in the exercise yard, at the SCC, as was provided by their previous accommodation. Work to better maximise the placement of male and female detainees on the AMC campus is ongoing and will be further considered in the development of a new low security annex.</p>	N/A
<p>Finding 30 That lack of access to the outdoors ("green space") and the unavailability of suitable exercise facilities within the unit may compromise the mental and physical wellbeing of female detainees.</p>	<p>Agreed in principle At the time of the review female detainees did not have adequate access to 'green space'. This has since been rectified and female detainees now have access to 'green space' and exercise facilities, as well as the Multi-Purpose Centre three times per week.</p>	Completed
<p>Finding 31 That female detainees are not provided with sufficient meaningful activity, including work, education</p>	<p>Not agreed Female detainees have access to a comprehensive suite of programs and activities. Given the higher number of remand detainees in the female cohort,</p>	N/A

Finding	Government Response	Implementation
and programs (including parenting programs) that meet their needs.	and their shorter stays in the AMC, delivering effective programs can be challenging. ACTCS continue to improve access to programs, work and education for all detainees.	
Finding 32 That female remandees are being subjected to restrictive living conditions that do not reflect their legal status as unconvicted persons.	Not agreed The <i>Corrections Management (AMC Detainee Classification) Policy 2012</i> stipulates that all male and female detainees are subject to the same system of security classification. Consideration is given to gender specific differences in terms of the nature and level of risk assessed.	N/A
Finding 33 That the current conditions and treatment for women remandees, specifically: <ul style="list-style-type: none"> • accommodation in high security cellular accommodation designed for men, with limited access to green space; • visual and aural proximity to male prisoners; and • a limited regime of work, programs and activities; represents a significant limitation on women's rights to privacy, to humane treatment when deprived of liberty, and equality under the Human Rights Act 2004.	Not agreed ACTCS does not agree with the finding, however, the concerns of female detainees is acknowledged. A range of stakeholders were engaged when the decision to move the female detainee's was made, to ensure that ACTCS could address any concerns raised. The move to the SCC was an improvement on the previous arrangements where female detainees resided in the Management Unit and Health Wards, and were unable to access services. Work to better maximise the placement of male and female detainees on the AMC campus is ongoing and will be further considered in the development of the new AMC Reintegration Centre.	N/A
Finding 34 That there are strong arguments for having dedicated ACT Corrective Services' "Bail Support Officers" working at the courts and at the AMC.	Noted The ACT Government currently provides ongoing funding to dedicated legal support and services such as the Aboriginal Legal Service, Front Up, Street Law, Legal Aid and other services such as the Detention Exit Community Outreach Program and Prisoners Aid, each of whom support the bail process. It is the responsibility of the accused's legal representation to ensure an appropriate bail application is being submitted at the Courts.	N/A
Finding 35 That the Ngunnawal Bush Healing Farm offers the prospect of being able to accommodate Indigenous people on bail orders as an	Noted The Ngunnawal Bush Healing Farm (NBHF) is an ACT Health facility.	N/A

Finding	Government Response	Implementation
alternative to serving time on remand at AMC.		
Finding 36 That it is difficult to locate AMC policies and procedures unless one has specific knowledge of how to access them via the ACT Legislation Register.	Agreed in Principle. ACTCS is currently updating its website capabilities. The Justice and Community Safety Directorate are developing a new website which, when completed, will include all ACTCS policies and procedures that have not been restricted to be placed on the website. All notified ACTCS policies can also be found on the ACT Legislation Register (www.legislation.act.gov.au).	Ongoing To be completed by end of 2019
Finding 37 That in the interests of openness and accountability it is highly desirable that ACTCS publish Executive Director Instructions (EDIs) and General Manager Instructions (GMIs) that contain policy or key procedures on its website in a timely manner, subject to any necessary redactions of material of a security or privacy nature.	Agreed See response to Finding 36.	Ongoing To be completed by end of 2019
Finding 38 That significant work must be done in a timely manner to bring policies and procedures to a standard the community should expect for a custodial environment.	Agreed A full review of current ACTCS policies and procedures is currently being undertaken as a priority.	Ongoing To be completed by 30 June 2019
Finding 39 That a considerable body of work needs to be done to bring detainee hard files to an acceptable state.	Agreed ACTCS is committed to ensuring files are managed properly and are comprehensive. ACTCS is actively pursuing options for improvements in record keeping that will be supported by the implementation of the information management system.	Ongoing To be completed 30 December 2019