



ICS
ACT Inspector
of Correctional
Services

ACT Standards for Adult Correctional Services

STANDARDS

ABOUT THIS REPORT

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ACT Inspector of Correctional Services

We acknowledge the traditional custodians of the ACT, the Ngunnawal people. We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

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Rainbow Serpent (above and cover detail)
Marilyn Kelly-Parkinson of the Yuin Tribe (2018)



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Introduction

The Australian Capital Territory (ACT) was the first jurisdiction in Australia to enact human rights legislation with the passage of the *Human Rights Act 2004* (ACT) (HR Act). The HR Act preamble states 'human rights are necessary for individuals to live lives of dignity and value'. This principle is perhaps nowhere more important than in places of deprivation of liberty. Section 19, HR Act states: 'anyone deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person'.

Deprivation of liberty itself is a significant limitation on rights, and so it is crucial that any further limitations on the rights of detainees in the ACT are lawful, necessary, proportionate, accountable and non-discriminatory. Furthermore, the HR Act requires that all public authorities, including ACT Corrective Services (ACTCS) act and make decisions consistent with the provisions in the HR Act.

Independent oversight of the treatment and care of detainees in the ACT is an important safeguard to prevent ill-treatment and promote humane treatment because it shines a light on practices that are usually outside of public view. Oversight brings an informed outsider's perspective on what is working well, and what's not working well, and importantly whether things can be done in a more humane, respectful or accountable way.

Prisons and other places where persons are deprived of liberty are, to paraphrase sociologist Erving Goffman, 'total institutions' where every aspect of detainees' lives are regulated. It is important, therefore, that preventive oversight examines *all* aspects of treatment and care that impact on detainees, and promotes an approach that values the dignity and autonomy of detainees to the extent possible in the circumstances. These *ACT Standards* detail the aspects of conditions, treatment and care to be examined, and what is expected in the provision of correctional services within the ACT.

Role and functions of the Inspector of Correctional Services

The overall function of the Inspector as set out in the *Inspector of Correctional Services Act 2017* (ACT) (ICS Act) is to promote continuous improvement in adult correctional facilities through preventative oversight. The ICS Act requires that the Inspector examine and review correctional centres and correctional services at least once every 2 years; and may review critical incidents (as defined in the ICS Act).

The Inspector must report on examinations and reviews to the ACT Legislative Assembly.

The Inspector has broad ranging powers including the power to visit correctional facilities, speak in private with detainees and staff, access all relevant material, and review critical incidents. The Inspector's jurisdiction initially covers adult correctional places (including court cells and court transport vehicles) and services which may include detention in places such as health facilities.

Why are the *ACT Standards* needed, and how will they be used?

The *ACT Standards* provide an independent tool for the Inspector to examine whether correctional centres and services in the ACT meet the 'healthy prison' test.

The 'healthy prison' test was devised by the World Health Organisation, and has been adopted as the basis for prison standards in other jurisdictions including the United Kingdom where Her Majesty's Inspectorate of Prisons has been conducting oversight of prisons for almost three decades.

The 'healthy prison' test is based on four pillars:

- **Safety:** detainees, particularly the most vulnerable, are held safely and staff and visitors feel and are safe;
- **Respect:** all persons are treated with respect for their human dignity;
- **Purposeful activity:** detainees engage in activity that is likely to benefit them;
- **Rehabilitation and preparation for release:** detainees are supported to connect with their family and the community; supported to rehabilitate; and prepared for release back into the community.

Under each of these four pillars there are detailed standards (outcomes) that we would expect ACT Corrective Services to achieve, and then a list of indicators that may provide evidence that the standard is being met. These indicators are not an exhaustive list: there may be other ways to demonstrate that a standard is being met. There is also a list of potential sources of evidence that we may use to assess whether the outcome is being met.

Standard	The standard of treatment and conditions (outcome) we expect a prison to achieve
Indicators	Evidence that may indicate whether the standard / outcome has been achieved. This list is not exhaustive, and outcomes may be demonstrated in other ways.
Evidence	Examples of possible sources of evidence the Inspectorate may use to assist in determining whether the standard / outcome has been achieved. These sources of evidence are not exhaustive, and we may not use all of them, or may also refer to other sources of evidence.

The Inspector will draw on the *ACT Standards* as a reference point when conducting examinations and reviews. For example, once every two years the Inspector is required to conduct a whole of prison 'examination and review'. When examining correctional centres and services against these standards, the Inspector will rely on a variety of sources of information – for example, interviews with detainees, staff and management, observations, surveys, and information from organisations working with detainees. This approach of triangulating evidence will help ensure information relied on in an examination and review is a credible and reliable evidence base on which to understand the correctional environment from a holistic perspective.

The *ACT Standards* will be updated and revised over time. The Inspector welcomes feedback from stakeholders and community members about the *ACT Standards*. Details of how to get in touch with the Inspector are available on the website www.ics.act.gov.au.

How were these *ACT Standards* prepared?

The *ACT Standards* draw on a range of international, national, and local sources, as outlined in the table on page 8.

The *ACT Standards* are tailored to address the ACT's conditions: a small jurisdiction, operating under human rights legislation, with one adult prison that detains both remand and sentenced detainees, women and men. The *ACT Standards* are informed by relevant ACT law and policy, including the *Corrections Management Act 2007* (ACT) (CM Act), the Justice and Community Safety Directorate's *Human Rights Principles for ACT Correctional Centres* as well as operating policies and procedures at the AMC, which are notifiable instruments under the CM Act.

These *ACT Standards* draw on monitoring methodologies used in other jurisdictions and produced by a range of organisations including in the United Kingdom, Her Majesty's Inspectorate of Prisons (HMIP) and in Australia, the standards used by prison inspectorates in Western Australia, New South Wales and Tasmania. The Inspector acknowledges the expertise and experience of these oversight entities, the value that their standards bring to benchmarking treatment and care in closed environments, and is grateful to be able to draw on these standards in developing the *ACT Standards*. In particular, the Inspector acknowledges the support and collegiality of other Australian Inspectorates and their guidance and advice.

Are the *ACT Standards* binding law?

No, the *ACT Standards* do not have the force of law, but instead are a benchmarking tool.

The CM Act sets out the legal framework that governs ACT correctional services and centres. There are many detailed policies and procedures that govern how correctional centres and services run in the ACT, and these are all notifiable instruments under the CM Act, which means they are published on the ACT Legislation Register (unless redacted on security grounds).

The HR Act provides an overarching statement of human rights to which all detainees and staff are entitled. This includes rights such as the right to humane treatment when deprived of liberty, the right not to be discriminated against, and cultural rights of Aboriginal and Torres Strait Islander people. The HR Act does not go into much detail about the content of particular rights. The *ACT Standards* provide detailed guidance as to the Inspectorate's interpretation of what a right requires in practice, and possible indicators that may demonstrate rights are being upheld.

The HR Act also requires that ACTCS act and make decisions in a manner consistent with the HR Act.

The *ACT Standards* are not a checklist for compliance but a tool for qualitative evaluation of correctional centres and services. The *ACT Standards* do not limit or reduce any obligations on ACTCS that are in the HR Act or CM Act.

The Optional Protocol to the Convention against Torture (OPCAT)

In December 2017, Australia ratified the UN Optional Protocol to the Convention against Torture (OPCAT), which requires, within three years, each jurisdiction to establish or designate a system for preventive oversight of all places of deprivation of liberty. These *ACT Standards* were prepared with the OPCAT's preventive approach to oversight in mind to provide a relevant standard against which this oversight of adult corrections can occur once the relevant provisions of the OPCAT are operational in the ACT.

Glossary

AMC	Alexander Maconochie Centre
CM Act	<i>Corrections Management Act 2007</i> (ACT)
HR Act	<i>Human Rights Act 2004</i> (ACT)
ICS Act	<i>Inspector of Correctional Services Act 2017</i> (ACT)
Segregation	Under the CM Act, a detainee is kept separate from other detainees for reasons of 'safety and security' (CM Act s90), 'protective custody' (CM Act s91), 'health' (CM Act s92), or 'investigative' purposes (CM Act s160). Segregation must not be used for 'punishment or disciplinary purposes' (CM Act s89)
Separate confinement	Detainee is confined to his/her cell as an 'administrative penalty' for a breach of discipline under the CM Act s184(d)
Protection	A detainee who is at high risk of personal harm from other detainees if accommodated in the general ("mainstream") prison population e.g. police informants, child sex offenders, former police officers
Testing	Testing detainees or staff for alcohol and other drugs
Young detainee	Detainee aged from 18–25 years

Key instruments and standards consulted in the preparation of the ACT Standards

Jurisdiction	Description
Australian Capital Territory	<i>Corrections Management Act 2007</i> (and policies and procedures made under it) <i>Discrimination Act 1991</i> <i>Human Rights Act 2004</i> <i>Territory Records Act 2002</i> <i>Health Records (Privacy and Access) Act 1997</i>
New South Wales	<i>NSW Inspector of Custodial Services Inspection Standards for Adult Custodial Services in New South Wales, 2014</i>
Western Australia	<i>Western Australian Office of the Inspector of Custodial Services Code of Inspection Standards for Adult Custodial Services, Version 1, 2007</i> <i>Inspection Standards for Aboriginal Prisoners, Version 1, 2008</i>
Tasmania	<i>Office of the Custodial Inspector Tasmania Tasmanian Inspection Standards for Adult Prisoners and Detainees, 2018</i>
Australia	<i>Royal Commission into Aboriginal Deaths in Custody Recommendations, 1991</i> <i>Revised Standard Guidelines for Corrections in Australia, 2012</i>
United Kingdom	<i>Her Majesty's Inspectorate of Prisons Expectations – Criteria for assessing the treatment of and conditions for men in prisons, Version 5, 2017</i> <i>Her Majesty's Inspectorate of Prisons Expectations – Criteria for assessing the treatment of and conditions for women in prison, Version 1, 2014</i>
Regional	<i>Council of Europe European Prison Rules, 2006</i> <i>European Committee for the Prevention of Torture (CPT) Standards (generally)</i>
International	<i>United Nations Rules for the Treatment of Women Detainees and Non-Custodial Measures for Women Offenders, 2010 (the Bangkok Rules)</i> <i>The UN Body of Principles for the Protection of All Persons under any form of Detention or Imprisonment, 1988</i> <i>The Basic Principles for the Treatment of Detainees, 1990</i> <i>Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), rev 2015</i> <i>United Nations Convention Against Torture, 1987</i>

Contents

PILLAR 1 SAFETY	11
A. EARLY DAYS IN CUSTODY	12
A.1 Transport	12
A.2 Reception and admission	14
A.3 Induction	17
A.4 Accommodation assessments	18
B. BEHAVIOURAL MANAGEMENT	19
B.1 Encourage positive behaviours through incentives	19
B.2 Adjudication and consequences for breach of rules	20
B.3 Use of force	22
B.4 Use of restraints and weapons	23
B.5 Separate confinement and segregation	25
C. SECURITY	27
C.1 Safe and proportionate	27
C.2 Intelligence	31
C.3 Searching	32
D. LEADERSHIP AND MANAGEMENT OF SAFETY, RESOURCES AND SYSTEMS	37
D.1 Strategic and performance planning and evaluation	37
D.2 Record Keeping	40
D.3 Staff	42
D.4 Policies and procedures	45

PILLAR 2 RESPECT AND DIGNITY 47

A. DAILY LIFE..... 48

A.1 Living conditions.....	48
A.2 Food and Drink.....	55
A.3 Consultation and complaint handling.....	56

B. EQUITY, DIVERSITY AND FAITH..... 58

B.1 Strategic approach.....	58
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C. HEALTH, WELLBEING AND SOCIAL CARE..... 65

C.1 Basic healthcare.....	65
C.2 Special health needs.....	72
C.3 Mental Health.....	76
C.4 Substance use and treatment.....	79
C.5 Medicines optimisation / pharmacy.....	80
C.6 Detainee welfare and notification.....	81

PILLAR 3 PURPOSEFUL ACTIVITY 83

A. TIME OUT OF CELLS..... 84

B. EDUCATION, SKILLS AND WORK ACTIVITIES..... 85

PILLAR 4 REHABILITATION AND PREPARATION FOR RELEASE 89

A. REHABILITATION..... 90

A.1 Assessment and case management.....	90
A.2 Interventions/ Programs.....	91
A.3 Gainful employment.....	93

B. PREPARATION FOR RELEASE..... 95

B.1 Contact with the outside world.....	95
B.2 Links with the community.....	105
B.3. Sentences, transition, pre and post-release planning.....	107

PILLAR 1

Safety





A. EARLY DAYS IN CUSTODY

Standard *The standard of treatment and conditions the prison is expected to achieve.*

Indicators *Evidence that may indicate whether the standard/outcome has been achieved. This list is not exhaustive, and outcomes may be demonstrated in other ways.*

Evidence sources *Possible sources of evidence to assist in determining whether the standard / outcome has been achieved.*

A.1 TRANSPORT

STANDARD 1

Detainees are transported in safe and humane conditions, are treated with respect, and due attention is paid to their individual needs.

INDICATORS

- 1.1. Detainees are informed in advance about the destination and duration of the journey, unless there are clearly documented security justifications not to.
- 1.2. Detainees are not kept waiting in vehicles for prolonged periods.
- 1.3. Detainees are only transported where reasonably required, and where they are suitably fit for undertaking transport by the means used.
- 1.4. Reasonable efforts are made to identify any detainee's special needs relating to transport in advance of the journey, and required modifications to the vehicle or journey are carried out accordingly to minimise impact of travel.
- 1.5. Escort staff are aware of the individual needs of detainees in their custody and fully brief receiving staff on arrival at the destination about those needs.
- 1.6. Detainees are only restrained during transportation where there are legitimate security grounds to do so, and where appropriate measures are in place to ensure detainee safety in case of an accident or unexpected stopping.
- 1.7. Detainees are transported in a manner that protects their privacy to the maximum extent possible in the circumstances.
- 1.8. Detainees are afforded the opportunity to conduct ablutions at the point of origin and destination. Detainees are afforded adequate comfort breaks and refreshments during transfer, in light of their individual needs and climatic conditions.
- 1.9. Detainees, particularly women, are afforded reasonable privacy to perform ablutions before, during and after transit. Female detainees have ready access to sanitary products in the transport vehicle, and at any facility they are held at in transit.
- 1.10. Where possible the movement of personal property is done in conjunction with the movement of the detainee.

EVIDENCE SOURCES

- Survey of detainees to understand their experience
- Review of files and data
- Discussions with oversight bodies regarding complaints

STANDARD 2

Detainee transport vehicles are fit for purpose and adequately maintained.

INDICATORS

- 2.1. Transport vehicles are safe, clean, provide a reasonable level of comfort suited to climatic conditions, are well maintained, and meet the diverse needs of detainees.
- 2.2. Transport vehicles allow sight and sound separation of categories of detainees where necessary, and detainees are separated during transport where there is any risk to detainee safety including from bullying or harassment, or risks of undermining judicial processes.
- 2.3. Journeys are recorded in a log.
- 2.4. All transport vehicles and equipment, including CCTV, are checked for serviceability before the transport task commences. These checks are recorded.
- 2.5. Transport vehicles are smoke free.

EVIDENCE SOURCES

- Inspection of vehicles
- Surveys of detainees to understand their experience
- Review of logs
- Focus group discussions with Court Transport Unit staff

STANDARD 3

Appropriate measures are in place to assess and address risks associated with detainee transport.

INDICATORS

- 3.1. Contingency plans exist on how to deal with emergencies, break-downs and other unexpected occurrences. These plans provide for the welfare and safety of staff, the public and detainees.
- 3.2. Staff are adequately informed and where relevant, trained, on such contingency plans.
- 3.3. Escort staff are appropriately trained in first aid.
- 3.4. Detainees are monitored (both visually and verbally) at appropriate intervals whilst in transit to ensure their safety and wellbeing.
- 3.5. Where the journey involves travelling across or between jurisdictions, there is appropriate communication with these jurisdictions.

EVIDENCE SOURCES

- Review of policies and procedures
- Review of files and records including register of use of restraints
- Discussions with staff
- Review use of force register



A.2 RECEPTION AND ADMISSION

STANDARD 4

Detainees are safe and treated with respect on arrival and during the initial period in detention. Risks are identified and detainees are supported according to individual needs.

INDICATORS

- 4.1. Prior to admitting detainees, the receiving staff inspect the warrant or other evidence of authority for the detention, to ensure proper legal basis for holding detainees.
- 4.2. There is effective communication between key stakeholders (police, health and custodial staff) in relation to detainee health needs. All information about a detainee's physical or mental health which may contribute to a heightened risk of medical emergency or harm to self or others is promptly communicated between these stakeholders, in addition to any information about detainee's special needs or status as a member of a protected group.
- 4.3. For detainees who identify as or appear to have difficulty understanding English or an impairment that inhibits hearing or understanding, appropriate supports are in place including access to interpreters for the health assessment and any immediate follow up.
- 4.4. Appropriate strategies are in place to address risks and needs identified in the initial assessment, including if further in-depth or specialist assessment is required. Risks and needs are reflected in detainee case management plans.
- 4.5. Detainee privacy is safeguarded to the maximum extent possible during arrival and admission.
- 4.6. Regular welfare checks are carried out on new arrivals by staff in person including through observations and interactions with detainees in admissions until appropriate assessments have been completed and observation plans devised.
- 4.7. Detainees are provided adequate opportunity to make arrangements for the welfare of their children, next of kin or other dependents taking into account the best interests of the children, and if relevant their pets, as soon as practicable after admission.
- 4.8. Where there are reasonable grounds for suspecting a detainee is vulnerable, information is sought from relevant agencies in accordance with privacy laws including in relation to guardianship, financial management and support needs.
- 4.9. Detainees that are or may be a foreign national are informed about their right to request that a diplomatic or consular representative of their foreign country/ies are told about their detention.

EVIDENCE SOURCES

- Survey of detainees
- Discussions with staff
- Review of files to ascertain how the admission process is documented
- Review of policies and procedures
- Observation of admission process
- Inspection of admission area and cells
- Review incident reports for Court Transport Unit and Admissions e.g. self-harm

STANDARD 5

Appropriate initial checks of physical and mental health, and identifiable needs arising from a disability are carried out upon admission, and follow up assessments and other necessary steps are taken.

INDICATORS

- 5.1. The physical and mental health needs, and where relevant the immediate needs arising from a disability, of newly arrived detainees are assessed by medical staff at the earliest opportunity and within 24 hours of arrival (or as soon as possible if identified subsequent to admission).
- 5.2. Where mental health issues have been identified at initial or subsequent health checks, appropriate steps are taken to share the information, in appropriate ways that are sensitive to detainee privacy, to other staff to best manage symptoms of exacerbation – for example aggressive behaviour that may be an indication of exacerbation of mental illness.
- 5.3. Health staff seek to obtain a comprehensive medical history where possible (including by seeking informed consent from the detainee if required). This may include obtaining detainee medical records from previous incarceration, hospital or health centre admissions, information from disability services and other occasions. Efforts are made to seek informed consent from the detainee for the sharing of records where required.
- 5.4. Aboriginal and Torres Strait Islander detainees are offered access to any Aboriginal health service providing services in a correctional centre.
- 5.5. Where health services are provided to Aboriginal and Torres Strait Islander detainees, there is appropriate communication between prison health and Aboriginal health service providers to ensure the best care possible.
- 5.6. Aboriginal and Torres Strait Islander detainees with any indications of possible identified mental illness are reviewed by a mental health professional with appropriate training or awareness in Aboriginal and Torres Strait Islander mental health.
- 5.7. Health staff are sensitive to concerns detainees raise about threats to their health and wellbeing and take appropriate follow up action where required.
- 5.8. Where a child or infant is to reside in prison with a parent, that child or infant receives a health screening, preferably by a child health specialist, to determine any treatment and medical needs.
- 5.9. Required protective measures identified in the health assessment are promptly taken to ensure detainee safety, with particular attention to the risk of suicide and self-harm and potential withdrawal from alcohol and other drugs.

EVIDENCE SOURCES

- Survey of detainees
- Discussions with staff, including health staff
- Discussions with relevant community organisations that work with clients in the AMC
- Observation of any relevant inter-disciplinary meetings
- Review of policies and procedures
- Review of files to view documentation of process, adherence to policy/procedure and assess record keeping



- 5.10. Appropriate strategies are in place to ensure safety of the detainee until their health status / vulnerability are known.
- 5.11. As part of the screening, detainees are fully informed about the process for making health appointments and self-referrals.
- 5.12. The fact that a detainee underwent a medical assessment, the name of the medical professional conducting the assessments and results of the examination are recorded.
- 5.13. All initial health assessments are followed up with a detailed clinical pathways assessment where clinically indicated, that includes appropriate screening for blood borne viruses and sexually transmitted infections with pre and post-test counselling; mental health care needs, the existence of dependency on alcohol or other drugs; and sexual abuse and other forms of violence that might have been suffered prior to admission.

STANDARD 6

Remandees are presumed innocent until found guilty and are treated without restriction other than those necessary for correctional centre operations and security of the correctional centre.

INDICATORS

- 6.1. Remandees are informed of the details of their remand imprisonment and the dates of upcoming court appearances, when these become known.
- 6.2. Where convicted detainees are placed among remandees, mixing is monitored closely to identify bullying or other inappropriate behaviour.
- 6.3. Remandees are afforded every possible opportunity to maintain contact with the outside world including through visits, telephone calls and email.
- 6.4. Every effort is made to ensure remandees can maintain sufficient contact with their legal representatives, and they have access to legal materials to prepare their case. Unless inconsistent with the safety and good order of the facility or the interest of justice, remandees are afforded the opportunity to store legal materials in their cell.
- 6.5. Remandees are managed in accommodation at the lowest level of security consistent with the protection of staff, the detainee and other detainees, the community, and the requirements of justice.
- 6.6. Remandees can undertake reasonable activity to maintain external interests such as accommodation or employment. Remandees are not to be required to work or undertake programs addressing their alleged offending. However, they are offered the opportunity to undertake work, education, and non-criminogenic programs. If the detainee chooses to work, they are paid for it.

EVIDENCE SOURCES

- Review of policies and procedures
- Survey of detainees to understand their experience as remandees
- Discussions with lawyers and relevant community groups
- Observation of processes and practices e.g. legal visits
- Discussions with staff on how needs of remandees are being addressed

- 6.7. Detainees who may be eligible for bail (subject to meeting bail conditions) are flagged by corrective services.
- 6.8. Remandees are assisted to meet possible bail conditions and be released from custody, as soon as practicable.
- 6.9. Any detainee who is released to bail from court has their legal documents, identification, cash and property returned immediately. Detainees are never released at the end of a day at court without access to accommodation and some money for food.

A.3 INDUCTION

STANDARD 7

Detainee induction is timely, accessible, appropriately targeted, and carried out in a respectful manner.

INDICATORS

- 7.1. Detainees are informed upon arrival about when they will be inducted, and induction is done in a reasonable timeframe after arrival.
- 7.2. As far as practicable, newly admitted detainees are accommodated separately from the rest of the detainee population during the induction and orientation process.
- 7.3. Detainees receive comprehensive information verbally and in writing, including about: centre rules and regime/s including visits; their rights and privileges; means to stay in contact with the outside world; behavioural management systems; oversight bodies and complaint mechanisms and procedures; processes for dealing with protection concerns; health treatment and care; sentence management plan arrangements; physical layout of the centre; supports available to family; and, referrals and reintegration options.
- 7.4. Information received in the induction process is communicated in a manner and language the detainee understands. An interpreter is used where required, and consideration is given to allowing an intermediary to assist a detainee with identified needs help understand the induction process.
- 7.5. Summaries of the induction information, notices and schedules of events and activities are prominently displayed in detainee shared areas of the correctional centre.
- 7.6. Formal or informal measures (for example through a buddy arrangement) are in place to check in with detainees sometime after induction to ensure they are aware of key information communicated through induction.

EVIDENCE SOURCES

- Interviews with detainees about their experience
- Review of policies, procedures and related documents
- Observation of induction process, and physical environment
- Discussions with relevant staff



A.4 ACCOMMODATION ASSESSMENTS

STANDARD 8

Detainees are placed in the least restrictive accommodation environment possible in the circumstances taking into account security risk assessment, as well as individual detainee needs. Placement is regularly reviewed.

INDICATORS

- 8.1. Male and female detainees are accommodated separately.
- 8.2. To the extent possible, remandees are accommodated separately from convicted detainees.
- 8.3. Women are, to the extent possible, accommodated in cottage-style accommodation rather than cell-blocks.
- 8.4. Small children are accommodated with their mothers where it is considered to be in the best interests of the child.
- 8.5. Risk assessment for detainees that are placed in shared accommodation are carried out to reduce the likelihood of intimidation or bullying.
- 8.6. Detainees who are non-smokers must not be made to share a cell/room with detainees who smoke.
- 8.7. All accommodation is regularly supervised by staff at night.
- 8.8. Where practicable, Aboriginal and Torres Strait Islander detainees are provided with the opportunity to be accommodated in family, community or language groups to provide a supporting environment.
- 8.9. Detainees identified as at immediate risk of self-harm or suicide are housed in a safe environment and reviewed daily. Every effort is made to place detainees at risk of self-harm in accommodation that includes reasonable amenities and the possibility for interaction with others.
- 8.10. Detainees that are classified as "protection" (that need to be accommodated separately from mainstream population for their own safety) are entitled to equal access to programs, services and facilities to the maximum extent possible.
- 8.11. Policies and procedures on the pathway out of a maximum security regime are known to detainees and staff.

EVIDENCE SOURCES

- Inspection of physical environment
- Review of policies and procedures around accommodation placement decisions
- Discussions with staff responsible for decision making around placement
- Survey of detainees about their experience
- Observation of case management meetings
- Review of lock-in data

B. BEHAVIOURAL MANAGEMENT

Standard *The standard of treatment and conditions the prison is expected to achieve.*

Indicators *Evidence that may indicate whether the standard/outcome has been achieved. This list is not exhaustive, and outcomes may be demonstrated in other ways.*

Evidence sources *Possible sources of evidence to assist in determining whether the standard / outcome has been achieved.*

B.1 ENCOURAGE POSITIVE BEHAVIOURS THROUGH INCENTIVES

STANDARD 9

The correctional centre regime encourages detainees to make positive choices and engage in positive behaviours.

INDICATORS

- 9.1. A privilege system encourages good conduct, a sense of responsibility, cooperation and engagement of detainees in the functioning of the centre.
- 9.2. Detainees are fully informed as part of induction of all available privileges and how to access them. They are informed of behaviour that may result in a loss of privilege. This information is reiterated at appropriate intervals after induction.
- 9.3. The privilege system is designed and implemented in an equitable manner. All detainees have equal and sufficient opportunity to participate and achieve the highest level of privileges.
- 9.4. The incentive scheme is consistent with legislative provisions dealing with offences and disciplinary action.
- 9.5. Living and accommodation units are master planned to facilitate incentive management schemes appropriate to the detainee profile, and include self-care living, where practicable.
- 9.6. To the extent possible, conflict prevention, mediation or any other alternative dispute resolution mechanisms are utilised to prevent disciplinary offences or to resolve conflicts.

EVIDENCE SOURCES

- Survey detainees about their experience
- Survey staff about their perceptions
- Review of relevant policies and procedures



B.2 ADJUDICATION AND CONSEQUENCES FOR BREACH OF RULES

STANDARD 10

Any correctional centre disciplinary breaches and the consequences for breach are created under law or regulation and are clearly communicated to all detainees.

INDICATORS

- 10.1. The actions that constitute offences and the range of available disciplinary action are easily accessible to detainees and the public.
- 10.2. Material outlining offences and disciplinary action are accessible to detainees in hardcopy (for example, in the library) and electronically (for example on the detainees' computers).
- 10.3. Information on offences and disciplinary action is communicated to detainees on induction in a manner they can understand, and reinforced subsequently as required.

EVIDENCE SOURCES

- Review of relevant policies and procedures and how they are available
- File review of sample disciplinary matters
- Survey detainees about their experience
- Discussion with oversight bodies regarding complaints

STANDARD 11

The system for determining whether breaches of correctional centre rules have occurred is fair, transparent, consistent, expeditious and accountable.

INDICATORS

- 11.1. Before imposing disciplinary sanctions, whether and how a detainee's mental illness, mental disorder or cognitive/intellectual disability may have contributed to their conduct and the alleged disciplinary breach are considered. Detainee conduct considered to be the direct result of their mental illness, disorder or disability is not the subject of sanction, but consideration is then given to whether their needs relating to that mental illness, disorder or cognitive/intellectual disability are being appropriately met.
- 11.2. Disciplinary inquiries are conducted with as little formality and technicality, and as quickly as the proper consideration of the alleged disciplinary breach allows.
- 11.3. Where necessary a detainee may use an interpreter, culturally relevant adviser, or a support person for disciplinary procedures in custody.

EVIDENCE SOURCES

- Survey of staff about their experiences
- Observation of disciplinary hearing
- Discussions with oversight bodies regarding complaints
- Survey of detainees
- Review of policies, procedures and relevant documents e.g. detainee handbook

- 11.4. Detainees are informed, without delay and in a way that they understand, of the nature of the allegations against them and are given adequate time and facilities for the preparation of their defence.
- 11.5. An accused is entitled to be present at a hearing for a disciplinary inquiry in relation to them, and to be heard, to examine and cross-examine witnesses, and to make submissions for the inquiry.
- 11.6. The corrections officer who made an initial report about the alleged disciplinary breach by the detainee must not exercise any function in investigating or reviewing the breach.
- 11.7. Disciplinary hearings for major breaches are video recorded and such recordings are kept at least until such time that any appeals have been heard and determined.

STANDARD 12

The consequences for detainees diverging from correctional centre rules, where proved, are always: established in law or regulation, appropriate, fair, consistent, and expeditious and are not cruel, inhuman or degrading.

INDICATORS

- 12.1. If a detainee is charged with two or more disciplinary breaches and the charges arise out of the same episode of misconduct, the total of the administrative penalties imposed for the breaches must not be more than the maximum penalty that may be imposed for any one of those breaches.
- 12.2. Detainee entitlements, including food and drink, are never restricted as a disciplinary measure.
- 12.3. Detainees are never engaged or required to participate in any form of discipline in relation to other detainees.
- 12.4. Separate confinement as a consequence for a disciplinary breach is only used where absolutely necessary, and for the shortest time possible.
- 12.5. Segregation (for example, for investigative or health purposes) is never used as a punishment, and is only used where there are no less restrictive alternatives available, and for the shortest possible time.
- 12.6. Reasonable contact with family members, legal advisors and protected persons (for example, the Ombudsman, the Human Rights Commission etc.) is an entitlement and cannot be taken away as a disciplinary measure.
- 12.7. Detailed records are kept of disciplinary action taken against detainees.
- 12.8. Health care personnel provide timely reports of any adverse effect of segregation or separate confinement on the physical or mental health of a detainee subjected to them and advise if in their opinion it is necessary to terminate or alter restrictions for physical or mental health reasons.

EVIDENCE SOURCES

- Review of policies and procedures
- Review of files and records of sanctions to consider sanctions imposed and level of documentation
- Discussions with oversight bodies, legal representatives and community members for any insights
- Survey of detainees to understand their experience
- Survey of staff about their perceptions of the effectiveness of disciplinary processes
- Discussions with health staff



B.3 USE OF FORCE

STANDARD 13

Force is only used on detainees as a last resort, in accordance with the law, used in the least restrictive manner possible, and with appropriate safeguards in place.

INDICATORS

- 13.1. There is a policy and/or operating procedure in place that defines when force may be used and sets out requirements that the use of force is monitored, reported, investigated and evaluated, including use of force on visitors.
- 13.2. Care is taken to ensure relevant CCTV footage or other evidence of use of force is preserved in accordance with policies and procedures.
- 13.3. All custodial staff are appropriately trained in use of force and de-escalation techniques, and this training is refreshed periodically.
- 13.4. Detainees injured by use of force are seen as soon as practicable by a doctor or nurse as appropriate, and appropriate health care or other support is provided.
- 13.5. All detainees and staff involved in use of force incidents are debriefed by senior officers and offered counselling.
- 13.6. Female officers are to lead on any required physical restraint of female detainees except where the use of force is unplanned. This is in recognition that a significant proportion of women in detention have suffered gender-based violence and to avoid potential traumatisation or causing anxiety and stress.
- 13.7. A detailed central record of all use of force incidents causing injury is maintained that includes details of and relevant background to the incident, the decision to use force and the force used.
- 13.8. Wherever possible, and in all cases where use of force is planned, the use of force is digitally recorded by trained staff to ensure an evidentiary record that is of sufficient quality to meet the standard of evidence in criminal proceedings.
- 13.9. Use of force reporting, reviewing, and evaluation is linked to correctional centre risk management and occupational health and safety systems.
- 13.10. Force is not used on detainees exhibiting mental health problems unless the detainee poses an immediate risk to themselves or others.

EVIDENCE SOURCES

- Inspect data, registers, and records of use of force
- Random review of uses of force on CCTV
- Random review of incident reports of use of force and relevant files
- Survey of staff to understand their view
- Survey of detainees to understand their experiences
- Review of relevant policies and procedures, including OHS and risk management system
- Review of policies and procedures
- Review of training
- Discussions with oversight bodies and others regarding complaints

B.4 USE OF RESTRAINTS AND WEAPONS

STANDARD 14

Instruments of restraint are only used when no lesser form of control would be effective to address the risks posed by unrestricted movement, and the use of restraints is proportionate in the circumstances.

INDICATORS

- 14.1. Use of restraints is always in accordance with law, appropriately recorded, used in the least restrictive manner possible, and in a way that is mindful of detainee dignity.
- 14.2. Restraints that are inherently painful or degrading are never used.
- 14.3. Restraints are never used for disciplinary action.
- 14.4. Where restraints are justified as a precaution against escape during a transfer to court or appearance before an administrative body, restraints are removed if the court or administrative body decides they should be after receiving advice from ACTCS.
- 14.5. Restraints are removed during medical tests and procedures unless there are compelling security grounds to retain them.
- 14.6. Restraints are never used on women during labour, childbirth and immediately after childbirth.
- 14.7. Restraints are only applied by staff who are appropriately trained.
- 14.8. Weapons including electronic stun devices are never used on detainees already subject to restraints.
- 14.9. Chemical restraints (such as sedatives, anti-psychotics, hypnotics and tranquilisers) are only used for therapeutic purposes, and never to restrain a detainee.

EVIDENCE SOURCES

- Review of policies and procedures
- Review register/records of use and management of restraint to understand practices
- Survey of detainees to understand their experiences
- Survey of staff to understand their view
- Review staff training material and regularity of training
- Discussions with oversight bodies regarding complaints

**STANDARD 15**

Weapons are only used as a last resort when no lesser form of control would be effective to address the risks posed in the circumstances. The use of weapons is legitimate, necessary, proportionate, and subject to rigorous governance.

INDICATORS

- 15.1. Firearms are only used if someone's life is under threat or a detainee or other person offers armed resistance to a corrections officer. Firearms are not carried by staff in direct contact with detainees.
- 15.2. Weapons, ammunition, chemical agents and restraints are appropriately secured, stored, maintained and audited each week.
- 15.3. Clear policies and procedures around the use of weapons are in place and known by staff.
- 15.4. The use of weapons is appropriately documented including retention of CCTV footage.
- 15.5. Only staff who have been trained and have current certification in the use of a weapon may draw a weapon. Staff responsible for the carriage and discharge of firearms receive accredited firearms training and are required to participate and be assessed as competent at least annually.

EVIDENCE SOURCES

- Review relevant policies and procedures
- Survey of staff to understand their knowledge
- Where weapons are used, random review of CCTV and files
- Review training systems

B.5 SEPARATE CONFINEMENT AND SEGREGATION

STANDARD 16

Placement of detainees in separate confinement and segregation must only be undertaken on limited grounds strictly proscribed by law, based on a demonstrated need, and carried out in the least restrictive way and for the shortest possible time.

INDICATORS

- 16.1. Segregation is never used for disciplinary purposes.
- 16.2. Separate confinement and segregation is not used on detainees with mental health conditions without prior consultation with a mental health professional except in exceptional circumstances.
- 16.3. Separate confinement and segregation are not used as a long-term management strategy.
- 16.4. Detainees are promptly informed of a decision that they will be placed in separate confinement or segregation, the reasons for such placement, the period of placement, and ability to seek review.
- 16.5. In deciding to place a detainee in separate confinement or segregation, any relevant, known cultural considerations and the likely impact of separate confinement or segregation on the health and wellbeing of the detainee is considered.
- 16.6. Detainees in separate confinement and segregation retain all their entitlements under relevant legislation including the right to access sufficient food and drink, visits, right to medical attention, medication, their legal representative, or to access complaint and oversight mechanisms.
- 16.7. Detainees in separate confinement are regularly visited by health professionals who must advise if termination or alteration of segregation is necessary on grounds of physical or mental health or disability.
- 16.8. A decision to place a detainee in separate confinement is regularly reviewed and revoked as soon as there are reasonable grounds for the belief that segregation is no longer necessary or prudent.
- 16.9. The separate confinement or segregation of a detainee is reviewed prior to the detainee being transferred to another correctional centre.

EVIDENCE SOURCES

- Review data and records of separate confinement and segregation
- Survey detainees about their experience
- Survey staff about their experiences
- Discussions with oversight bodies regarding complaints
- Discussions with lawyers, family and friends and relevant community groups
- Discussions with staff, including Aboriginal Liaison Officers, medical staff
- Observation of cells / areas used for segregation and separate confinement

**STANDARD 17**

Where detainees are subject to segregation or separate confinement, they are treated with respect and dignity, and have meaningful opportunity to leave the unit and/or earn privileges.

INDICATORS

- 17.1. The decision to place a detainee on a segregation or separate confinement order must be taken in accordance with transparent criteria, based on evidence, have a right to appeal, and be subject to regular review.
- 17.2. The placement criteria, complaint and appeal mechanisms for placement in a management unit are clearly stated, accessible and transparent, and provide procedural fairness.
- 17.3. Detainees' individual needs, including mental health, sentence management and program needs continue to be met notwithstanding the segregation or separate confinement. Detainees are afforded access to as comprehensive range of activities, facilities and programs as possible.
- 17.4. Detainees are provided with opportunities for work and other constructive activities such as education and recreation.
- 17.5. Care is taken to reduce risks of detainee self-harm including through effective monitoring and dynamic security measures, and to ensure the environment and regime is the least restrictive in the circumstances.
- 17.6. Accommodation in the management unit is not used as a management solution for the placement of detainees with mental health issues or a disability.
- 17.7. Multi-disciplinary case management reviews with relevant professional staff are regularly held for detainees in the management unit.

EVIDENCE SOURCES

- Survey of detainees about their experience
- File review of sample disciplinary matters
- Discussions with lawyers and relevant community groups
- Attend and observe disciplinary review and case management review meetings
- Discussions with relevant staff about disciplinary process and outcomes
- Discussions with oversight agencies regarding detainee complaints
- Review of data
- Review of policies and procedures
- Inspection of areas used for segregation and separate confinement e.g. management unit, crisis support unit, health centre

C. SECURITY

Standard *The standard of treatment and conditions the prison is expected to achieve.*

Indicators *Evidence that may indicate whether the standard/outcome has been achieved. This list is not exhaustive, and outcomes may be demonstrated in other ways.*

Evidence sources *Possible sources of evidence to assist in determining whether the standard / outcome has been achieved.*

C.1 SAFE AND PROPORTIONATE

STANDARD 18

Detainees are managed within a structured and transparent system that provides for graduated levels of restriction and security according to the risks posed by the individual detainee.

INDICATORS

- 18.1. The security measures to which a detainee is subject under a security classification are the minimum necessary to ensure secure detention of the detainee.
- 18.2. A detainee's security classification is assessed as soon as practical after admission.
- 18.3. The classification and placement criteria and system, the consequences of an escape or attempted escape, and the process for appeal against a classification decision are fully explained to detainees in a manner they can understand. Interpreters or other supports are used to assist the detainee with understanding where required. For detainees subject to guardianship orders, information regarding the classification and placement system is also communicated to the relevant guardian.
- 18.4. Security classification involves an objective assessment of all factors required by relevant law and policy. Written records are kept of the assessment and outcome.
- 18.5. Security risk assessment is done in a way that is mindful of structural disadvantage. For example, persons of Aboriginal and Torres Strait Islander background are statistically more likely than non- Aboriginal and Torres Strait Islander persons to engage with the criminal justice system early and more frequently, but frequent incarceration does not necessarily equate to that detainee posing a higher security risk.

EVIDENCE SOURCES

- Review policies and procedures
- Random file review of security classification
- Survey of detainees to understand their experiences
- Discussions with staff responsible for security classification decisions
- Observation of any relevant inter-disciplinary meetings



- 18.6. A detainee's classification is reviewed as part of a wider sentence management review annually, but more often as required. Detainees have input into case management reviews.
- 18.7. The procedural and substantive aspects of risk assessment are regularly reviewed by correctional centre staff to ensure that outcomes of assessment are appropriate, effective and non-discriminatory.
- 18.8. For detainees nearing release, to the extent it is possible with the detainee's risk profile, each detainee is classified minimum security and placed in accommodation commensurate with that status, for example, a transitional release centre.

STANDARD 19

The physical environment is one where risks to security are identified and mitigated.

INDICATORS

- 19.1. Corrective services carefully scrutinise equipment and facilities with a view to eliminating and/or reducing the potential for equipment and facilities to be used in a manner that causes occupational health and safety risks, risk of self-harm, or harm to others, including ligature points.
- 19.2. Particular attention is paid to preventing, preparing, responding and recovering from the potential for in-cells fires.

EVIDENCE SOURCES

- Physical inspection of facilities
- Review of OHS plan
- Discussions with staff responsible for OHS
- Review a sample of debriefs post fire incidents

STANDARD 20

There are effective procedural security measures with continual monitoring of operational performance to ensure risks to security are identified early, treatment strategies are implemented and detainees' safety and freedom of movement are optimised consistent with the need for security and good order.

INDICATORS

- 20.1. A security manager coordinates and ensures ongoing vigilance of staff.
- 20.2. There is an occupational health and safety committee in place that is afforded adequate rostered time for assessments and other occupational health and safety activities.
- 20.3. Safety and security is periodically reviewed.
- 20.4. Effective systems are implemented to control access to the correctional centre, including the identification of persons, entry and exit of vehicles and of materials, including tools entering the correctional centre.
- 20.5. Effective security systems and procedures are in place to prevent escapes.
- 20.6. The general location of all detainees is known at all times and an effective system for counting detainees, ensuring accountability for all detainees, including those outside the correctional centre, is in place. The number and style of detainee counts are not oppressive, consistent with security requirements.
- 20.7. Security procedures and searches are implemented systematically, and are subject to regular review.
- 20.8. There is a security-testing program in place. Accurate records are kept of security tests with the results made available to relevant staff.

EVIDENCE SOURCES

- Review policies and procedures and other relevant documentation including in relation to muster, searches, integrity testing etc.
- Survey of detainees to understand their views
- Survey of staff to understand their views
- General observations of searches e.g. at gatehouse, pre-visits etc.
- Review register of searches of detainees, visitors, staff
- Review records relating to security-testing program

**STANDARD 21**

Dynamic security measures and particularly detainee and staff interaction is at the forefront of security strategies.

INDICATORS

- 21.1. Correctional centres are designed to facilitate extensive opportunities for communication between staff and detainees.
- 21.2. Surveillance cameras support direct staff supervision of detainees, and their use is not at the expense of staff awareness.
- 21.3. Every person appointed in a correctional centre has a visible identity card stating the person's name and the position to which the person is appointed.
- 21.4. Staff are visible and approachable. Detainees do not have to constantly negotiate physical barriers to speak to staff.
- 21.5. Staff who interact directly with detainees extend their knowledge of detainee activities and behaviours and apply this knowledge professionally for the safety and security of the correctional centre.
- 21.6. Staff exercise great care to ensure that information of a personal or confidential nature that has no bearing upon security or safety is treated with absolute regard for the right of detainees to privacy and confidentiality.
- 21.7. Staff encourage detainees to report concerns they have about their safety and wellbeing or threats they receive. Staff are receptive to threats they learn of and respond appropriately.
- 21.8. Appropriate communication mechanisms that are mindful of detainee privacy and security are in place for oversight entities to follow up with ACT Corrective Services on information or intelligence he/she learns of that relates to an actual or perceived threat to detainee safety or wellbeing.
- 21.9. Staffing shortages rarely result in lockdowns, restriction of daily activities or a reduction in out-of-cell hours thereby undermining dynamic security. Where restrictions on detainees cannot be avoided, temporary rolling lockdowns are instituted and meals are provided, as far as possible, in a timely manner.

EVIDENCE SOURCES

- General observations of physical environment, staff/detainee interaction in a range of contexts including in units, visits, programs etc.
- Review register of lock-ins, and reasons
- Review data on time out of cells
- Survey of detainees to understand their experiences
- Survey of staff to understand their experience

C.2 INTELLIGENCE

STANDARD 22

Intelligence gathering systems are effective and ethical, and intelligence information is appropriately gathered, recorded, managed and disseminated.

INDICATORS

- 22.1. Closed security correctional centres have professionally trained intelligence staff on-site who collect and collate relevant intelligence in a timely manner.
- 22.2. Staff pass on all relevant information to an identified intelligence coordinator. This includes reports regarding telephone monitoring, information provided in-confidence and information gained from dynamic interactions.
- 22.3. The General Manager regularly reviews the volume and quality of intelligence reports and ensure appropriate quality and ethical controls are in place, especially in relation to the use of information from detainees.
- 22.4. Adequate processes are in place to protect the community from unwanted communication or harassment from detainees.
- 22.5. Adequate processes are in place to protect detainee informants from being identified by staff who do not have a need-to-know.

EVIDENCE SOURCES

- Discussions with relevant staff
- Survey of staff
- Review of policies and procedures
- Inspection of intelligence gathering systems
- Review of training requirements
- Discussions with relevant stakeholders e.g. Victims of Crime Commissioner



C.3 SEARCHING

STANDARD 23

Effective systems are in place to detect and confiscate weapons, illicit substances and other contraband introduced, manufactured, carried or secreted by detainees, visitors, staff or others.

INDICATORS

- 23.1. Strategies for gathering intelligence regarding the presence of illicit drugs or the misuse of prescription drugs are in place and subject to ongoing review.
- 23.2. Testing for use of drugs and other illicit substances is administered respectfully, and subject to oversight. Records are kept of all drug tests administered and their results.
- 23.3. Systems used to test detainees for the presence of drugs and other illicit substances are consistent with best practice to ensure the integrity of the test procedure and results. Testing is carried out respectfully, and is subject to oversight and record keeping. Detainee blood samples are only taken by a doctor or nurse appointed to the correctional centre on non-therapeutic functions.

EVIDENCE SOURCES

- Review register of searches, including contraband found
- Survey of detainees to understand their experiences
- Survey of visitors to understand their experiences of searching during visits
- Survey of staff
- Observation of searching practices

STANDARD 24

All searching is lawful and proportionate, and carried out in a manner that is respectful of the inherent dignity of the person being searched.

INDICATORS

- 24.1. Search practices include both targeted and random searches.
- 24.2. Targeted searches only occur when there are reasonable grounds to suspect a detainee has a contraband item concealed.
- 24.3. Individuals are clearly informed about search procedures.
- 24.4. Searches do not harass, intimidate or unnecessarily intrude upon a detainee's privacy.
- 24.5. To avoid the harmful psychological and possible physical impact of invasive body searches, alternative screening methods, such as scans, are used in preference to strip searches and invasive body searches.
- 24.6. All invasive searches are recorded in a register (including the reasons for conducting the search) in a timely fashion and the register is subject to oversight.
- 24.7. Corrections officers performing scanning, frisk or ordinary searches must be of the same gender as the person being searched, or otherwise have another person (not a detainee) of the same gender as the person being searched.

EVIDENCE SOURCES

- Observation of searching practices
- Review of policies and procedures
- Inspection of physical environment for conducting invasive searches
- Survey of staff to understand their experiences
- Survey of detainees to understand their experiences
- Survey of visitors to understand their experiences of searching during visits
- Discussions with oversight bodies regarding complaints

**STANDARD 25**

Searches of detainee cells and their property are carried out in a professional and accountable way and are appropriately recorded.

INDICATORS

- 25.1. Detainees are made aware that their cells or personal property are being searched and cells/property are left in the same condition they were found in.
- 25.2. Detainee cell searches are carried out in a systematic manner, and conducted by staff members of the same gender, wherever practicable.
- 25.3. Searches are recorded in a register (including the reasons for conducting the search) in a timely fashion and the register is subject to oversight.
- 25.4. The search is conducted respectfully, and in the least intrusive way that is reasonable and necessary in the circumstances.

EVIDENCE SOURCES

- Observation of cell searches
- Survey of detainees to understand their experiences
- Survey of staff to understand their experiences
- Discussions with oversight bodies regarding complaints
- Review of policies and procedures, and other relevant documentation such as cell search matrix
- Inspection of search register

STANDARD 26

Searching of visitors and their property are carried out in a professional and accountable way and are appropriately recorded.

INDICATORS

- 26.1. The physical searching of child visitors (a person under 18 years of age) are undertaken with sensitivity and only occur where there is reasonable suspicion that contraband may be present. Physical searching of children is only undertaken with the consent of the child's parent or guardian and in the presence of an adult nominated by the child or the child's parent or guardian.
- 26.2. Admission of visitors to the correctional centre is contingent upon the visitor's consent to being searched. The visitor may withdraw their consent at any time, in which case they may be refused access.
- 26.3. Correctional centre management actively monitors the application of search procedures.
- 26.4. The searching of visitors is only implemented as part of a strategy to deter and detect contraband entering the correctional centre.

EVIDENCE SOURCES

- Review of policies and procedures
- Survey of visitors to understand their experiences of searching during visits
- Inspection of search register

STANDARD 27

Searching, screening and testing of staff is done in a manner that is respectful of staff privacy, and in accordance with clear guidelines.

INDICATORS

- 27.1. There are clear guidelines for testing that set out the basis for testing and procedure to be followed.
- 27.2. Staff are made aware of searching, screening and/or testing guidelines at the commencement of employment and subsequently refreshed as required.
- 27.3. Accurate and up to date records are kept of any searching, screening and testing, and the outcomes.

EVIDENCE SOURCES

- Survey of staff to understand their experiences
- Observation of searching practices
- Review of policies and procedures
- Inspection of search register
- Discussion with relevant stakeholders e.g. unions

STANDARD 28

Strip searching of detainees is only carried out on reasonable grounds, carried out in the least restrictive manner, and is respectful of detainee dignity.

INDICATORS

- 28.1. Strip searches are conducted in a private area or an area that provides reasonable privacy for the detainee being searched.
- 28.2. Given that a large proportion of women in detention have suffered sexual abuse or violence and may find searching particularly traumatic, every effort is made to minimise the frequency of searches on women, and staff are trained in trauma informed searching techniques.
- 28.3. The number of corrections officers present during a strip search is no greater than necessary and reasonable to ensure the search is carried out as safely and effectively as possible.
- 28.4. Strip searches do not involve the removal from the detainee of more clothes at any time than is necessary and reasonable to conduct the search, and avoids unless necessary, both the upper and lower parts of the person's body being uncovered at the same time.

EVIDENCE SOURCES

- Review of policies and procedures
- Inspection of search registers
- Survey of detainees to understand their experiences
- Survey of staff to understand their experiences
- Discussions with oversight bodies regarding complaints



- 28.5. Strip searches are conducted by staff of the same gender as the detainee.
- 28.6. Given transgender and intersex detainees are particularly vulnerable to trauma, humiliation or abuse from others as a result of undergoing strip searches, every effort is made to minimise the frequency of searches on transgender and intersex detainees, and staff are trained in trauma informed searching techniques. Transgender and intersex detainees are invited on a case by case basis to nominate the gender of the corrections officer(s) conducting the search.
- 28.7. Strip searches are done in a way that minimises embarrassment for the detainee.
- 28.8. Strip searches are done as quickly as is reasonable in the circumstances.
- 28.9. If clothing from a detainee is seized during a strip or body search, the detainee is provided with appropriate clothing to wear.
- 28.10. Detainees dress in private immediately after the strip or body search is finished.

STANDARD 29

Body cavity searches are only conducted as a last resort, are carried out by medical staff specifically appointed to carry out non-therapeutic functions and are carried out in a way that is least restrictive on detainee rights as possible in the circumstances.

INDICATORS

- 29.1. A nurse appointed to the correctional centre is present during the body cavity search of a detainee. If the doctor conducting the search is not of the same gender as the detainee, the nurse must be of the same gender as the detainee.
- 29.2. Only a health practitioner appointed under relevant law to conduct non-therapeutic procedures may conduct a body cavity search.
- 29.3. The doctor conducting the body cavity search of a detainee, and the nurse present at the search, may, for the search, touch the detainee and examine the detainee's orifices and cavities, but only if the doctor or nurse is of the same gender as the detainee. Items discovered by the doctor conducting the body search may be seized only if the seizure would not be likely to cause injury to the detainee and the doctor believes, on reasonable grounds, that the thing may be evidence of the commission of an offence or disciplinary breach by the detainee.

EVIDENCE SOURCES

- Review of policies and procedures
- Review data or records of any cavity searches

D. LEADERSHIP AND MANAGEMENT OF SAFETY, RESOURCES AND SYSTEMS

Standard *The standard of treatment and conditions the prison is expected to achieve.*

Indicators *Evidence that may indicate whether the standard / outcome has been achieved. This list is not exhaustive, and outcomes may be demonstrated in other ways.*

Evidence sources *Possible sources of evidence to assist in determining whether the standard / outcome has been achieved.*

D.1 STRATEGIC AND PERFORMANCE PLANNING AND EVALUATION

STANDARD 30

Each correctional centre has a strategic management plan in place, which is reviewed and revised as required.

INDICATORS

- 30.1. Each correctional centre has a strategic plan that defines the purpose, vision, values, and goals of the correctional centre.
- 30.2. Each correctional centre has a business management plan that gives effect to the strategic plan, including shorter term objectives, service delivery resourcing to meet those objectives, and the performance measure and reporting arrangements of the correctional centre. The business management plan must reflect a detailed assessment of risk, its mitigation and management and promote accountability for outcomes.
- 30.3. Each correctional centre has a financial plan and a budget, together with financial management delegations and processes to deploy financial resources and equipment to support the business management plan.
- 30.4. Each correctional centre has a quality assurance plan to ensure that required services are delivered and delivered to required standards.
- 30.5. Relevant stakeholders, including staff, are involved in the development of plans. Plans and performance against measures are readily available to all staff.
- 30.6. Correctional centres record and analyse demographic data on their population to track, assess and respond to needs.

EVIDENCE SOURCES

- Review relevant plans and documentation
- Discussions with management
- Survey of staff to understand their views
- Discussions with staff responsible for data gathering/analysis

**STANDARD 31**

Correctional centres regularly review and evaluate their own performance against their plans.

INDICATORS

- 31.1. When social indicators are to be used to monitor and/or evaluate policies and programs concerning Aboriginal and Torres Strait Islanders, the informed views of Aboriginal and Torres Strait Islander people are incorporated into the development, interpretation and use of the indicators, to ensure that they adequately reflect Aboriginal and Torres Strait Islander perceptions and aspirations.

EVIDENCE SOURCES

- Review relevant plans and documentation
- Discussions with management
- Discussions with staff responsible for data gathering/analysis

STANDARD 32

Effective emergency management and incident response plans are in place, including evacuation plans.

INDICATORS

- 32.1. Plans anticipate and consider additional needs of particular cohorts of detainees, for example, those with a disability.
- 32.2. Plans are in place for emergency evacuation due to natural disasters such as flooding, bushfires or extreme weather events.
- 32.3. Plans address immediate safety as well as longer-term assistance and support for staff and detainees where required.
- 32.4. Staff and detainees are aware of what to do in emergency situations through awareness raising activities including drills, and training.
- 32.5. There is appropriate standby and resource deployment and maintenance in place.
- 32.6. Emergency equipment and systems are easily accessible, tested regularly and replaced where necessary. Systems are in place to ensure accountability for the regular auditing and certification for the security and serviceability of all emergency prevention and response management equipment.
- 32.7. ACT Corrective Services directly provide or have procured specialised services involving equipment and associated professional knowledge, skills and abilities to be readily available upon an emergency incident being declared. These specialised response services have a rapid response time and can control, limit or modify the emergency to reduce its consequences.

EVIDENCE SOURCES

- Review relevant plans and documentation, including detainee handbooks
- Discussions with management
- Survey of staff to understand their views

- 32.8. ACT Corrective Services directly provide or have procured specialised services involving recovery strategies and services to return correctional centre operations to a state of preparedness after emergency situations. Recovery could also involve support to individuals, groups and communities in the reconstruction of physical infrastructure and their restoration of emotional, social, economic and physical wellbeing. In this case activities would include restoration of essential services, counselling programs, temporary accommodation, long-term health care and public information.
- 32.9. Independent audit, review and investigation systems of emergency management and incident response plans are in place.

STANDARD 33

Any incidents that occur are appropriately internally recorded, analysed and any lessons learnt are identified. Relevant staff are involved in this process and outcomes are disseminated.

INDICATORS

- 33.1. Where external inquests, inquiries, investigations or reports are produced, outcomes and recommendations are disseminated as widely as possible to staff to promote a culture of ongoing learning and improvement and implement relevant recommendations.
- 33.2. Each correctional centre is integrated into a wider corporate learning environment to ensure lessons learned from and recommendations of inquiries, investigations and reports are, where appropriate, integrated into correctional practice.

EVIDENCE SOURCES

- Review of post-incident debrief documents
- Discussions with relevant staff



D.2 RECORD KEEPING

STANDARD 34

The correctional centre keeps up-to-date, well-organised, secure and permanent records of key information.

INDICATORS

- 34.1. Key information required by law (including the *Territory Records Act 2002* (ACT)) and policy are recorded, including in relation to: authority for detention and period of detention including relating to sentence and non-parole period, transfers, discharges and bail; known health conditions and disabilities; next of kin; an inventory of personal property; visible injuries and complaints about prior ill treatment; security classification; sentence management plan; discipline; use of force; and segregation.
- 34.2. All records are kept confidential and made available only to those whose professional responsibilities require access to such records. There is a secure audit trail to prevent unauthorised access to or modification of any information contained in the system.
- 34.3. All information relating to the identity of detainees' children is kept confidential, and the use of such information complies with the requirement to consider the best interests of the children.
- 34.4. Detainees can access the records pertaining to them, subject to redactions authorised under legislation, and are entitled to receive an official copy of such records upon their release.
- 34.5. A detainee file management system is used to generate reliable data about trends relating to and characteristics of the correctional centre population, including occupancy rates and admission of persons previously detained under the *Children and Young People Act 2008* (ACT) to adult correctional centres, to create an evidence base for decision making.
- 34.6. Arrangements are in place to facilitate the timely and appropriate exchange of information relevant to the management of detainees including with ACT Courts, ACT Policing and ACT Health Services.

EVIDENCE SOURCES

- Random file inspection
- Discussions with relevant staff about the data currently captured and future plans
- Discussions with stakeholders such as ACT Policing, ACT Health Services, ACT Courts, and oversight agencies
- Review of policies and procedures around data capture and storage and record keeping

STANDARD 35

Information relating to an individual detainee is treated with strict regard to confidentiality. A person must not disclose personal information about a detainee without the detainee's consent unless authorised under a Territory law.

INDICATORS

- 35.1. Personal information taken from a detainee is handled in accordance with relevant Commonwealth and Territory law.
- 35.2. Personal information in relation to a remandee is destroyed where there is no finding of guilt for any offence to which the detention relates.
- 35.3. The confidentiality of medical information is maintained to preserve each detainee's individual entitlement to privacy. However, medical information may be provided on a 'need-to-know' basis: with the consent of the detainee; or in the interest of the detainee's welfare; or where to maintain confidentiality may jeopardise the safety of others or the good order and security of the correctional centre.

EVIDENCE SOURCES

- Discussions with oversight bodies regarding complaints and systemic issues
- Review record keeping systems
- Discussions with relevant health staff

STANDARD 36

A health record for each detainee is established (or reopened) upon admission, and all relevant information about detainee health is recorded in this record in a timely, accurate and confidential way, including information about pre-existing health conditions or medical treatment and care.

INDICATORS

- 36.1. A detainee's medical history files accompany the detainee on transfer to other correctional facilities and upon re-admission.
- 36.2. Detainees can access their medical files upon request. A detainee may appoint a third party to access his or her medical file.
- 36.3. Health records, including allied health records, are stored securely and are never accessed by custodial staff.
- 36.4. Medical files are transferred to the health-care service of the receiving correctional centre upon transfer of a detainee.
- 36.5. Where necessary, on release from a correctional centre, each detainee is given a summary of his/her health status and referral to the community health care provider of the detainee's choice.

EVIDENCE SOURCES

- Discussions with relevant health staff
- Discussions with oversight bodies regarding complaints and systemic issues



D.3 STAFF

STANDARD 37

There are appropriate staffing levels to ensure the correctional centre functions effectively, and the manner of appointment is mindful of both security of tenure and the need for flexibility for management.

INDICATORS

- 37.1. A staffing analysis is conducted periodically to determine staffing needs.
- 37.2. The staffing profile ensures correctional centre operations are not reliant on overtime or emergency call ins, and is sufficient to ensure detainee out-of-cell hours are adequate to encourage social interaction and facilitate program participation.
- 37.3. Data on staff overtime, workers compensation, sick leave and turnover is collected and monitored as an indicator of staff wellbeing.

EVIDENCE SOURCES

- Assessment of staffing profile and staffing data
- Review policies and procedures relating to staffing, including initiatives to shape staffing profile e.g. diversity
- Discussions with relevant stakeholders e.g. unions

STANDARD 38

Staff are appropriately qualified, skilled and experienced for functions to be performed effectively, have appropriate management, mentoring and supervision, and behave with integrity.

INDICATORS

- 38.1. The workforce exhibits the highest standards of professional competence, integrity, honesty and accountability in the performance of their duties.
- 38.2. The staffing profile in operations and management strives towards a diverse representation across genders, persons from an Aboriginal and Torres Strait Islander background, people of different faiths, and culturally and linguistically diverse backgrounds.
- 38.3. Staff are supported by effective leadership and supervision.

EVIDENCE SOURCES

- Survey of staff
- Discussions with management
- Review of data on staff grievances, complaints and misconduct
- Review staff training requirements and material

- 38.4. All correctional centre staff treat others with respect and dignity whilst carrying out professional duties and in accordance with the ACT Public Service Code of Conduct, and are aware they model positive behaviour to others.
- 38.5. There is clear and sustained commitment at the managerial level to prevent gender-based discrimination against female staff, and there are appropriate policies to deal with it where it does occur.
- 38.6. Capacity building measures for female staff includes pathways to senior management positions.
- 38.7. All corrections officers understand and are sensitive to relations between Indigenous and non-Indigenous Australians in the past and the present. Training is carried out on this as required. Screening procedures are in place to reduce the likelihood of staff holding implicit bias against groups from particular religious, cultural or ethnic backgrounds, including Aboriginal and Torres Strait Islander people, which cannot be eliminated by training or re-training programs.
- 38.8. The actual deployment of all grades of staff reflects needs levels.
- 38.9. So far as possible, correctional centre staff include enough specialists such as mental health professionals, social workers, teachers and trade instructors.
- 38.10. Salaries, employment benefits and conditions of service are adequate to attract and retain suitable staff.
- 38.11. ACT Corrective Services regard it as a breach of the ACT Public Service Code of Conduct for an officer to deliberately speak to a detainee in a discourteous or disrespectful manner.

STANDARD 39

The learning and development needs of staff are regularly assessed and addressed so that all staff are fully equipped to perform their duties.

INDICATORS

- 39.1. General prerequisite entry level training is carried out for all new staff. This induction training covers specific topics, including: the needs of particular groups of detainees including culturally and linguistically diverse groups, LGBTQI detainees, women, persons with a disability, and Aboriginal and Torres Strait Islander detainees; first aid; the psychosocial needs of detainees including the impact of previous trauma related to violence and abuse; mental health awareness including early recognition of symptoms to enable staff to refer detainees to health staff for follow up assessment as appropriate; and how to prevent, detect and respond to detainee bullying, harassment, coercion and threatening behaviour.

EVIDENCE SOURCES

- Review staff training requirements and material
- Inspection of mandatory annual training requirements register
- Survey of staff
- Discussions with relevant stakeholders e.g. unions



- 39.2. Refresher and update training is carried out as required.
- 39.3. All staff training emphasises the fair and respectful treatment of detainees, the human rights of detainees and staff, and the meaning and application of the duty of care.
- 39.4. Staff are appropriately trained in areas relevant to their specific work. Staff working with detainees with particular needs or attributes that may make them vulnerable in a prison environment are given specific related training.
- 39.5. Admissions staff are trained to deal with newly received detainees who may be anxious, distressed or uncooperative. There is entry-level training for reception and admission processes and shift handover arrangements in reception facilities.
- 39.6. Staff responsible for separate confinement and segregation regimes, including movement control, are specifically trained on requirements. Such staff are rotated at appropriate intervals to manage stress and security issues.
- 39.7. Staff responsible for the carriage and discharge of firearms receive accredited firearms training and are required to participate and be assessed as competent at least annually.
- 39.8. Where children can stay with a parent in the correctional centre, awareness-raising on child development and basic training on the health care of children is provided to correctional centre staff.
- 39.9. All staff positions have an accurate and current position description and access to the resources necessary to perform required tasks. The duties assigned to staff are consistent with their position descriptions and centre procedures.
- 39.10. There is a performance system in place to support professionalism, career development, job satisfaction, and continuous improvement.
- 39.11. Female staff receive equal access to training as male staff.
- 39.12. Staff receive appropriate security training, authorisation and security clearance for the tasks they are required to perform.

STANDARD 40

Staff are supported, and have avenues to raise and address grievances that affect them in a timely and effective way.

INDICATORS

- 40.1. Staff have ongoing access to an Employee Assistance Program. Staff are offered appropriate supports including counselling and debriefing after critical incidents or other situations that could cause a high degree of stress.
- 40.2. Measures are taken to prevent and address workplace bullying and harassment.
- 40.3. Employees are provided with the opportunity to express and resolve work related grievances in a timely manner and in accordance with the principles of natural justice.
- 40.4. Grievances are resolved promptly, fairly, sensitively and confidentially so that every attempt is made to resolve workplace grievances at the lowest level.
- 40.5. Staff are not subject to repercussions or reprisals for making a complaint.

EVIDENCE SOURCES

- Review of policies and procedures
- Discussion with relevant staff responsible for human resources
- Survey of staff to understand their perspectives

D.4 POLICIES AND PROCEDURES

STANDARD 41

The correctional centre has clear, comprehensive, internally consistent and up to date policies and procedures on all relevant areas. Policies and procedures are Notifiable Instruments and are available on the ACT Legislation Register.

INDICATORS

- 41.1. Policies and procedures are clearly communicated to staff and are easily accessible.
- 41.2. Except for matters that may prejudice the security and good order of a correctional centre, policies and procedures are readily available to detainees and the public.

EVIDENCE SOURCES

- Review currency, adequacy, appropriateness and ease of staff and public access to policies and procedures



- 41.3. Policies and procedures are reviewed periodically and updated, drafted or repealed as required, for example, changes to laws that may affect detainee rights such as births, deaths and marriages. Staff and detainees are informed of updates and changes.
- 41.4. Where an urgent change to a policy or procedure is required that necessitates the issuing of a subordinate notice (such as an Executive Director Instruction (EDI) or General Manager Instruction (GMI)) the policy or procedure is updated as a high priority, to limit the chance of confusion or lack of clarity about the governance and operational framework. Where appropriate, key affected stakeholders are informed of the EDI or GMI.
- Discussions with relevant staff (e.g. lead on policies) to understand the process for reviewing and updating policies and procedures, use of EDIs and GMIs, and the process for communicating with stakeholders
 - Survey of staff to ascertain their level of knowledge and views
 - Survey of detainees to ascertain their level of knowledge and views

STANDARD 42

Operational practices reflect policies and procedures.

INDICATORS

- 42.1. Staff are informed about and, if required, receive training about policies and procedures.
- 42.2. Managers and supervisors take responsibility to ensure policies and procedures are adhered to.
- 42.3. Systems are in place to identify policies or procedures that may require update or revision, and steps are taken in a timely manner to prioritise and address required updates and revisions.

EVIDENCE SOURCES

- Review of staff training for linkage with policies and procedures
- Survey of staff to ascertain their level of knowledge and views
- Review of policies, procedures and strategies

PILLAR 2

Respect and Dignity





A. DAILY LIFE

Standard *The standard of treatment and conditions the prison is expected to achieve.*

Indicators *Evidence that may indicate whether the standard/outcome has been achieved. This list is not exhaustive, and outcomes may be demonstrated in other ways.*

Evidence sources *Possible sources of evidence to assist in determining whether the standard / outcome has been achieved.*

A.1 LIVING CONDITIONS

STANDARD 43

Where detainees are accommodated in cells, these cells have sufficient space and comforts to meet detainees' daily needs, afford them adequate privacy, fresh air and natural light.

INDICATORS

- 43.1. Cells are an appropriate size for detainees. Determining what is appropriate in the circumstances involves consideration of factors including number of detainees per cell, hours detainees spend in lockdown per day, detainees' ability to access the shower and toilet in the cell and the privacy with which they can carry out ablutions in shared cells, and ambient environment (temperatures, airflow, natural light). There is no international "standard" for cell size, however the Standard Guidelines for Prison Facilities in Australia and New Zealand sets 8.75m² as the minimum size for a single person cell including ablutions, and 12.75m² for a double cell.
- 43.2. When referring to "design capacity", corrective services must make a clear distinction between cells designed for a single person that accommodate one person and single cells that are used to accommodate more than one person ("double-ups").
- 43.3. Detainees have a sleeping place with a suitable bed and bedding, that has sufficient privacy and comfort, and is clean and hygienic.
- 43.4. Cells are physically safe, free from ligature points, and made of non-flammable, non-tear materials.
- 43.5. All cells are fitted with functional two way communication facilities that enable detainees to call and communicate with staff and vice versa, and an alarm system to alert staff in case of emergencies.
- 43.6. Where consistent with security, initiatives directed at providing a more humane environment through introducing shared accommodation facilities for community living and other means are supported.
- 43.7. All detainees have appropriate spaces to store approved personal items.
- 43.8. Shared cells provide adequate privacy for detainees utilising the toilet and performing ablutions.

EVIDENCE SOURCES

- Inspection of cells
- Survey of detainees
- Inspect lock-in register and time out of cells

- 43.9. As a minimum, detainees have access to the open air for at least 1 hour each day, and can exercise for at least 1 hour each day.
- 43.10. Correctional services aiming for access to a minimum of 2 hours per day of recreation time.
- 43.11. Correctional services put in place measures to meet the particular needs of detainees serving a life or indefinite duration sentence.

STANDARD 44

The correctional centre built environment is the least intrusive on detainee liberty as possible in the circumstances; meets all relevant health, safety and environmental standards; considers special needs of detainees; and is conducive to rehabilitation.

INDICATORS

- 44.1. Detainees have access to outdoor areas for exercise and fresh air, which are of appropriate size and amenity.
- 44.2. Shared spaces, as far as possible, provide options for privacy particularly in relation to communal facilities such as telephone access, spaces for receiving medication, and areas for writing and sitting.
- 44.3. Reliance upon physical internal barriers is minimised in favour of zoning by landscaping, building exteriors, and prescribing particular areas for certain groups of detainees.
- 44.4. Special accommodation is provided for detainees who are deemed to be at risk of self-harm or suicide that incorporates therapeutic environmental principles that include regard for a good level of amenity and activity, natural light, high levels of staff/detainee interaction and appropriate monitoring facilities.
- 44.5. Double cells are considered where appropriate to the level of security and risk profile of the population using the cells and where a detainee may request to be accommodated with a particular detainee (e.g. kin).

EVIDENCE SOURCES

- Inspection of physical environment
- Survey of detainees
- Inspection of relevant safety and environmental documentation

**STANDARD 45**

Every effort is made to ensure that cells, accommodation units and places of detention overall, do not exceed design capacity (“overcrowding”). However, if overcrowding occurs detainees are not disadvantaged in respect of their rights and privileges.

INDICATORS

- 45.1. Where a place of detention (or subset, including cells, and units) are at or near capacity (>85%), every effort is made to ensure detainees are still able to fully access all relevant services, programs, facilities, visits, and they are still able to have adequate time out of their cells.
- 45.2. In case of overcrowding, compensatory processes are implemented to mitigate risk and disadvantage to both staff and detainees, for example reducing lockdown time, enhancing the availability of activities, and employing more staff to ensure the regime and services are not disrupted or diluted.

EVIDENCE SOURCES

- Survey of detainees
- Inspection of lock-in register and time out of cells

STANDARD 46

Detainees have access to clean toilets and ablution facilities and may access them, in privacy from other detainees, staff and security cameras and as far as possible, at a time of their choosing. Correctional centre environments comply with good public health practices with respect to environmental health and personal hygiene.

INDICATORS

- 46.1. Detainees have access to a bath or shower at least once per day, at a temperature suitable to the climate. The length of showers must not unduly restrict detainee’s ability to perform necessary ablutions including hair washing and shaving.
- 46.2. Detainees are provided with toiletries or the means to purchase toiletries.
- 46.3. Detainees with a disability who need assistance to undertake personal hygiene and other self-care tasks receive this assistance from appropriately trained personnel, in a way that maintains their privacy and dignity.
- 46.4. In order for detainees to maintain an appearance compatible with their self-respect, facilities or services are provided for the proper care of hair, including facial hair, or hair removal.

EVIDENCE SOURCES

- Inspection of physical environment
- Survey of detainees
- Review relevant documentation
e.g. cleaning records,
food hygiene practices

- 46.5. Female detainees have facilities and materials required to meet specific hygiene needs, including needs arising from menstruation, pregnancy and breastfeeding. This includes provision of sanitary towels or tampons free of charge and regular access to ablution facilities.
- 46.6. Appropriate precautions are in place to minimise hazards to health such as mosquitoes, bed bugs, flies, head lice and bacteria such as legionella, E coli and listeria. Vermin and pests are controlled.
- 46.7. Correctional centres must implement practices to ensure that sufficient day to day cleaning is conducted to maintain proper standards of hygiene. Health information and education materials promoting good hygiene practices are available to detainees.

STANDARD 47

Provision for clothing is such that detainees always have access to sufficient and suitable clothing that is clean and hygienic, appropriate for the climate and their health, and is not likely to degrade or humiliate the person.

INDICATORS

- 47.1. All issued clothing (including footwear) is clean, well maintained and durable. At admission all detainees are issued with sufficient supply of new underwear so that clean underwear can be worn every day.
- 47.2. When attending court and upon release, detainees are permitted to wear non-correctional centre clothing.
- 47.3. Consideration is given to detainees being able to wear their own clothing if they are granted permission to leave the correctional centre. However, detainees who are required to undertake work outside the correctional centre under the supervision of an officer, may be required to wear correctional centre issued clothing.
- 47.4. Detainees engaged in paid employment outside the correctional centre are, where practical, able to wear clothing supplied by the employer or themselves.
- 47.5. If detainees may supplement correctional centre issued clothing with personal clothing, arrangements are made to ensure that they are able to keep it clean and fit for use.
- 47.6. Where a detainee has court or special occasion (e.g. funeral) clothes stored at the correctional centre, arrangements are made in sufficient time so that these clothes may be laundered as necessary, prior to being worn.
- 47.7. Where a detainee does not have suitable clothes for court or special occasions stored at the correctional centre, allowance is made for such clothes to be brought to the correctional centre on the detainee's behalf.

EVIDENCE SOURCES

- Observation of detainees, laundry and clothes store
- Discussions with relevant staff e.g. responsible for clothes store
- Survey of visitors



- 47.8. If a detainee has no suitable clothes and is without means to obtain such clothes, the correctional centre arranges for appropriate clothes to be obtained on the detainee's behalf.
- 47.9. Laundry arrangements are sufficient to ensure detainees have access to a daily change of clean clothes.
- 47.10. Effective measures are in place to ensure laundry is not subject to malicious tampering, particularly for protection detainees.

STANDARD 48

Subject to security and other operational requirements, detainees can keep personal property.

INDICATORS

- 48.1. Detainee property which is to be retained at the correctional centre (including money, valuables, clothing and other effects), either in the detainee's personal possession or in correctional centre storage is recorded, stored, transferred and controlled in an effective manner and in a way that respects the entitlement of the detainee to such property.
- 48.2. Detainees are encouraged not to store valuable property at a correctional centre.
- 48.3. A register of detainees includes details of the property each detainee has at a correctional centre.
- 48.4. An inventory is signed by the detainee, and steps are taken to keep items in good condition. If the detainee brings in medicine, a health professionals decides what use is to be made of it.
- 48.5. Detainees can arrange access to property not held in their possession provided that such access does not create an unacceptable risk to the correctional centre.
- 48.6. On the release of a detainee, all detainee property and any accumulated unspent money is returned. The detainee shall sign a receipt for the articles and money returned.
- 48.7. Detainees are not arbitrarily deprived of property.
- 48.8. Property seized is appropriately documented, and detainees can appeal against the seizure.
- 48.9. Processes are in place to expeditiously and fairly resolve detainee claims of damaged or lost property.

EVIDENCE SOURCES

- Survey of detainees
- Discussions with oversight bodies regarding complaints
- Observation of property stores
- Inspection of property register

STANDARD 49

Detainee monies are to be recorded, stored, transferred and controlled in an effective manner.

INDICATORS

- 49.1. Money belonging to a detainee is held for the detainee in a trust account.
- 49.2. All detainees can easily access accurate and up-to date records of their finances.
- 49.3. Detainees who arrive without private money are offered a loan/pay advance to use in the correctional centre shop.
- 49.4. All payments are credited to detainees' accounts on a weekly basis, and must be recorded in a transparent manner.
- 49.5. The awarding of different scales or levels of payments is applied equitably, based upon skill and workload. Particular care is taken to ensure that ethnic or cultural groups are not disproportionately represented in the lowest payment scales.
- 49.6. Detainees undertaking full-time education or training are eligible for payments at a range of scales or levels, including the highest payment level.
- 49.7. Detainees are encouraged to save money. This is accompanied with budgeting education.
- 49.8. Straightforward procedures are in place that enable visitors to deposit money into detainees' accounts that also enable the correctional centre to ensure deposits are appropriately received and processed in a timely manner.

EVIDENCE SOURCES

- Discussions with oversight bodies regarding complaints and systemic issues
- Survey of detainees
- Survey of visitors
- Review of policies, procedures and information material e.g. website

**STANDARD 50**

Detainees can access for purchase a reasonably wide-range of products which are comparable in price to such items as they are available in the local community.

INDICATORS

- 50.1. The list of available goods is publicised prominently, preferably in every residential wing or accommodation area.
- 50.2. Price lists are kept up-to date and any price changes are consistent with community price changes.
- 50.3. Detainees' access to and from a shop or canteen is strictly monitored to ensure they are not subject to intimidation or having their purchases stolen by other detainees.
- 50.4. The needs of detainees are regularly assessed and provided for in the correctional centre shop and ordering system. Detainees are regularly consulted on the range of goods available for purchase. Female detainees and other groups that may constitute a numerically small cohort within the overall prison are not disadvantaged in having their needs met.

EVIDENCE SOURCES

- Inspection of buy-up list
- Survey of detainees
- Discussions with oversight bodies regarding complaints
- Discussions with relevant stakeholders e.g. community groups

STANDARD 51

Detention in court cells is for the shortest possible time.
Conditions in court cells are safe and treatment and care is humane.

INDICATORS

- 51.1. Correctional centres maximise the use of audio-visual technology for video court appearances where practicable and in the interests of justice.
- 51.2. Detainees have access to medical and legal assistance, are told in a manner they can readily understand about the reason for the detention and the procedures that apply, and have a right to contact and be contacted by relevant oversight or investigative agencies.
- 51.3. Where practicable detainees can call a family member.
- 51.4. Female detainees are separated from males. There is line of sight screening between men and women's accommodation, and between young detainees and adults to minimise verbal or visual harassment between the two.

EVIDENCE SOURCES

- Inspection of court cell precinct and audio-visual technology facilities
- Discussions with Court Transport Unit staff
- Survey of detainees
- Review of data on use of audio-visual technology links

A.2 FOOD AND DRINK

STANDARD 52

Detainees have access to nutritious food and drink in sufficient quantity to avoid hunger and thirst. Where meals are served, this is done at times consistent with the cultural norms of Australia e.g. not before 5pm.

INDICATORS

- 52.1. Food must be available at non-meal times, including for late arrivals, court returns and so forth.
- 52.2. Detainees required to work outside the correctional centre or in transit have access to adequate food and drink.
- 52.3. Menus are culturally appropriate for diverse religious, cultural and spiritual requirements. Religious requirements for food procurement, storage, preparation, distribution and serving are fully observed. This may involve the separate preparation and cooking of certain foods.
- 52.4. To the maximum extent possible specific diets for detainees based on medical advice are adhered to.
- 52.5. Detainees are consulted and able to make comment about the quality, quantity and variety of food and have their views considered.
- 52.6. Efforts are made to make available traditional food and bush tucker with significance for Aboriginal and Torres Strait Islander detainees.
- 52.7. Menus consider the availability of fresh produce, climate, detainee work requirements, and the need for special meals and are developed in consultation with a qualified dietician.
- 52.8. Detainees requiring special diets such as vegetarian, religious, and cultural diets, can select from a menu which includes sufficient choice. Detainees are responsible for notifying the correctional centre if they require a special diet.
- 52.9. Where detainees are responsible for self-catering, proper standards are observed for the storage of food, the hygiene of the kitchen, and that detainees are receiving a balanced diet. Self-catering detainee accommodation must be monitored to ensure appropriate standards of hygiene and nutrition.
- 52.10. Detainees are educated about healthy eating and its benefits.
- 52.11. Food is procured, stored, prepared, produced and served in accordance with generally accepted professional health and safety standards and in compliance with legislation. Food that has been purchased from the canteen for later consumption is stored safely and hygienically and not for longer than the recommended shelf life.

EVIDENCE SOURCES

- Sample food
- Review of sample menus and buy-up options
- Survey of detainee
- Discussions with oversight bodies regarding complaints



- 52.12. All persons engaged in food preparation and or handling are trained in food hygiene matters commensurate with their work activities and wear appropriate protective clothing.
- 52.13. Custodial staff supervise the serving of food to prevent tampering with food and other forms of bullying. Particular care is taken to ensure that food for protection detainees is not subject to tampering.
- 52.14. There are regular quality management audits and reviews of kitchens.

A.3 CONSULTATION AND COMPLAINT HANDLING

STANDARD 53

There are mechanisms in place for consulting with detainees about matters which affect them.

INDICATORS

- 53.1. Each correctional centre has in place a staff-detainee forum at which detainees can draw attention to issues of concern before they become the source of complaints.
- 53.2. Matters raised at a staff-detainee forum are addressed by management as appropriate and detainees are given feedback

EVIDENCE SOURCES

- Observation of detainee delegate's meeting
- Survey of detainees

STANDARD 54

Grievance processes are user-friendly for detainees with low-levels of literacy, or for detainees with a disability that impacts on their ability to make a complaint.

INDICATORS

- 54.1. Detainees are to be informed of the procedures for making complaints and requests. Complaints processes are not solely dependent upon written forms.
- 54.2. Where a detainee or their lawyer is unable to make a complaint or request, a member of the detainee's family or any other person who has knowledge of the case may do so.
- 54.3. Requests and complaints are handled promptly and effectively.
- 54.4. A review system ensures all complaints are addressed and there is a response time for remedy.
- 54.5. Detainees can contact independent oversight entities including the Official Visitors, ACT Ombudsman and ACT Human Rights Commission to raise complaints, and the Inspector of Correctional Services to raise systemic issues, at any reasonable time in a free and confidential way.
- 54.6. Safeguards are in place to ensure that detainees can make complaints safely and, if so requested by the complainant, in a confidential manner. A detainee or other person must not be exposed to any risk of retaliation, intimidation or other negative consequence because of having submitted a request or complaint.
- 54.7. Where there is an allegation of torture or other cruel, inhuman or degrading treatment or punishment, there is an obligation on competent authorities to conduct preliminary inquiries and except where the allegation is manifestly unfounded, there must be a prompt and impartial investigation conducted by an external authority.
- 54.8. Detainees who allege physical and sexual abuse are given appropriate medical advice and counselling and be provided with the requisite physical and mental health care, support and legal aid where appropriate.

EVIDENCE SOURCES

- Discussions with oversight bodies regarding complaints received and feedback on procedures
- Survey of detainees
- Review of internal complaint data
- Review of policies and procedures



B. EQUITY, DIVERSITY AND FAITH

Standard The standard of treatment and conditions the prison is expected to achieve.

Indicators Evidence that may indicate whether the standard/outcome has been achieved. This list is not exhaustive, and outcomes may be demonstrated in other ways.

Evidence sources Possible sources of evidence to assist in determining whether the standard / outcome has been achieved.

B.1 STRATEGIC APPROACH

STANDARD 55

ACT Correctional Centres and services take active steps to prevent and address discrimination including on the grounds of status as an Aboriginal or Torres Strait Islander person, race, sex, religion, ethnicity, nationality, cultural and linguistically diverse background, gender identity, sexuality, intersex status, disability, health condition, age, political conviction, irrelevant criminal record and other grounds in the *Discrimination Act 1991* (ACT) and relevant Commonwealth discrimination laws. ACT Correctional Centres and services take active steps to prevent unlawful vilification.

INDICATORS

- 55.1. Staff receive regular appropriate training (including refresher training) on preventing and addressing discrimination.
- 55.2. Key performance indicators for correctional centres measure and report on processes to address discrimination, including systemic structural racism.
- 55.3. Detainees and staff feel safe in reporting allegations of discrimination and harassment.
- 55.4. Complaints of discrimination and harassment are taken seriously and treated confidentially.
- 55.5. Additional supports are available for detainees with diverse needs and attributes (for example, support groups, schemes, or provision of linkages to external support networks).

EVIDENCE SOURCES

- Survey of detainees
- Survey of staff
- Discussions with oversight bodies regarding complaints received
- Review of policies and procedures
- Review of key performance indicators and data
- Review of training requirements and content
- Review of data on internal complaints received

STANDARD 56

The specific needs of female detainees are met.

INDICATORS

- 56.1. Where a correctional centre accommodates both men and women, women are not disadvantaged in their treatment or the standards of facilities, services, programs and activities they have access to.
- 56.2. Appropriate measures are in place to ensure adequate separation and privacy for men and women, including when transiting between areas within the correctional centre.
- 56.3. Pregnant detainees have access to appropriate facilities and health and wellbeing services, and their status as a pregnant woman is considered where appropriate.
- 56.4. The special needs of women with caring responsibility for infants and children are ascertained and accommodated to the maximum extent possible. This may include arrangements for breastfeeding or pumping, additional contact where infants and children do not reside with the mother, or other arrangements.
- 56.5. Feminine hygiene products are readily available free of charge and never required to be requested from a male officer.
- 56.6. A gender-sensitive risk assessment and classification is implemented that considers:
 - the generally lower risk posed by female detainees, but higher needs for health and welfare services, and for contact with their children.
 - the particularly harmful effects that high security measures and increased levels of isolation, stemming from separate confinement and segregation, can have on female detainees.
 - any essential information about women's backgrounds, such as violence they may have experienced, history of mental illness and substance abuse, as well as parental and other caretaking responsibilities.
- 56.7. Women's sentence plans include programs and services which meet gender-specific needs.
- 56.8. Women have access to a range of programs and activities that appeal to the needs and interests of women detainees. Women are not disadvantaged relative to men simply because of a smaller cohort size.

EVIDENCE SOURCES

- Survey of detainees
- Focus group discussion with female detainees
- Review of policies and procedures
- Discussions with relevant staff
- Discussions with oversight bodies regarding complaints received
- Observation of women's accommodation unit and facilities, and movement of women around the prison
- Discussions with key stakeholders such as community organisations
- Review sample of sentence plans
- Review of programs, work and activities available to women

**STANDARD 57**

The distinct cultural rights of Aboriginal and Torres Strait Islander detainees, also protected in the *Human Rights Act 2004* (ACT), are met.

INDICATORS

- 57.1. Close consideration is given to status as an Aboriginal and Torres Strait Islander when determining where to place that detainee. Where possible, an Aboriginal and Torres Strait Islander detainee is given the option to share a cell, preferably with another Indigenous detainee, in a unit with other Indigenous detainees. Placing an Aboriginal and Torres Strait Islander detainee alone in a single cell, unless at their request, is avoided where possible.
- 57.2. Correctional centre infrastructure has regard to the diversity of Aboriginal and Torres Strait Islander cultures, beliefs and languages and the resulting need for a range of places and facilities within the centre appropriate to the needs of different Indigenous groups for association or separation.
- 57.3. Appropriate screening procedures are implemented to ensure that potential corrective service officers who will have contact with Aboriginal and Torres Strait Islander people in their duties are not recruited or retained by corrective services whilst holding racist views which cannot be eliminated by training or re-training programs.
- 57.4. Recruitment and in-service training of corrections officers includes information as to the general health status of Aboriginal and Torres Strait Islander people and is designed to alert such officers to the foreseeable risk of Indigenous people in their care suffering from illnesses and conditions endemic to the Indigenous population.
- 57.5. Where possible, training is conducted by Aboriginal or Torres Strait Islander people (including ex-detainees). Such training aims to enhance the corrections officers' skills in cross-cultural communication with and relating to Aboriginal and Torres Strait Islander detainees.
- 57.6. Indigenous spirituality is encouraged and strengthened through the systematic observance of customs relating to language, food, death, healing, storytelling, rites of passage, tribal traditions, and funeral attendance.
- 57.7. Spiritual beliefs and needs of Aboriginal and Torres Strait Islander detainees are considered when managing the welfare of these groups of detainees during times of individual, family or community crisis.

EVIDENCE SOURCES

- Survey of detainees
- Observation of infrastructure e.g. spaces for yarning circles and social interaction
- Review of policies and procedures
- Review of staff training requirements and materials
- Discussions with relevant stakeholders e.g. community groups, elders, Elected Body
- Discussions with staff, including Aboriginal Liaison Officers, health staff and programs
- Discussion with oversight bodies regarding complaints received
- Review data on searching and drug testing

- 57.8. Aboriginal and Torres Strait Islander detainees are allowed access, where possible, to recognised Elders or leaders of their community to address their emotional and spiritual needs.
- 57.9. Elders and members of relevant local community groups are consulted in relation to programs, activities and where appropriate environmental design to ensure, as far as is possible, a culturally appropriate environment and facilities.
- 57.10. Aboriginal and Torres Strait Islander Elders must always be treated with due respect for their status in their communities – regardless of whether they are visitors, family members or detainees. In some cases, this may mean giving them priority or not subjecting them to questioning in front of others.
- 57.11. Care must be taken to ensure, consistent with ordinary security protocols, the strip searching or urine testing of Aboriginal and Torres Strait Islander people is conducted in ways that are consistent with proper regard for the modesty of the person, and for the status of Elders.
- 57.12. Health checks and procedures with Aboriginal and Torres Strait Islander detainees must be conducted in ways that are respectful and sensitive to culture and modesty.
- 57.13. The joint use (by Aboriginal and Torres Strait Islander male and female detainees from traditional backgrounds) of facilities such as classrooms, art rooms or workshops is carefully assessed to ensure that traditional avoidance practices are not breached and do not act to deter female detainees' participation.

STANDARD 58

The specific needs of detainees with a disability are met.

INDICATORS

- 58.1. Positive steps are taken to identify detainee needs arising from a disability, including where the disability may not be readily apparent.
- 58.2. Where needs are identified, reasonable adjustments are made including access to appropriate services, support, leisure activities and equipment, to enable the detainee to understand and have equitable access to the regime and facilities.
- 58.3. Staff are appropriately trained on matters relating to disability.
- 58.4. Reasonable adjustments are made to support detainees with a disability to access work, and where they cannot work due to a disability the unemployment pay is set at a level that is sufficient for those without income to maintain a reasonable standard of prison life.

EVIDENCE SOURCES

- Survey of detainees
- Review of policies, procedures and practices
- Discussion with stakeholders, e.g. community organisations
- Discussion with relevant staff members

**STANDARD 59**

The specific needs of trans and intersex detainees are met.

INDICATORS

- 59.1. Decisions about accommodation location for a trans or intersex detainee are taken following a multidisciplinary case conference and take account of the views of the detainee and any available evidence of living in their gender identity. Wherever possible and subject to an assessment of the relevant risk factors, trans and intersex detainees are located in an area consistent with the gender with which they best identify.
- 59.2. Detainees who wish to begin gender reassignment are permitted to live permanently in their chosen gender identity and can access appropriate medical and other specialist support equivalent to that available in the general community.
- 59.3. All gender variant detainees, which includes detainees who identify as trans, non-binary, gender fluid, or who are intersex, have reasonable access to the items they use to maintain their gender appearance and are consulted on the means to best facilitate this. Any restrictions are based on properly evidenced justifications.
- 59.4. Trans detainees are routinely addressed as, and referred to in, the gender they identify with. Non-binary or gender fluid detainees are referred to using their preferred pronoun.
- 59.5. Trans or intersex detainees are able to access support or counselling services where needed, including external support networks.
- 59.6. There are arrangements to educate staff, enabling them to adequately support detainees in transition and detainees who are gender fluid, non-binary, trans or intersex.

EVIDENCE SOURCES

- Review of policies, procedures and practices
- Interviews / focus group discussion with relevant detainees
- Discussion with stakeholders, e.g. community organisations
- Discussion with relevant staff members

STANDARD 60

The specific needs of primary caregivers with infants and children are met.

INDICATORS

- 60.1. Children under two years of age can reside with their primary caregiver in the correctional centre if it is in the best interest of the child to do so, and there is no mechanism for the primary caregiver to complete their sentence in the community.
- 60.2. Decisions as to when a child is to be separated from his or her primary caregiver are based on individual assessments and the best interests of the child within the scope of relevant laws. Assessment processes for determining the placement of a child in a custodial environment includes appropriate input from ACT Child and Youth Protection Services and other relevant external stakeholders.
- 60.3. The separation of the child from the primary caregiver in the correctional centre is undertaken with sensitivity, only when alternative care arrangements for the child have been identified and, in the case of foreign national detainees, in consultation with consular officials.
- 60.4. After children are separated from their primary caregiver, the detainee is given the maximum possible opportunity and facilities to meet with their children, when it is in the best interests of the children and when public safety is not compromised. During and following any separation process, the primary caregiver is offered counselling and other supports.
- 60.5. Children in the correctional centre with their primary caregiver are never treated as detainees.
- 60.6. While detainees are responsible for the care of their children living in the correctional centre, Corrective Services take reasonable steps to ensure a safe environment for children.
- 60.7. The accommodation for the primary caregiver and their children, wherever possible is domestic rather than custodial.
- 60.8. Where children can remain in a correctional centre with a primary caregiver, provisions are made for appropriate facilities, appropriately trained staff, and arrangements that are in the best interests of the child.

EVIDENCE SOURCES

- Survey of detainees
- Review of policies, procedures and practices
- Observation of accommodation options for children
- Discussion with relevant staff members
- Discussion with stakeholders, e.g. community organisations

**STANDARD 61**

Specific religious, spiritual and cultural needs of detainees are considered.

INDICATORS

- 61.1. Detainees have reasonable access to ministers of religion and other people with standing in a particular culture whom detainees wish to see for religious, spiritual or cultural purposes.
- 61.2. Detainees have reasonable access to religious services at the correctional centre. Where appropriate and practical, detainees can participate in special religious and cultural events or celebrations.
- 61.3. Detainees have reasonable access to suitable multi-faith worship facilities at the correctional centre.
- 61.4. Detainees have reasonable access to books and other articles associated with their religious, spiritual or cultural practices. Approved religious books and objects are treated with respect. Staff are provided with training to avoid inadvertent offence in this area.
- 61.5. Detainees must not be required to receive a visit from anyone representing a particular religion, spiritual belief or culture, or attend any related service or practice, if the detainee does not wish to do so.
- 61.6. Detainees are not permitted to assume the role of religious minister or representative within the correctional centre.

EVIDENCE SOURCES

- Survey of detainees
- Review of policies and procedures
- Observation of religious or cultural facilities, programs and practices
- Discussion with relevant staff and stakeholders e.g. spiritual leaders
- Review of training

C. HEALTH, WELLBEING AND SOCIAL CARE

Standard *The standard of treatment and conditions the prison is expected to achieve.*

Indicators *Evidence that may indicate whether the standard/outcome has been achieved. This list is not exhaustive, and outcomes may be demonstrated in other ways.*

Evidence sources *Possible sources of evidence to assist in determining whether the standard / outcome has been achieved.*

C.1 BASIC HEALTH CARE

STANDARD 62

Conditions in detention promote the health and wellbeing of detainees. The health care service evaluates, promotes, protects and improves the physical and mental health of detainees, paying particular attention to detainees with special health care needs or with health issues that hamper their rehabilitation. The standard of health care is equivalent to that available to other people in the ACT in the public health system.

INDICATORS

- 62.1. The type of health care available to detainees reflects the health needs of the correctional centre population, and as a minimum includes primary medical, dental, mental health, and drug and alcohol services.
- 62.2. Detainees should have access to necessary health care services free of charge on a level equivalent to other people in the ACT public health system without discrimination on the grounds of their legal status.
- 62.3. Health services provided within correctional centres are adequately resourced and staffed by appropriately qualified and competent personnel.
- 62.4. Detainees have access to regular health checks, timely treatment where necessary, and hospital care where necessary. To the maximum extent practicable, detainees have access to specialist health services, including rehabilitation programs.

EVIDENCE SOURCES

- Survey of detainees
- Discussions with health staff, including staff providing health under a contracting arrangement
- Discussions with oversight bodies regarding complaints
- Observation of health facilities, including medication storage and security, and dispensing practices
- Review of random health files

**STANDARD 63**

Individual health care plans are prepared, implemented, monitored and reviewed for each detainee requiring physical or mental health care of a significant or on-going nature as soon as practicable after their initial health care assessment is performed.

INDICATORS

- 63.1. Where required, support and counselling is provided to assist detainees to manage their health issues.
- 63.2. All relevant aspects of a detainee's health care needs, such as any need for specialist care or treatment, are in the health care plan where appropriate and subject to proper privacy considerations.
- 63.3 Health care plans are regularly reviewed.
- 63.4. Where a detainee is under medical treatment upon being received into the correctional centre, that detainee is permitted to maintain contact, on the approval of the correctional centre health service, with the medical service that was treating the detainee previously.
- 63.5. Where a detainee enters, or is released from the correctional centre and is under medical or psychiatric treatment, where appropriate, ACT Health Services or other relevant primary health service provider in the prison makes arrangements with an appropriate agency for the continuation of such treatment after release.

EVIDENCE SOURCES

- Review of health care plans
- Discussions with health staff
- Discussions with oversight bodies regarding complaints
- Review of random health files

STANDARD 64

Detainees are provided with dental treatment and care to the standard equivalent to others in the ACT in the public health system.

INDICATORS

- 64.1. Dental care is incorporated into a detainee's overall health care plan.
- 64.2. Detainees on dental (or other health) waiting lists are informed of expected waiting times and any delays.

EVIDENCE SOURCES

- Survey of detainees
- Discussions with health staff
- Review of health care plans
- Discussions with oversight bodies regarding complaints

STANDARD 65

Where detainees require urgent, emergency or specialised health services they can access the required services in a timely way.

INDICATORS

- 65.1. Correctional centres provide 24 hour a day access to medical practitioners and nursing staff who are either available on the premises, or on call.
- 65.2. Health staff have daily access to all detainees who complain of physical or mental health issues or injury and any detainee to whom their attention is specially directed.
- 65.3. Detainees are referred to an external health provider where required treatment or services are not available within a correctional centre or are more appropriately provided by others. Referral to such services is based upon medical opinion and community health standards and not be unduly influenced by issues of security.
- 65.4. Correctional centre staff must consider the advice of a doctor in relation to transferring a detainee to an external health facility
- 65.5. Detainees must only be discharged from a health facility if the health practitioner in charge of the detainee's care approves the discharge or senior correctional centre staff direct the detainee be removed from the facility in the interests of public safety. A written discharge plan is developed prior to a detainee being discharged from a health facility.
- 65.6. Detainees can receive treatment from private health professionals, provided they can meet the costs and there are reasonable clinical grounds for granting the application and that the request falls within the relevant statutory requirements.

EVIDENCE SOURCES

- Discussions with health staff, including The Canberra Hospital, and ACT Ambulance staff
- Review of policies and procedures including relating to health escorts
- Discussions with oversight bodies regarding complaints

**STANDARD 66**

The health care service consists of a multi-disciplinary team with sufficiently qualified personnel acting in full clinical independence and encompasses sufficient expertise in psychology and psychiatry.

INDICATORS

- 66.1. Each correctional centre must appoint a health practitioner whose specific role it is to exercise non-therapeutic function.
- 66.2. Where a triage policy is used to assess the health needs of detainees, this is only be undertaken by an appropriately qualified health professional. Triage policies do not operate to the disadvantage of detainees who are illiterate, do not speak English, or who speak English as a second language.
- 66.3. Clinical decisions may only be taken by the responsible health-care professionals and may not be overruled or ignored by non-medical staff.
- 66.4. Health staff are consulted on all areas of the correctional centre regime relevant to detainee health.
- 66.5. Detainees have the right to request or petition a relevant authority for a second medical examination or opinion.

EVIDENCE SOURCES

- Discussions with health staff
- Review of policies and procedures
- Discussions with oversight bodies regarding complaints
- Observation of inter-disciplinary meetings

STANDARD 67

All appropriate precautions are in place to reduce the risk of detainee exposure to infection and disease. Where exposure occurs, strategies are in place to limit the impact and prevent future occurrences.

INDICATORS

- 67.1. The centre follows community accepted best practice for infection precaution and control.
- 67.2. Detainees receive counselling by a health professional or another person suitably qualified to give that counselling, both before testing for blood borne viruses and sexually transmissible infections and after, when informed of the test results.
- 67.3. Detainees who are segregated for health reasons are afforded all rights and privileges that are accorded to other detainees, wherever practicable and so long as such rights and privileges do not jeopardise the health of others.

EVIDENCE SOURCES

- Review of policies, procedures and practices
- Discussions with staff
- Observations of practice

- 67.4. Detainees diagnosed with an infectious disease are managed by health services to minimise the possibility of contamination of the correctional centre environment and, where clinically appropriate, before the detainee is permitted to mix with other persons and enter the normal correctional centre routine. The necessary infection control procedures must be implemented and the General Manager advised of any special requirements.
- 67.5 Detainees are not asked or instructed to clean up blood spills or other hazardous materials.

STANDARD 68

The correctional centre is staffed with sufficient number and range of health professionals, with appropriate qualifications to ensure detainees standard of health care is equivalent to that of the general community.

INDICATORS

- 68.1. To the maximum extent possible, Aboriginal and Torres Strait Islander people are employed in health services, and specific Aboriginal health service providers provide health services. All health staff receive adequate regular training and development opportunities and training in specific health, social and cultural issues relevant to the detainee cohort.
- 68.2. All health staff are adequately trained to ensure that they have an understanding and appreciation of those issues which relate to Aboriginal and Torres Strait Islander health, including Aboriginal history, culture and life-style to assist them in their dealings with Indigenous people. Correctional centre health services seek appropriate cultural advice on the information and training needs for health staff in their dealings with Aboriginal and Torres Strait Islander people.
- 68.3. The relationship between health staff and the detainees is governed by the same ethical and professional standards as those applicable to patients in the community, in particular:
- the duty of protecting detainees' physical and mental health and the prevention and treatment of disease based on clinical grounds only;
 - adherence to detainees' autonomy about their own health and informed consent in the doctor-patient relationship;
 - the confidentiality of medical information, unless maintaining such confidentiality would result in a real and imminent threat to the patient or others, a detainee has provided informed consent to disclose information or where a disclosure is otherwise authorised by law;
 - an absolute prohibition on engaging, actively or passively, in acts that may constitute torture or other cruel, inhuman or degrading treatment or punishment, including medical or scientific experimentation that may be detrimental to a detainee's health.

EVIDENCE SOURCES

- Discussions with staff
- Review of staff training and materials
- Review of policies and procedures
- Discussions with oversight bodies regarding complaints
- Review ACT Detainee Health Survey

**STANDARD 69**

Detainees access health services, programs and care in a manner that respects privacy, confidentiality and the principle of informed consent. No-one is subjected to medical or scientific experimentation or treatment without his or her free consent.

INDICATORS

- 69.1. To enable informed decisions about their health care, detainees are advised of all available health services, treatment options, and possible side-effects in a language and terms that are understandable to them.
- 69.2. Rights to patient confidentiality are respected.
- 69.3. Only medical staff are present during medical examinations unless the doctor is of the view that exceptional circumstances exist or the doctor requests a member of correctional centre staff to be present for security reasons or the detainee specifically requests the presence of a member of staff.
- 69.4. If it is necessary for non-medical staff to be present during medical examinations, such staff are of the same gender as the detainee and examinations are carried out in a manner that safeguards privacy, dignity and confidentiality.
- 69.5. Consent to medical treatment must be voluntary and may be implied, oral, or written. Verbal consent is documented in patient files.
- 69.6. Where there is any doubt about a detainee's ability to make a decision (e.g. if the detainee is under the influence of a drug) obtaining consent must wait. If a detainee has a guardian for health care or other matters, consent for the matters covered by the guardianship order must be sought from the guardian.
- 69.7. Refusal of treatment must be documented and the implications of not receiving treatment must be fully explained to the detainee in a language and in terms that they understand.
- 69.8. Detainees have the right to change their mind and withdraw consent at any point.
- 69.9. The detainee may be allowed, upon their free and informed consent and in accordance with applicable law, to participate in clinical trials and other health research accessible in the community if these are expected to produce a direct and significant benefit to their health, and to donate cells, body tissues or organs to a relative.

EVIDENCE SOURCES

- Survey of detainees
- Review of policies, procedures and practices
- Discussions with relevant health staff
- Discussions with oversight bodies regarding complaints received
- Inspection of patient files

STANDARD 70

Correctional centres have in place an evidence based health promotion and education program responsive to detainee needs and typical health profile.

INDICATORS

- 70.1. Detainees receive education and information about preventative health care measures, including on blood borne viruses and sexually transmissible infections, as well as gender specific health conditions.
- 70.2. All detainees can undertake a basic education program on alcohol and other drugs. This includes information about the side effects of drug use and the support services that are available.

EVIDENCE SOURCES

- Survey of detainees
- Discussions with programs staff
- Discussions with oversight bodies regarding complaints
- Discussions with relevant stakeholders e.g. community organisations

STANDARD 71

Detainees have access to preventive health programs and products on an equivalent basis to those available in the ACT community.

INDICATORS

- 71.1. Health prophylactics for harm minimisation (including condoms and dental dams) are available in a confidential, non-judgemental context with appropriate education.
- 71.2. Preventative health care measures including screening tests are offered to detainees.

EVIDENCE SOURCES

- Discussions with health staff
- Review of policies and procedures
- Review screening measures in place
- Review relevant data e.g. ACT Detainee Health Survey



C.2 SPECIAL HEALTH NEEDS

STANDARD 72

The needs of detainees with disabilities or chronic conditions who require equipment for activities of daily living are met.

INDICATORS

- 72.1. Detainees with the need for prosthetic or other assistive devices can keep the equipment in their cells with appropriate controls.
- 72.2. Prosthesis are provided, replaced or repaired by the health service provider where recommended by an appropriately qualified health professional, on a standard equivalent to that available to other people in the ACT public health system.

EVIDENCE SOURCES

- Discussions with relevant health staff
- Review of policies, procedures and practices
- Discussions with oversight bodies regarding complaints
- Discussions with relevant stakeholders e.g. community organisations

STANDARD 73

Primary and mental health care is delivered in a way that is sensitive to detainee needs, including detainees with particular injuries or illnesses, and the specific needs of Aboriginal and Torres Strait Islander people, women, LGBTIQ detainees, detainees from culturally and linguistically diverse backgrounds, young detainees, elderly detainees, and other groups.

INDICATORS

- 73.1. With the consent of detainees, families are provided with information about conditions and how to access support.
- 73.2. Health workers from varied culturally and linguistically diverse backgrounds and genders, interpreters, and detainee peer supports help ensure that detainees understand and can make informed decisions about their own healthcare.
- 73.3. Consideration is given to the use of family or identified community members for the support of Aboriginal and Torres Strait Islander and culturally and linguistically diverse detainees to manage self-harm and other psychological issues or episodes.

EVIDENCE SOURCES

- Survey of detainees
- Survey of visitors
- Discussions with health staff
- Review of policies and procedures
- Discussions with relevant stakeholders e.g. community groups
- Discussions with oversight bodies regarding complaints received

- 73.4. Health care services must be provided in a culturally responsive environment and manner to accommodate legitimate cultural rights, views, values and expectations of Aboriginal and Torres Strait Islander detainees and culturally and linguistically diverse detainees.
- 73.5. Female detainees are informed of the right to request examination by a female physician or nurse, and any request will be complied with subject to reasonable operational limitations or situations requiring urgent medical intervention.
- 73.6. Transgender and intersex detainees are informed of the right to request examination by a physician or nurse of a particular gender, and any request will be complied with subject to reasonable operational limitations or situations requiring urgent medical intervention.

STANDARD 74

Physical and mental health services are responsive to the needs of Aboriginal and Torres Strait Islander detainees. A holistic definition of health is adopted when working with Aboriginal and Torres Strait Islander detainees. This means health status includes attention to physical, spiritual, cultural, emotional and social well-being.

INDICATORS

- 74.1. Effective partnerships exist with Aboriginal health groups. Referrals to a mental health worker with appropriate skills and background in Aboriginal and Torres Strait Islander mental health must be arranged for all Aboriginal and Torres Strait Islander patients where required.
- 74.2. Aboriginal and Torres Strait Islander detainees have access to traditional healers, where appropriate and practicable.
- 74.3. All health care workers, managers and professionals undergo Aboriginal and Torres Strait Islander cultural awareness training.
- 74.4. All mental health services are informed by an awareness of Indigenous holistic views of health and wellness and the importance of spiritual issues on emotional and physical well-being.
- 74.5. Any delineation of Aboriginal and Torres Strait Islander mental health problems and disorders must encompass recognition of the historical and socio-political context of Aboriginal and Torres Strait Islander mental health. A clear understanding of cultural factors and beliefs informs the diagnosis of Aboriginal and Torres Strait Islander detainees. Otherwise, mental illness and mental disorder can be misinterpreted; or alternatively, cultural beliefs or behaviour may be wrongly diagnosed as mental illness or mental disorder.

EVIDENCE SOURCES

- Discussions with health staff
- Review of policies and procedures
- Discussions with relevant stakeholders e.g. community groups, Elders etc.
- Review training requirements

**STANDARD 75**

Appropriate pre and post-natal care is provided to mothers, and their newborns.

INDICATORS

- 75.1. Policy and procedure reflects the position that detainees should give birth in a hospital outside the correctional centre. If a child is born in a correctional centre, this fact is not recorded on the birth certificate.
- 75.2. Correctional centres accommodating women have 24 hour access to and liaison with appropriate hospital and community based obstetric and midwifery services.
- 75.3. Where practicable, there is continuity of obstetric and or midwife staff providing care before, during and after birth.
- 75.4. Pregnant detainees are offered information and counselling by qualified counsellors regarding pregnancy and termination options.
- 75.5. Pregnant detainees have individual care plans developed as soon as a pregnancy is confirmed and the appropriate screening completed in a timely way.
- 75.6. Pregnant detainees are considered eligible for special provision regarding payments while they are unable to participate in correctional centre work.
- 75.7. Pregnant or breastfeeding detainees receive advice on their health and diet under a program to be drawn up and monitored by a qualified health practitioner.
- 75.8. Adequate and timely food, a healthy environment and regular exercise opportunities are provided for pregnant women, babies, children and breastfeeding mothers.
- 75.9. A sterile pack for the emergency delivery of a baby, including instructions, is available in the correctional centre health centre.
- 75.10. Detainees are supported to breastfeed their children, unless there are specific health reasons not to do so.
- 75.11. The medical and nutritional needs of detainees who have recently given birth, but whose babies are not with them in the correctional centre, are included in treatment programs.
- 75.12. The particular needs of women from a culturally and/or linguistically diverse background are considered throughout pregnancy and in the post-natal period.
- 75.13. Staff, including control room staff and shift managers, are to be aware of the names and accommodation locations of pregnant detainees and the need to be particularly responsive to detainees who may require urgent assistance in relation to their pregnancy.

EVIDENCE SOURCES

- Review of policies, procedures and practices
- Discussions with relevant staff including health staff
- Discussion with detainees (as relevant)
- Discussion with relevant stakeholders e.g. community groups

STANDARD 76

Detainees receiving palliative care are treated with dignity and respect, and to maximise their level of comfort.

INDICATORS

- 76.1. Detainees in the last stages of their life are considered for placement in a non-custodial setting prior to death and be managed having regard to their sentence, the community, victims, the intention of the sentencing court, the detainee's family and the detainee. Terminally ill detainees must be provided with the care and treatment necessary to maintain their dignity and necessary comfort.

EVIDENCE SOURCES

- Review of policies and procedures
- Discussions with relevant staff

STANDARD 77

The correctional centre environment is one where bullying is not tolerated.

INDICATORS

- 77.1. Every correctional centre actively implements and promotes a policy of zero tolerance of bullying, harassing, or intimidating behaviour.
- 77.2. Measures are implemented to prevent bullying, including through carrying out risk assessments, staff actively seeking out signs of bullying or intimidating behaviour, and effective complaint mechanisms are in place.
- 77.3. Measures are in place to effectively respond to any reports of bullying. Steps are taken to identify perpetrators of bullying behaviour. Appropriate follow up action is taken by staff including disciplinary action against perpetrators where warranted.

EVIDENCE SOURCES

- Review of policies, procedures and practices
- Discussions with management
- Survey of staff
- Review data on internal complaints

**STANDARD 78**

As far as practicable, the correctional centre provides and promotes a smoke-free environment on public health grounds, with appropriate intervention and support provided to detainees to assist with abstinence and withdrawal.

INDICATORS

- 78.1. No detainee is required to share a cell with a detainee who is permitted to smoke in the cell.
- 78.2. Detainees, staff and visitors are made aware of smoking and non-smoking areas through signage or other measures.
- 78.3. The correctional centre does not subsidise tobacco products or encourage smoking by detainees or staff.
- 78.4. Recognising that many staff and detainees already smoke, support, and appropriate free pharmacotherapy is available for people withdrawing from tobacco addiction for a period after admission.
- 78.5. Planning for a smoke-free environment in correctional centres is progressed.

EVIDENCE SOURCES

- Review of policies and procedures
- Review of buy-up sheet
- Discussions with relevant staff

C.3 MENTAL HEALTH**STANDARD 79**

Correctional centres make appropriate and adequate provision to meet the mental health care needs of detainees.

INDICATORS

- 79.1. All nurses have mental health training, and at least one nurse in each correctional centre is a registered mental health nurse. Any General Practitioner providing inpatient health care receives training in or has experience in mental health care.
- 79.2. Correctional centres seek to minimise the adverse impacts of imprisonment on the mental health of detainees. This is particularly important with detainees who are experiencing suicidal or self-harming ideation.
- 79.3. Individualised, gender sensitive, trauma informed and comprehensive mental health care and rehabilitation programs are made available for detainees with mental health care needs.

EVIDENCE SOURCES

- Discussions with health staff
- Review of policies and procedures
- Review of mental health care plans
- Review training requirements
- Survey of detainees
- Review data e.g. ACT Detainee Health Survey

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| <p>79.4. Correctional centres have effective processes to detect and manage detainees in crisis, particularly where they may self-harm. These processes are multidisciplinary and develop a therapeutic and supportive management regime for such detainees.</p> <p>79.5. Mental health services are available. If there are no suitable local mental health workers available then consideration is given to otherwise sourcing the necessary resources by way of teleconference services and other appropriate means.</p> <p>79.6. An adequate and effective psychological counselling service is available to detainees. Trauma and grief counselling services or referral is offered where appropriate, and multi-disciplinary mental health crisis teams are available at all correctional centres.</p> <p>79.7. Correctional centre staff are made aware when detainees may feel particular distress, to be sensitive to their situation and ensure they are provided appropriate support.</p> <p>79.8. Detainees who are suffering from a severe mental illness are as a matter of priority assessed and, in consultation with ACT Health Services, considered for transfer to an appropriate tertiary or specialist health care facility rather than a correctional centre.</p> <p>79.9. Detainees who exhibit particular behaviours but who are not suffering from any diagnosable mental illness requiring treatment in a secure hospital, are managed within special care facilities within the correctional centre.</p> <p>79.10. Detainees who otherwise have a mental illness or mental disorder, are provided with appropriate management and support services.</p> <p>79.11. Consideration is given to a detainee's mental illness or mental disorder prior to disciplinary action being taken by ACT Corrective Services.</p> <p>79.12. Where a detainee entering or exiting from a correctional centre is under medical or psychiatric treatment, the correctional centre health service must, where appropriate, make arrangements with an appropriate agency for the continuation of such treatment after release. Particular care is taken to observe and provide support and counselling to remand detainees that have mental health problems.</p> <p>79.13. Discharge planning systems must be in place to ensure that detainees with a serious mental illness preparing for release have a care plan developed and documented to facilitate pathways or through care to community health services.</p> <p>79.14. Persons are not remanded to prison custody solely for psychiatric or intellectual disability assessment.</p> <p>79.15. Persons in detention who are charged with a criminal offence and found unfit to plead, found not guilty by reason of mental capacity or who are later diagnosed with severe mental illness, mental disorder or other health conditions, are not detained in a correctional facility where a health practitioner determines such detention would exacerbate their condition. If inpatient mental health care is required, a timely transfer is arranged.</p> | <ul style="list-style-type: none"> • Discussions with oversight bodies regarding complaints received • Inspection of sample care plans |
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**STANDARD 80**

There is a comprehensive mental health policy in place that includes strategies to prevent suicide and self-harm, including specific and specialised support to those at risk.

INDICATORS

- 80.1. Detainees who are identified as being at risk of self-harm are placed under a management regime appropriate to their individual needs that is designed to ensure their well-being.
- 80.2. Detainees placed under a special management regime are not denied access to privileges or entitlements other than those necessarily removed for their own protection, and such removal is for the minimum time necessary.
- 80.3. Detainees are only segregated as a last resort to prevent self-harm or suicide and are closely monitored.
- 80.4. Each correctional centre provides appropriate and readily accessible equipment for the severing of ligatures and apparatus for first aid for use in the event of a self-harming incident.
- 80.5. In the event of a self-harming (or any other psychologically damaging) incident, appropriately skilled and trained counsellors are made available to all affected detainees and staff, and an impact assessment is conducted with a view to ensuring that adequate supports are made available for as long as necessary.
- 80.6. Detainees in crisis, particularly those at risk of self-harm are fully consulted and informed concerning any change to their management regime, including the criteria for a return to normal regime management. Consideration is given to imposing the least restrictive regime commensurate to risk, including the use of 'buddy' arrangements with other detainees.

EVIDENCE SOURCES

- Review of policies, procedures and practices
- Discussions with relevant staff
- Review of files from self-harming incidents
- Discussions with relevant stakeholders e.g. community groups
- Review staff training
- Observe practices in Crisis Support Unit

C.4 SUBSTANCE USE AND TREATMENT

STANDARD 81

Correctional centre systems have a comprehensive and integrated drug strategy that seeks to prevent the supply of drugs into the correctional centre, reduce the demand for drugs and minimise the harm arising from drug use in correctional centres through education, treatment and enforcement.

INDICATORS

- 81.1. Substance dependent detainees receive prompt, competent, professional help in the treatment of withdrawal and support. Detoxification policies are available and accessible to all detainees.
- 81.2. ACT Corrective Services, ACT Health Services and Winnunga take an integrated approach to reduce the demand for drugs.
- 81.3. Where appropriate, replacement pharmacotherapy is available, according to strict eligibility criteria and in conjunction with a management plan that ensures an appropriate transition to a joined-up community treatment program on release. Pre and post release support facilitates access to a range of alcohol and other drug services, health and welfare services. Processes are in place to ensure regular review of treatment occurs for all opioid maintenance therapy detainees.
- 81.4. Detainees with dependency on alcohol and other drugs are given access to a range of appropriate activities and regimes (including alcohol and other drug free incentives) that support change and challenge offending behaviour. Assessment for offending behaviour programs identifies whether substance misuse is a significant factor in previous or current offending and intervention supplied accordingly.
- 81.5. Correctional centre health services provide or facilitate specialised treatment programs designed for women using illicit substances, taking into account prior victimisation, the special needs of pregnant women and women with children, as well as their diverse background.
- 81.6. Education, treatment, and intervention programs are tailored to suit the cultural and linguistic needs of the target group.
- 81.7. Partnerships are developed with local drug rehabilitation, counselling and education organisations, including Aboriginal health organisations. With detainee consent the correctional centre liaises with these agencies to ensure appropriate information sharing and joint planning to ensure continuity of care upon release.
- 81.8. With consent from detainees, families of detainees are provided with information about dependence on alcohol and other drugs, withdrawal and support.

EVIDENCE SOURCES

- Survey of detainees
- Review of policies and procedures
- Discussions with relevant health staff
- Review of available programs and activities
- Discussions with relevant community groups
- Review relevant data – e.g. ACT Detainee Health Survey
- Review drug testing data

**STANDARD 82**

Systems to test detainees for the presence of illicit substances are used in ways that comply with relevant standards to ensure the integrity of the testing procedures and the results.

INDICATORS

- 82.1. Testing for illicit substances is carried out respectfully, and is subject to oversight and record keeping.
- 82.2. Differential sanctions, based on the varying harm caused by the drugs used by detainees, are applied and integrated with treatment.

EVIDENCE SOURCES

- Survey of detainees
- Review of policies and procedures
- Review of files and incident reports
- Review drug testing data

C.5 MEDICINE OPTIMISATION / PHARMACY**STANDARD 83**

Correctional facilities have in place safe facilities and procedures for the distribution of medication to detainees that reduces risk of incorrect dispensing and diversion.

INDICATORS

- 83.1. Over-the-counter medications to manage unexpected discomfort (such as headaches, influenza symptoms, toothache) are readily available from reasonably accessible areas. Over-the-counter medications are issued to detainees in a manner that complies with general legal requirements and does not place any responsibility for clinical decisions on non-medical staff.
- 83.2. Where a detainee was taking prescription medications upon being received into correctional centre, prescribed medication must only cease on the recommendation of an appropriately qualified health professional.
- 83.3. Drugs which have a potential for abuse or dependency are only prescribed when there is no alternative, and according to appropriate controls.
- 83.4. The distribution of medicine minimises the potential for detainees to give away their medication to other detainees and prevents coercion to do so.
- 83.5. Detainees with chronic and other medical conditions that require self-injection can self-inject.

EVIDENCE SOURCES

- Survey of detainees
- Review of policies, procedures and practices
- Discussions with relevant health staff
- Discussions with oversight bodies regarding complaints
- Observation of medication rounds
- Inspection of medication storage facilities and procedures

C.6 DETAINEE WELFARE AND NOTIFICATION

STANDARD 84

A precautionary approach is adopted regarding the health or wellbeing of a detainee. Staff immediately seek medical attention if any doubt arises as to a detainee's condition. Information about an actual or potential death, disappearance or serious injury is reported in a sensitive and appropriate manner.

INDICATORS

- 84.1. Any custodial death, disappearance or serious injury is reported without delay to the Police and other designated authorities.
- 84.2. Where there are reasonable grounds to believe that an act that may amount to torture, or cruel, inhuman or degrading treatment or punishment has been committed, an independent investigation must occur even in absence of a complaint from the victim. All potentially implicated persons have no involvement in the investigation and no contact with the witnesses, the victim or the victim's family. The correctional centre works cooperatively with the investigating authority and ensures all evidence is preserved.
- 84.3. The General Manager must, as soon as practicable, arrange for information about an actual or potential death, disappearance or serious injury to be conveyed to the person designated as the nominated contact person. The explicit request of a detainee not to have his or her nominated contact person notified in the event of illness or injury is respected.
- 84.4. Notification of death, disappearance or serious injury is always done in a sensitive manner respecting the culture and interests of the persons being notified and the entitlement of such persons to full and frank reporting of such circumstances (particularly of any death) as are known.
- 84.5. In the case of the death or serious injury of an Aboriginal or Torres Strait Islander detainee:
 - immediate notification of death is to be given to the family of the deceased and, if others were nominated by the deceased as persons to be contacted in the event of emergency, to such persons so nominated;
 - notification, wherever possible, is made in person, preferably by an Aboriginal and Torres Strait Islander person known to those being so notified;
 - the appropriate Aboriginal and Torres Strait Islander Legal Service is to be notified immediately; and
 - any Aboriginal and Torres Strait Islander spiritual advisers are also to be advised.

EVIDENCE SOURCES

- Review of policies and procedures
- Review of incident files
- Discussions with management
- Review of critical incident reports

**STANDARD 85**

Where a death or suspected death of a detainee occurs, staff respond in a timely, professional and sensitive way.

INDICATORS

- 85.1. The priority for staff when finding a detainee who appears not to be breathing is to assess the situation, then administer emergency first aid, and seek medical assistance.
- 85.2. All correctional centres have appropriate emergency equipment and staff properly trained in its use.
- 85.3. Where a death occurs, the immediate vicinity is secured as a crime scene, and the Police are notified immediately. Police may enlarge or reduce the crime scene as they see fit.
- 85.4. Staff shall treat the body of a deceased detainee with respect and dignity.
- 85.5. Policies and procedures implemented after a suspected suicide are mindful of the need to manage the potential for agitation of detainees and the risk of “copycat” suicide among detainees who are distressed. This includes enhanced psychiatric and mental health care, urgent review of detainees already identified as being at risk, and enhanced observation and monitoring of the broader detainee population to identify detainees who appear to be particularly affected by the suicide to offer them professional support.
- 85.6. Written procedures are in place to notify family members.
- 85.7. In the event of the death of an Aboriginal or Torres Strait Islander detainee the correctional centre makes every effort possible to engage promptly with relevant Aboriginal organisations, Elders and so on, regarding customary practices such as “smoking” ceremonies.

EVIDENCE SOURCES

- Review of policies, procedures and practices
- Review of staff training and materials
- Survey of staff
- Review of relevant incident reports

STANDARD 86

Respectful outcomes for detainees are supported by effective leadership and management.

INDICATORS

- 86.1. There are key performance indicators to measure correctional centre performance in the area of detainee respect and dignity.
- 86.2. Leaders and managers take personal responsibility for providing decent conditions.
- 86.3. Leaders and managers model and encourage respectful behaviour among staff and detainees.
- 86.4. There is a clear strategy for listening and taking account of detainee perceptions.

EVIDENCE SOURCES

- Review of policies, procedures and key performance indicators
- Discussions with management
- Survey of staff

PILLAR 3

Purposeful Activity





A. TIME OUT OF CELLS

Standard *The standard of treatment and conditions the prison is expected to achieve.*

Indicators *Evidence that may indicate whether the standard/outcome has been achieved. This list is not exhaustive, and outcomes may be demonstrated in other ways.*

Evidence sources *Possible sources of evidence to assist in determining whether the standard / outcome has been achieved.*

STANDARD 87

The hours out of cells facilitates access to work, programs, services, recreation, and overall rehabilitation.

INDICATORS

- 87.1. Records of daily individual unit lock and unlocks are kept in order to accurately capture time out of cells.
- 87.2. Records of other lockdowns are kept, including the duration and reason for such lockdowns (e.g. staff training, emergency, etc.)
- 87.3. Records of individual detainee lockdowns when units are otherwise not locked down are kept, including the duration and reason for such individual lockdowns.
- 87.4. Detainees accommodated in mental health support units have increased time out of cells wherever possible, to facilitate their health needs.

EVIDENCE SOURCES

- Review of lock-in and lock-down records
- Review of policies and procedures
- Discussions with oversight bodies regarding complaints
- Survey of detainees

B. EDUCATION, SKILLS AND WORK ACTIVITIES

Standard *The standard of treatment and conditions the prison is expected to achieve.*

Indicators *Evidence that may indicate whether the standard/outcome has been achieved. This list is not exhaustive, and outcomes may be demonstrated in other ways.*

Evidence sources *Possible sources of evidence to assist in determining whether the standard / outcome has been achieved.*

STANDARD 88

Detainees have reasonable access to a range of sports, recreation and cultural activities suited to their interests, preferences, and special needs and conducive to the full development of their human personality.

INDICATORS

- 88.1. There are sufficient purposeful activities for detainees to minimise boredom.
- 88.2. The range of recreational activities available reflect the various health and fitness needs of the correctional centre population.
- 88.3. In mixed gender correctional centres, particular consideration is given to ensure equitable access and appropriateness of recreational opportunities for all detainees.
- 88.4. Time allocated for the use of recreation facilities does not conflict with other aspects of the structured day.
- 88.5. Physical recreation and the playing of team games is encouraged and facilitated with appropriate facilities and equipment. Various passive recreation options are also available.
- 88.6. In each recreational pursuit, detainees can explore opportunities for acquiring skills and personal development, eg gaining accreditation for refereeing, fitness training, etc.
- 88.7. Infrastructure and equipment supports the safe participation of detainees in recreational and cultural activities.
- 88.8. Recreation areas and equipment are fit for purpose and gender appropriate.
- 88.9. Where it is not a risk to security, minimum-security detainees can participate in approved structured recreational activities outside of the correctional centre.
- 88.10. Health centre staff are consulted about fitness and recreation opportunities for detainees, and specific dietary requirements where appropriate.
- 88.11. Health centre staff advise custodial staff of any medical condition that a detainee may have (e.g. heart ailment) that could be dangerous to the detainee if he/she engages in physical activity (e.g. strenuous exercise).

EVIDENCE SOURCES

- Survey of detainees
- Review of programs and activities
- Observation of recreation areas and equipment
- Review of policies and procedures
- Review of activities offered and frequency
- Discussions with relevant staff
- Discussions with oversight bodies regarding complaints

**STANDARD 89**

All detainees are informed about and able to access further education and vocational and continuing training relevant to their needs and interests, and encouraged to participate in them.

INDICATORS

- 89.1. Detainees are consulted regarding what education programs and courses may be relevant to their needs.
- 89.2. Education curriculum includes courses involving:
- general education including adult literacy and numeracy;
 - vocational education;
 - creative and cultural activities;
 - higher education, and
 - lifestyle and social education.

EVIDENCE SOURCES

- Survey of detainees
- Review of education and programs offered
- Observation of education sessions
- Review of data on detainee participation and completion rate

STANDARD 90

So far as practicable, the education of detainees is integrated with an Australian accredited education system, so that after their release they may continue their education without difficulty.

INDICATORS

- 90.1. Education staff work with detainees to identify their needs. Education and vocational training are included in detainees' management plans, with input from education and training personnel. Detainees are assisted to meet entry requirements.
- 90.2. Literacy and numeracy programs are a high priority. Identified detainees are encouraged to engage in such programs but are never compelled.
- 90.3. Where detainees have previously completed substantial lower level courses in a relevant industry or educational field, higher levels of training or education are offered, where practicable.

EVIDENCE SOURCES

- Survey of detainees
- Discussions with relevant staff
- Review of policies, procedures and practices including access to learning material
- Review of education curriculum and relevant programs
- Discussions with oversight bodies regarding complaints
- Observation of physical environment

- 90.4. The opportunity to study externally is available to detainees who are assessed as eligible to participate. Extra support from correctional centre educators (arranging for printing of materials, facilitating email communications, and supervision of on-line examinations) is provided as far as reasonable in the circumstances.
- 90.5. Where appropriate, education programs are customised to suit the learning styles and learning needs of detainees.
- 90.6. Short stay detainees have sufficient access to short course programs or programs that they can continue post release. Programs are scheduled in discrete units over short time frames to maximise completions. Preparatory programs that improve detainees' access to and achievement in vocational training courses are provided as link courses.
- 90.7. Detainees who are approved to be full time students or detainees undertaking education and vocational training are remunerated at a rate equivalent to detainees who are employed in skilled work.
- 90.8. Every effort is made to engage teachers and trainers in courses relevant to the detainee population. Courses available do not simply reflect the skills of available officers. This may require a wide range of staffing options including contracts with specialist training organisations external to the correctional centre, the use of part-time staff, as well as full-time educators and trainers.
- 90.9. Educational opportunities are culturally appropriate to the needs and beliefs of the correctional centre population. Appropriately qualified Aboriginal and Torres Strait Islander instructors and educators are part of delivery programs that are predominantly undertaken by Aboriginal and Torres Strait Islander detainees. All non-Aboriginal training delivery and assessment staff is skilled in cross-cultural communication.
- 90.10. Detainee education and training takes place in an appropriate classroom, individual study room, or suitable workshop, as appropriate to the subject matter and fit for purpose.
- 90.11. Detainees engaged in education and vocational training are provided with educational and vocational counselling services that support the pursuit of work and further study on release.
- 90.12. Peer support programs are developed as a component of formal provision of education.
- 90.13. Detainees' achievements are recognised through certificates, reports, awards and ceremonies that include family and communities, where possible. Certificates are issued by recognised educational providers rather than the correctional centre.

**STANDARD 91**

Sufficient and appropriate resources are available for detainee education and training at suitable times for them to be used, including access to a library of recreational, educational, cultural and information resources.

INDICATORS

- 91.1. All detainees who are involved in civil or criminal legal proceedings are afforded access to legal resources to assist them prepare their case.
- 91.2. Detainees are encouraged to make full use of the library.
- 91.3. Library supporting documentation:
- reflects the needs of the different segments of the population at the correctional centre. Materials appropriate to women, Aboriginal and Torres Strait Islander detainees, detainees of varying levels of literacy, and detainees from non-English speaking backgrounds are available;
 - supports the correctional centre's educational and training programs;
 - includes current and comprehensive legal resources, including copies of the *Corrections Management Act 2007* (ACT), regulations, and other policy or procedure documents that apply to detainees.
- 91.4. Detainees have access to computers for legitimate purposes, subject to operational and security controls.

EVIDENCE SOURCES

- Survey of detainees
- Observations of library and computer access areas
- Discussion with staff
- Review of policies and procedures
- Discussions with oversight bodies regarding complaints

PILLAR 4

Rehabilitation and preparation for release





A. REHABILITATION

Standard *The standard of treatment and conditions the prison is expected to achieve.*

Indicators *Evidence that may indicate whether the standard/outcome has been achieved. This list is not exhaustive, and outcomes may be demonstrated in other ways.*

Evidence sources *Possible sources of evidence to assist in determining whether the standard / outcome has been achieved.*

A.1 ASSESSMENT AND CASE MANAGEMENT

STANDARD 92

Case management plans are prepared for sentenced detainees soon after admission to a correctional centre.

INDICATORS

- 92.1. Detainees are encouraged to actively participate in the development of their individual case management plan.
- 92.2. Each case management plan contains measurable and achievable short term and long term goals.
- 92.3. Case management plans, including the security classification and placement of detainees, are regularly reviewed, so that:
 - where a detainee's progress does not appear to be leading to the agreed objectives, appropriate action is taken;
 - the affected detainee and relevant staff are able to regularly update information on case management plans;
 - progress against case management plan objectives are recorded clearly and accurately.

EVIDENCE SOURCES

- Survey of detainees
- Review of random case management plans
- Discussions with case managers
- Review of policies and procedures

A.2 INTERVENTIONS/ PROGRAMS

STANDARD 93

Based on an individual risk and needs assessment, detainees are provided access to a range of evidence-based programs (for sentenced detainees) and transitional/pre-release programs that match detainee needs.

INDICATORS

- 93.1. All detainees are offered and engaged in programs, informed by risk and needs assessment where appropriate/required, consistent with a defined program pathway, which addresses the risk and needs identified through comprehensive assessment and which is fully documented in a detainee's case management plan.
- 93.2. Health staff and the services they provide are integrated into the wide correctional centre reintegration effort.
- 93.3. Core interventions programs address education and employment training, anger management, living skills, alcohol and other drugs, family violence, and mental health treatment and support. A range of other programs and services are available as required to address issues such as: parenting and relationship skills, abuse counselling, community leadership, and Aboriginal and Torres Strait Islander history and culture.
- 93.4. Programs and services provided to Aboriginal and Torres Strait Islander detainees are established following close consultation with the appropriate community groups and/or Elders and are tailored to meet cultural needs. Particular emphasis is given to the employment of Aboriginal and Torres Strait Islander people in the delivery of such services and in the design and management of the process.
- 93.5. Where women are detained in the same facility as men, women must have access to appropriate programs that meet their needs even if there are few women eligible or able to participate. This is to ensure women are not unfairly disadvantaged in access to programs because they are a smaller cohort within the prison.
- 93.6. Programs, activities and supports appropriate for detainees with a cognitive disability are provided. Measures are in place to screen detainees for cognitive disability and to provide access to further assessments for those that screen positive, with appropriately tailored interventions available if required.

EVIDENCE SOURCES

- Survey of detainees
- Review of policies and procedures
- Review of programs
- Review of random sample of case management plans
- Discussions with relevant staff, including case managers
- Discussions with oversight bodies regarding complaints
- Discussions with relevant stakeholders e.g. community groups



- 93.7. The involvement of the community in assisting the correctional centre workforce in the development and maintenance of programs is encouraged, including persons with lived experience of the subject matter. Where community resources are used for the assessment, treatment, counselling, education and training of detainees, Corrective Services should regularly assess and monitor the service provided by such agencies to ensure that the quality is adequate and consistent. Such agencies are not to deliver programs that have not been approved by Corrective Services.
- 93.8. Correctional centres direct attention to detainee's 'readiness' and motivation for program participation. Remand and short sentenced detainees are not precluded from program participation but priority is given to convicted detainees with sufficient time on their sentence to complete identified interventions.
- 93.9. All programs have a manual, including evaluation criteria, and are periodically evaluated in relation to the achievement of their objectives and the views and experiences of detainees.

STANDARD 94

Detainees can access evidence-based criminogenic programs that meet their individual risks and needs.

INDICATORS

- 94.1. Where criminogenic needs are identified, these are included in case management planning that include the provision of appropriate programs and services according to best practice.
- 94.2. Detainees on remand are not required to, but may, participate in any criminogenic programs (subject to available places).
- 94.3. There is consistency between the assessed level of risk of re-offending and detainee program engagement. Correctional centres must ensure that a validated comprehensive needs assessment instrument is professionally administered by trained assessors.
- 94.4. Programs and services provided to address criminogenic needs are based on best practice and have solid, independent evidence as to their efficacy.
- 94.5. Detainees are actively encouraged through appropriate programs and staff interactions to accept full responsibility for the consequences of their offending behaviour.

EVIDENCE SOURCES

- Review of case management plans
- Review of programs
- Discussions with relevant staff
- Survey of detainees

A.3 GAINFUL EMPLOYMENT

STANDARD 95

To the maximum extent possible, detainees can access a range of productive employment including in the day-to-day operations of the centre, which provides them with the opportunity to acquire skills that will be useful upon release and are in demand in the employment market.

INDICATORS

- 95.1. Detainees are informed of the full range of employment opportunities available and have equal opportunity to apply for all work. Work opportunities for detainees with a disability and / or mental illness are considered and supported as far as practicable, including through making reasonable adjustments.
- 95.2. Work opportunities are free of gender or racial stereo-typing and are designed to reflect the different needs of minority groups within the detainee population.
- 95.3. There is an equal opportunity for every detainee to acquire the skills necessary to be promoted to a higher level.
- 95.4. In cases of an industry in correctional centre work, the interests of the detainees and of their vocational training is not subordinated to the purpose of making a financial profit.
- 95.5. Priority is given to work that imparts skills to detainees rather than just manual labour (e.g. packaging goods).
- 95.6. Wherever possible, detainees are employed in work that provides a specific benefit to the community. Where such work is undertaken in the community, only detainees assessed by Corrective Services as posing minimal risk to the community are allowed to participate.
- 95.7. Part of the revenue generated from correctional centre industries is channelled back into correctional centre infrastructure and programs for detainees to offset the costs of imprisonment to the community.

EVIDENCE SOURCES

- Data on detainee employment (range of positions, hours per week worked etc.)
- Survey of detainees
- Discussions with relevant staff
- Review of policies and procedures
- Review of available work opportunities and the number of detainees they cater for
- Discussions with oversight bodies regarding complaints
- Discussions with stakeholders e.g. community groups

**STANDARD 96**

The organisation and methods of work in correctional centres resemble as closely as possible those of similar work outside correctional centres, to prepare detainees for the conditions of normal occupational life. Correctional centre labour should not be of an afflictive nature.

INDICATORS

- 96.1. No detainee is required to work for the personal or private benefit of any correctional centre staff.
- 96.2. Detainees are remunerated for their work according to an established scale that recognises different levels of skill and effort.
- 96.3. The working day for detainees is constructive and must be of a reasonable length.
- 96.4. Work hours leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of detainees.
- 96.5. Conditions enable detainees to undertake meaningful remunerated employment to facilitate their reintegration into the labour market and permit them to contribute to their own financial support and to that of their families.
- 96.6. Work health and safety standards are rigorously enforced in all correctional centre work. All detainees and staff undergo occupational health and safety training prior to, or early in, their employment.
- 96.7. The detainee work force is provided with a 'Code of Conduct' that prescribes a set of guiding principles and duty of care obligations which assist them in determining acceptable workplace conduct.
- 96.8. Special protection is accorded to mothers for a reasonable period before and after childbirth. During such periods, working mothers are accorded paid leave or leave with adequate benefits. Work for pregnant detainees is to be approved by health staff before commencement of employment and any conditions made by health staff are to be adhered to.

EVIDENCE SOURCES

- Survey of detainees
- Review of employment data including wage levels
- Review of staff training
- Review of policies and procedures
- Discussion with stakeholders e.g. community organisation and local businesses

B. PREPARATION FOR RELEASE

Standard *The standard of treatment and conditions the prison is expected to achieve.*

Indicators *Evidence that may indicate whether the standard/outcome has been achieved. This list is not exhaustive, and outcomes may be demonstrated in other ways.*

Evidence sources *Possible sources of evidence to assist in determining whether the standard / outcome has been achieved.*

B.1 CONTACT WITH THE OUTSIDE WORLD

STANDARD 97

Detainees are encouraged, and as far as practicable, adequate opportunities must be provided, for detainees to be able to remain in contact with family members, friends, associates, community leaders and others by telephone calls, mail, email and visits.

INDICATORS

- 97.1. All detainees have the right, and are given the ability and means to inform their families, or any other person designated as a contact person, as soon as practicable after their admission to a correctional centre, upon their transfer between correctional centres, and about any serious illness or injury.
- 97.2. The overall treatment of a detainee, including any segregation or disciplinary action, must not unreasonably deprive the detainee generally of all communication with family, friends, associates and legal or accredited people.
- 97.3. Aboriginal and Torres Strait Islander detainees are entitled to receive periodic visits from representatives of Aboriginal organisations, including Aboriginal Legal Services.
- 97.4. Correctional centre processes do not interfere arbitrarily with family contact.

EVIDENCE SOURCES

- Survey of detainees
- Survey of visitors
- Review of policies and procedures
- Discussions with oversight bodies regarding complaints
- Discussions with stakeholders e.g. Aboriginal Legal Services

**STANDARD 98**

The needs of foreign national detainees (including refugees and asylum seekers) and stateless detainees in maintaining contact with the outside world are considered.

INDICATORS

- 98.1. Detainees are promptly informed of their right to communicate by appropriate means with a consular post or the diplomatic mission of the State of which they are a national or which is otherwise entitled to receive such communication, and provided reasonable facilities to do so.
- 98.2. For detainees who do not normally reside in Australia, with a detainee's consent a third party such as a consular authority may be used to inform their family.
- 98.3. Special arrangements are in place to ensure foreign national detainees have sufficient contact with the outside world including access to airmail letters and international telephone call facilities.
- 98.4. Detainees are provided with interpreter services if required.

EVIDENCE SOURCES

- Review of policies and procedures
- Discussions with oversight bodies regarding complaints

STANDARD 99

There is a sufficient number of telephones so that detainees can gain reasonable access and be able to speak for a reasonable time, without disadvantaging other detainees.

INDICATORS

- 99.1. Detainees have access to telephones that permit reasonable privacy from other detainees.
- 99.2. Detainees can make at least one telephone call on admission to a correctional centre, and one telephone call each week to a family member.
- 99.3. Detainees are encouraged to manage their income/trust account savings each week to ensure sufficient credit to pay for further telephone calls for necessary contact with a family member, friend or someone else.
- 99.4. Telephone call rates are not prohibitively expensive for detainees. Wherever practicable, detainees with limited access to funds can access discounted telephone charge rates.

EVIDENCE SOURCES

- Observation of environment: number, placement, and distribution of telephones
- Review of information about cost of telephone calls
- Review of policies and procedures
- Survey of detainees

- 99.5. Detainees can make free telephone calls to ACT oversight bodies (e.g. Human Rights Commission, ACT Ombudsman).
- 99.6. Newly arrived detainees are provided with a telephone account as soon as possible after admission to the centre, and not more than 5 days after admission.

STANDARD 100

As far as practicable, detainees are able to send and receive as much mail as they wish.

INDICATORS

- 100.1. Detainee outgoing mail is posted within 24 hours, and incoming mail is received by the detainee within 24 hours of receipt by the correctional centre.
- 100.2. Subject to reasonable limits based on fire safety grounds, detainees can retain their received mail in their cell.

EVIDENCE SOURCES

- Discussion with staff
- Inspection of records
- Survey of detainees
- Survey of visitors

STANDARD 101

Detainees have reasonable access to email and other technology where possible.

INDICATORS

- 101.1. Detainee's email accounts are set up in a timely manner, and not more than 5 days after admission.
- 101.2. Wherever possible, detainees have access to video conferencing for legal and other professional visits.
- 101.3. Consideration is given to providing detainees with the ability to video conference with family, particularly in an emergency (e.g. sick child)

EVIDENCE SOURCES

- Discussion with staff
- Discussions with oversight bodies regarding complaints received
- Random sample of detainee telephone and email account activation data
- Review of teleconference facilities

**STANDARD 102**

Monitoring of telephone, mail and email is as far as possible done with respect for the privacy of detainees and their contacts and is done in a professional and accountable way.

INDICATORS

- 102.1. If detainees' mail and telephone calls are subject to supervision, interception and recording or confiscation, they must be advised of the fact.
- 102.2. Strict regard is paid to the observance of confidentiality of such communications and in no circumstances should correctional centre staff discuss the contents of such communications other than in accordance with proper reporting procedures.
- 102.3. Detainees' in-coming mail may be opened to check for unauthorised enclosures, or to ensure safety and good order of the correctional centre. There must be legitimate reasons to read a detainee's mail.
- 102.4. Mail sent by a detainee to the ACT or Commonwealth Ombudsman, ACT or Commonwealth Human Rights Commission, ACT Public Advocate and Guardian or the Inspector of Correctional Services must not be read by corrective services staff.
- 102.5. Mail received by a detainee from the ACT or Commonwealth Ombudsman, ACT or Commonwealth Human Rights Commission, ACT Public Advocate and Guardian or the Inspector of Correctional Services must not be opened by corrective services staff except in the presence of the detainee, and only then for the sole purpose of checking for contraband. Such mail must not be read by corrective services staff except at the request of the detainee.
- 102.6. Recipients of detainee communication agree to receive calls, mail and email from detainees. There are measures in place to prevent inappropriate use of calls, mail and email by detainees.
- 102.7. Any detainee contact with known victims is strictly controlled and subject to the approval of the victim.
- 102.8. Community members, and in particular, victims, their family members or previous victims are not subjected to overt or covert threats or unwanted contact.

EVIDENCE SOURCES

- Discussion with staff
- Survey of detainees
- Discussions with oversight bodies regarding complaints received
- Discussions with stakeholders e.g. Victims of Crime Commissioner and lawyers
- Review of policies, procedures and relevant documents e.g. the Do Not Contact Register

STANDARD 103

Detainees receive the maximum opportunity for visits as is operationally viable, and access to visits is afforded on a non-discriminatory basis.

INDICATORS

- 103.1. A detainee has access to at least one visit, of at least 30 minutes, each week by a family member.
- 103.2. Unconvicted detainees are permitted increased visits where practicable and where to do so does not unfairly restrict the visits of other detainees.
- 103.3. Correctional centres are flexible and make special arrangements for detainees to receive additional visits where a bona fide need is identified. For example, where a detainee's family must travel a long distance and can only do so infrequently or where a death or other trauma has occurred and extended family grieving may be necessary.
- 103.4. Special inter-correctional centre visits are regularly facilitated for detainee partners or children in different correctional centres or juvenile facilities.
- 103.5. Detainees have access to intra-prison visits when they have family detained at the same facility.
- 103.6. Additional visits or additional telephone calls are included in the earned incentive and privilege scheme.
- 103.7. Planning and booking arrangements are efficient, to minimise the time visitors wait to commence a visit and to enable the length of visits to be extended, subject to not disadvantaging other detainees and visitors. The visit booking system is flexible, simple, and accessible.
- 103.8. Where lockdowns occur during visitor's hours, where reasonably practicable efforts are made to provide notice to planned visitors to avoid visitors having to attend unnecessarily.
- 103.9. Family support services are available to detainees before and after visits.

EVIDENCE SOURCES

- Observation of visits
- Discussions with oversight bodies regarding complaints received
- Survey of detainees
- Survey of visitors
- Discussions with stakeholders e.g. lawyers and community organisations
- Review of policies and procedures

**STANDARD 104**

Conditions for visits are the least restrictive possible in the circumstances.

INDICATORS

- 104.1. There is a presumption in favour of detainees receiving contact visits, unless there has been a serious breach of visiting rules, or where a visitor is reasonably suspected of introducing contraband. Non-contact visits must not be used as disciplinary action for general misconduct. The use of non-contact visits is reviewed regularly.
- 104.2. Visitors are provided accessible, clear, up to date information about visiting hours, visit process and requirements, and public transport options, including through notices posted in visiting areas and online. A notice of visiting conditions must be available to visitors for inspection on request. Notices and other information are provided in relevant languages.
- 104.3. Where a visit is denied or where a visit is ordered to be a non-contact visit, the relevant detainee must be kept fully informed. Where a non-contact visit is allowed but all non-contact visiting cubicles are booked, the visitor is offered a non-contact visit at the next available opportunity, and again the detainee is fully informed.
- 104.4. Correctional centres provide for the personal safety of visitors by ensuring an environment that protects their physical, psychological and emotional wellbeing. Correctional centre management must be vigilant to ensure that the visitors of protection detainees are not subjected to abuse during visits or while waiting for a visit.
- 104.5. The arrangements for visits takes into consideration different family structures particularly in relation to Aboriginal and Torres Strait Islander or culturally and linguistically diverse detainees.

EVIDENCE SOURCES

- Observation of visits
- Discussions with oversight bodies regarding complaints received
- Survey of detainees
- Survey of visitors
- Discussions with stakeholders e.g. lawyers and community organisations
- Review of policies and procedures

STANDARD 105

The visits area is clean, safe and comfortable, meets diverse needs, provides appropriate facilities (including for children of various ages), and is as far as possible pleasant for visits to take place i.e. the visits area should not resemble a prison environment.

INDICATORS

- 105.1. There are adequate contact visiting spaces and non-contact visiting cubicles available to meet normal demand, and that visitors are not being regularly turned away.
- 105.2. Facilities reflect the needs of visitors including disabled access, access to toilets, and storage for visitor's belongings, adequate seating, and a suitable area to feed and change babies and young children, a children's play area, and refreshments are available.
- 105.3. The visits area is subject to security monitoring by staff and other security measures such as camera surveillance as is appropriate to the security level of the correctional centre. However, security arrangements during visits do not unnecessarily encroach on privacy.

EVIDENCE SOURCES

- Observation of visits
- Survey of detainees
- Survey of visitors
- Discussions with oversight bodies regarding complaints received

STANDARD 106

Visitors are always treated with respect and dignity, and are never subjected to humiliating or degrading treatment.

INDICATORS

- 106.1. Visits involving children take place in an environment that is conducive to a positive visiting experience, including with respect to staff attitudes, and shall allow open contact between parent and child.

EVIDENCE SOURCES

- Observation of visits
- Survey of visitors

**STANDARD 107**

Detainees are provided with reasonable opportunity, time and facilities to be visited by and to communicate in private with their legal representatives and other accredited people (e.g. private practice psychologists or psychiatrists).

INDICATORS

- 107.1. Detainees have reasonable opportunities to communicate with their lawyers
- 107.2. Detainees are provided with adequate opportunity, time and facilities to be visited by and to communicate and consult with a legal adviser of their own choice or a legal aid provider, without delay, interception or censorship and in full confidentiality, on any legal matter, in conformity with applicable domestic law.
- 107.3. Detainees have access to an up to date library of law resources at all times during the normal correctional centre day.
- 107.4. In cases in which detainees do not speak the local language, the correctional centre facilitates access to the services of an independent accredited interpreter.
- 107.5. Aboriginal and Torres Strait Islander detainees are entitled to receive periodic visits from representatives of Aboriginal and Torres Strait Islander organisations, including Aboriginal Legal Services.
- 107.6. Staff do not read, listen to, or record, a communication at a visit, electronic communication, telephone calls or mail between a detainee and legal or accredited person.
- 107.7. Correctional centres make readily available a means (such as distinctively marked envelopes and special post boxes) for detainees to send protected mail to legal or accredited people.

EVIDENCE SOURCES

- Observation of professional visits areas
- Inspection of library resources and facilities including legal resources available
- Discussions with oversight bodies regarding complaints received
- Discussions with relevant stakeholders e.g. Aboriginal Legal Services and Legal Aid
- Review of policies and procedures

STANDARD 108

Detainees may be granted a leave permit in special circumstances, subject to security and operational requirements.

INDICATORS

- 108.1. Aboriginal and Torres Strait Islander detainees who have important customary law obligations to discharge, and who are assessed as posing minimal risk to the community can apply for special leave.
- 108.2. Needs of detainees from culturally and linguistically diverse backgrounds are considered as part of leave permit requests.

EVIDENCE SOURCES

- Review data on approval of special leave applications
- Survey of detainees
- Discussions with relevant stakeholders e.g. community organisations, Elders etc.

STANDARD 109

Detainees shall be able to access news of the outside world daily, and keep themselves informed through a variety of media approved by the corrections centre management.

INDICATORS

- 109.1 The newspaper is available in a timely manner.
- 109.2. Detainees can access a range of media sources in addition to newspapers e.g. radio and television.

EVIDENCE SOURCES

- Observation of library
- Survey of detainees

**STANDARD 110**

Detainees are informed as soon as practicable about the death or serious illness or injury of a near relative or significant other.

INDICATORS

- 110.1. In the case of a life-threatening illness where death may be imminent, consideration is given to authorising the detainee, wherever practicable and subject to security, to visit the bedside either under escort or alone. Similarly, consideration is given to authorising a detainee to attend the funeral of a near relative, wherever practicable and subject to security.
- 110.2. Culturally appropriate criteria for leave to attend family funerals is established and implemented for Aboriginal and Torres Strait Islander detainees. These recognise the special kinship and family obligations of Aboriginal and Torres Strait Islander detainees which extend beyond the immediate family and give favourable consideration to requests for permission to attend funeral services and burials and other occasions of special family significance. Staff (including staff employed by privately contracted services) who accompany Aboriginal and Torres Strait Islander detainees to funerals undergo cultural awareness training specific to funerals prior to attending a funeral.
- 110.3. In those situations where all the Aboriginal and Torres Strait Islander detainees who wish to attend a funeral are not granted leave to do so, each correctional centre makes provision for appropriate internal meetings or ceremonies to take place.
- 110.4. Correctional centres have guidelines for the speedy consideration of detainee applications to attend the funeral of a family member. Where interstate travel is approved, the responsibility for bearing the cost of such attendance, including the cost of escorting officers, is made clear to the applicant in advance.
- 110.5. Where it is necessary to use restraints on a detainee attending a funeral, they are as discreet as possible.
- 110.6. Detainees suffering the loss of a family member or loved one are offered support, such as counselling.

EVIDENCE SOURCES

- Review of policies, procedures and practices
- Survey of detainees
- Discussions with relevant stakeholders e.g. community organisations
- Review of training
- Review of cultural practices
- Data on special leave application approval rate, broken down by Aboriginal and Torres Strait Islander status

B.2 LINKS WITH THE COMMUNITY

STANDARD 111

Education and programs include practical elements that enable detainees to manage daily life within and outside the correctional centre, with a view to better facilitating a successful return to society.

INDICATORS

- 111.1. Education and vocational training support detainees nearing release by establishing networks and formalising links between correctional centres, internal and external training providers, community corrections, and other support providers to promote effective education and training referrals. Short stay detainees are linked with community educators to encourage continuity of education once released.
- 111.2. Vocational skills programs that are relevant to post-release employability of detainees in local industries is established and maintained. Training that links to existing skills shortages is offered to detainees.
- 111.3. Correctional centres establish links with local university or trade campuses and other relevant community education organisations to maintain currency and equivalency in what programs are being delivered.

EVIDENCE SOURCES

- Review of education and vocational programs
- Discussions with relevant staff
- Survey of detainees
- Discussion with relevant stakeholders e.g. tafe providers, community organisations working with newly released detainees

**STANDARD 112**

Community stakeholders are directly involved in the delivery of correctional centre services and encouraged to visit correctional centres.

INDICATORS

- 112.1. The local community is aware of the role and function of correctional centres and volunteer groups and is encouraged to participate in service delivery and engagement with the correctional centre, where appropriate.
- 112.2. Community and volunteer groups or individuals who visit the correctional centre regularly are provided with a comprehensive orientation and security awareness induction prior to their involvement with detainees. The correctional centre conducts appropriate checks and clearances for such providers.
- 112.3. Contact is encouraged with community-based service providers who can contribute to detainees' spiritual and cultural guidance; post-release connections for employment and housing; and domestic, financial, and life skills development.
- 112.4. There is a contact point within the correctional centre where providers can book and be assured of the availability of the detainee/s wishing to access their service, an escort, and a safe and suitable meeting. This contact point should also be responsible for advising providers in the event there are changes to any aspect of the confirmed booking.
- 112.5. Diverse community groups are encouraged to engage with detainees in correctional centres to address the varied needs and backgrounds of detainees.
- 112.6. The correctional centre maintains up to date records on all community-based service providers, including contact details and a description of their potential contribution to positive detainee development.
- 112.7. Identifying diverse reparation options is an ongoing objective, presenting detainees with the opportunity to contribute to the welfare of the local community. Evaluation of these activities, acknowledgement of participating detainees, and feedback to the community is ongoing.
- 112.8. The correctional centre conducts regular reviews and evaluations of programs and services provided by external providers (including community groups), taking into account the views and feedback of detainees as part of the process.
- 112.9. Inquiries from the community are dealt with promptly and courteously while respecting the entitlement of detainees to privacy. Information about detainees may only be released in accordance with legislation.

EVIDENCE SOURCES

- Discussion with relevant stakeholders e.g. community organisations providing services
- Discussions with staff
- Review programs and activities on offer
- Review relevant documents such as ACTCS community engagement strategy

B.3. SENTENCES, TRANSITION, PRE AND POST-RELEASE PLANNING

STANDARD 113

Correctional centres ensure that sentences imposed by the Courts are enforced in accordance with relevant legislation.

INDICATORS

- 113.1. Detainees are released on the correct date authorised by law.
- 113.2. The release date, including any parole consideration date, for each detainee is accurately calculated and communicated to the detainee. Detainees can verify the accuracy of the sentence calculation.

EVIDENCE SOURCES

- Random review of files
- Discussion with relevant stakeholders e.g. parole board
- Evidence of late or early releases

STANDARD 114

From the beginning of a detainee's sentence, consideration is given to their future after release and they are encouraged and assisted with maintaining or establishing relations with persons or agencies outside the correctional centre which promote their reintegration and the best interests of the detainee's family.

INDICATORS

- 114.1. Detainees can access education, training, employment, programs and services that enable them to develop appropriate skills and abilities to support reduced re-offending when they return to the community.
- 114.2. There is a system of detainee individual case management that enables the assessment, planning, development, co-ordination, monitoring and evaluation of options and services to meet the individual needs and risks of persons as they move between the correctional centre and community.
- 114.3. Where possible, case management systems are consistent across all sections of Corrective Services, so that a relatively seamless approach to the management of people occurs across community corrections and the correctional centre in conjunction with court orders.

EVIDENCE SOURCES

- Discussion with relevant stakeholders e.g. community organisations
- Observation of case management meeting
- Discussions with staff members



- 114.4. The treatment of detainees emphasises not their exclusion from the community but their continuing part in it. Community agencies are therefore enlisted wherever possible to assist the correctional centre staff in the task of social rehabilitation of the detainees.
- 114.5. Detainees with a disability and mental illness are connected to community agencies that can support them post release.
- 114.6. Appropriate case management records are established, maintained and regularly updated and audited by senior staff.

STANDARD 115

Prior to completion of their sentence, necessary steps are taken to ensure the detainee's graduated return to life in society. This may be achieved, depending on the case, by a pre-release regime.

INDICATORS

- 115.1. While all detainees are held in custody at the least restrictive level consistent with protecting the safety of the community, those who are in the last few months of their sentence prior to release are placed at minimum-security and preferably in transitional release centres or transitional facilities.
- 115.2. Correctional centre authorities should utilise options such as home leave, open correctional centres and community-based programs and services to the maximum extent possible for detainees, to ease their transition from custody to community liberty, to reduce stigma and to re-establish their contact with their families at the earliest possible stage.
- 115.3. Where appropriate, pre-release programs include work release, day leave, weekend leave, education and family leave and where possible provide detainees with opportunities to engage in sustained paid employment.
- 115.4. Equitable provision for female and male detainees is made with transitional facilities.
- 115.5. The regime at transitional release centres is focused on detainees developing skills and knowledge, support structures and linkages appropriate to their effective safe return to the community.
- 115.6. Detainees, particularly longer-term detainees, are provided with programs and services that will assist them to make a successful transition from custody to community life.

EVIDENCE SOURCES

- Review of policies and procedures
- Inspection of physical environment e.g. transitional release centre
- Review of data around access to pre-release programs, broken down by demographic
- Review a random sample of pre-release plans
- Survey of detainees
- Discussion with relevant stakeholders e.g. community organisations

- 115.7. Correctional centres, in consultation and cooperation with community corrections, probation and/or social welfare services, local community groups and non-government organisations, should design and implement comprehensive pre- and post-release reintegration programs which consider the specific needs of detainees.
- 115.8. The approved representatives of such agencies have all necessary access to the correctional centre and to detainees and are involved in consultations as to the future of a detainee from the beginning of their sentence. It is desirable that the activities of such agencies be centralised or coordinated as far as possible in order to secure the best use of their efforts.

STANDARD 116

Upon release, detainees are provided with all the necessary and appropriate documentation, clothing and other required items.

INDICATORS

- 116.1. Detainees are provided with suitable clothes for their release, or can have clothes cleaned that have been stored at the correctional centre for a long time.
- 116.2. Where possible Correctional centres ensure detainees have sufficient funds, housing, clothing and social support to reach their destination and sustain themselves in the immediate period following release. This may mean checking that arrangements for friends or family to collect a detainee are viable or providing a ticket for public transport, ensuring that arrangements are in place where connections or overnight stays are involved. For foreign nationals facing deportation or removal, this obligation is passed to the Commonwealth Government.
- 116.3. Additional support following release is provided to released detainees who need psychological, medical, legal and practical help to ensure their successful social reintegration, in cooperation with services in the community.

EVIDENCE SOURCES

- Discussions with relevant stakeholders, e.g. lawyers, community organisations
- Review of policies and procedures
- Discussions with oversight bodies regarding complaints received

