

## 2. AN OVERVIEW OF CORRECTIVE SERVICES

### 2.1 The State of the Prison System

Before taking on this task I was in much the same position as the rest of the community. I knew prisons existed, that criminals were sometimes sent there as were many unfortunate and perhaps less criminally minded people. I had never previously seen more than the outside of a prison in the distance. They were to me, in the words chosen by the A.B.C. for their program on the subject, "out of sight and out of mind".

I have now visited every prison in Queensland and have read submissions from and spoken to a significant portion of the prisoners in this state. I have seen and spoken to many prison officers at work and I have had staff and union submissions to help me understand the nature of their activities and responsibilities. I have had many discussions with the Comptroller-General Mr Alex Lobban and his officers. I have had discussions with Mr Jay Perkins and his officers from the Probation and Parole Service. I have been advised by experts in the field of criminology and had the benefit of having a leading criminologist, Mr Col Bevan on the Committee assisting the Review. Where in doubt I have sought the advice of those with experience in the administration and design of corrective institutions. I have had available to me on a daily basis in my Secretariat and on my Committee experienced public servant Mr Graham Dalton and experienced prison officers, Superintendent Nelson Glindemann, Senior Prison Officer Mr Dave Hayden, Deputy Superintendent Mr Geoff Hardy, Sister Bernice Heffernan a prison Chaplain, Brother Paul Smith of Boystown and Mr Don Davidson the Manager of Brisbane Tribal Council. Sir David Longland despite ill health has provided expert and experienced advice. The recommendations and comment in this report have unanimously been accepted by my advisory committee. There is no dissent—we are all of a like mind.

With two exceptions the physical infrastructure of much of the prison system is reasonably adequate. The information I have received indicates Queensland compares favourably with much of the rest of this country. However, there are serious problems relating to what I will term the "human issues" of the prison service. By this I mean the kind of programs and services available to offenders and especially the expectations placed on staff. Only the senior management of the Department has a sense of direction and I can see little evidence that positive changes have been occurring. The system is running on the good will of committed staff. This cannot go on much longer and unless the problems are addressed, the system may break down with serious consequences.

Before 1983 the Queensland prison system rarely saw a riot, and prisons, if not happy places, were relatively non controversial. This no longer is the case.

### 2.2 Symptoms of Problems

A growing number of disturbances, industrial unrest, and severe stress amongst prison staff evidenced by attempted and actual suicides, and obvious public concerns about the system are indications that there are problems which should not be ignored. The problems include:

- Very poor morale amongst prison officers;
- A fragmented correctional service with a head office that communicates between its main arms in only a rudimentary way and which appears to be divided,
  - There is no symbiosis,

- A minimum of co-operation,
- A lack of understanding and an “us versus them” attitude throughout,
- The service is operating in a “crisis” mode;
- A poor and sometimes erroneous public image;
- Only token efforts to provide habilitative services to prisoners;
- Minimal training for prison officers and virtually no real effort to impart or upgrade professional skills;
- Excessive crowding of inmates into inadequate facilities;
- Grossly outdated and inhumane facilities in parts of the two main prisons;
- Rape and stand-over amongst prisoners with little real action being taken;
- Inadequate access to and process of justice inside the prisons,
  - inaction, delay, “cover up” and intimidation prevail;
- The imprisonment of some offenders who perhaps might be better directed to community based sentences;
- Problems with segregation of classes of offenders;
- Inequity, inefficiency and lack of due process in the parole system;
- Inadequate support for officers, and their families, particularly those experiencing stress in the performance of their job;
- Totally inadequate research capacity;
- An overall lack of agreement and understanding about what the system is or should be trying to achieve,
  - confusion and ad hocery reign supreme;
- A system of management that lacks the capacity and resources to obtain a consensus regarding the future direction of Corrective Services and no effective means of implementing agreed goals,
  - change is very difficult and slow; and
- A tired, demoralised, inefficient, confused and fragmented administration.

### 2.3 The Need For Significant Change

In seeking to remedy the problems I have no intention of recommending that criminals in this state have a “home away from home” in gaol. I believe that the prison system I have seen does provide real and sufficient punishment for offenders and in some circumstances perhaps it over punishes.

Apart from prisoners, those who also suffer from the inadequacy of our prison system include the staff, charged with managing offenders committed by society to their care.

We, as a society, should be looking to provide a system which is fair and just, in which vulnerable people are not going to be assaulted or raped, in which Aborigines are not confined in unsanitary conditions of eighty to ninety in a dormitory as in Townsville Prison and in which every prisoner who wishes to work can be provided with a productive job and in which those seeking to remedy their educational, moral

and behavioural problems are able to find positive opportunities and guidance and in which staff have a safe and rewarding environment to work. We certainly do not have such a prison system at present. Far from it.

The problems I am reporting have been apparent to most people who have examined the system. My colleague, Sir David Longland found similar problems in Brisbane Prison during his investigation. Despite attempts at implementation many of the problems remain entrenched across the state. The earlier Bredhauer report also addressed many of the same issues with much the same lack of effect. Real and necessary change will come about only if there is a genuine determination by Government to fix the problems once and for all. Superficial or cosmetic efforts will be counterproductive.

I am pleased the Minister has stated that he is not prepared to see the efforts of this Review and of the many people across this state who have made positive contributions result in yet another report which will be quickly forgotten and will gather dust until rediscovered by the next review attempting to tackle exactly the same issues.

There are three broad headings under which I will be addressing the problems of Corrective Services.

First, there is the issue of resources. Many of the problems are symptomatic of the shoe string on which the Corrective Services in this state have been run. A major concern is to ensure sufficient funds are made available to run a modern and efficient prison system.

Second, it is clear to me that the present approach to organising Corrective Services in this State has failed. We need to substitute a single strong community-involved organisation capable of quickly implementing the necessary changes. The Act that underpins the service is seriously out dated. Everyone associated with Corrective Services in Queensland knows this. It has been in the process of redrafting for over a decade! The staff presently operate without clear guidelines and in some instances with doubtful legality. Attitudes and services are changing under an outdated Act without staff even being provided with a "manual" or set of administrative instructions and policy guidelines.

Third, there are problems of equity and efficiency in the way the correctional system treats offenders. Community corrections are not well integrated into rehabilitative programs for prisoners.

Justice and access to the law inside the prisons needs improving. The parole system needs major overhaul. Gaol sentences for fine defaulters are clogging up the system and are akin to the debtors prisons of less enlightened times.

## **2.4 The Need For Funds**

Of the major concerns, the provision of adequate finances is the most critical. Fortunately, the expansion in the budget required is not large. The new prisons go a long way towards addressing the problems of facilities and crowding. Money is now needed for programs and training and to ensure prisons and community corrections are staffed by a professional, well trained and disciplined body of people. About \$9 million in addition to what would otherwise be provided in next year's budget is needed to upgrade correctional service operations in this state.

This additional funding is really not optional. Correctional Services are a basic part of the operations of any community. It is obvious from the submissions I have received and interviews I have conducted that the community itself will not accept the unrest that may eventuate if change does not occur. Unrest appears to be "on hold" at present whilst this review provides hope for change. Failure to act quickly following this review may well fuel significant prisoner and staff reaction and overwhelming frustration throughout the system.

## **2.5 Violence in Prisons**

It is clear from hundreds of submissions from people involved with prisons that they can indeed be places of terror and violence. But prisoners walk in fear of other prisoners far more than they ever do of prison officers. Such fear, intimidation and violence is endemic and undermines attempts to provide a just, humane environment where a start at rehabilitation can be made or where wrongs can be righted.

Following on from these comments I want to lay to rest the view sometimes implied in the media that the Correctional Services of this State are staffed by brutal people perpetually assaulting prisoners.

I have met a great many of the staff of the Probation and Parole Service. They are obviously qualified and dedicated professionals. Similarly, the vast majority of prison officers that I and my Committee have come into contact with, are dedicated and caring people doing a difficult task with scant support and understanding from the society which place offenders in their care.

I am not naive. In a prison environment I am in no doubt that on occasions excessive force is used by staff and that some staff lack the qualities necessary for the job. Nevertheless, despite my raising the issue of assaults and bashings publicly, the submissions received from prisoners and people now released from prison as well as many discussions with prisoners, staff, doctors, welfare workers, psychologists and others who are involved daily inside prisons indicate this type of occurrence is largely a thing of the past except in the period following an eruption of unrest, riot or disturbance within the prison. In these situations under equipped, and undertrained officers may sometimes react unprofessionally through provocation and fear and at times in self defence. However, what is of major concern to the majority of prisoners is violence inflicted by other prisoners and "attitudes" and deficiencies in the system rather than physical abuse from staff.

My probing of the issues of violence in the system also prompted submissions from victims of crime reminding me of the trauma and violence they had suffered at the hands of people now in prison. I support their strong feelings that criminals should be made to pay for their crimes and that soft options are inappropriate for violent and vicious crimes. However it is important to realise that by far the majority of prisoners in gaol in Queensland have not committed crimes of violence.

### 3. THE ADEQUACY OF FACILITIES

#### 3.1 The Philosophy of the New Prisons

Three new prisons are under construction at a capital cost of \$81 million. These should take care of the need to provide secure single unit accommodation for all prisoners and resolve the present serious crowding problems for hopefully the next five years.

I have carefully studied the designs for these new prisons and inspected the Wacol II prison which is nearing completion. Only time will tell whether all the innovations such as the electronic perimeter security and the Self Contained Accommodation Modules (SCAMS) are going to prove totally successful. But, I am satisfied they are an attempt at a bold step forward in the provision of a suitable environment for the operation of a secure institution.

The adoption of the module system of design and construction has obvious advantages. Each module will house up to 24 prisoners. Together with the prison officers needed to manage them they will form an integrated unit within the prison itself. This should provide both officers and prisoners with an enhanced sense of responsibility and accountability for their own actions. It should assist in lowering the level of tension which always exists within a prison environment. It should make possible individual planning (case management) for each prisoner's progress towards re-integration into society.

While unit management of this type will necessitate an increase in staffing levels, I consider this additional cost worthwhile. The alteration in management techniques from the old fashioned security oriented techniques to ones of behavioural and individual management should have significant benefits for staff and prisoners alike and ultimately for our society as a whole.

#### 3.2 No. 2 Division, Brisbane Prison and Maximum Security, Townsville Prison.

I have inspected conditions in the No. 2 Division and Maximum Security at Townsville. These are nineteenth century complexes. They are unsanitary. They are not only unsatisfactory for prisoners—they are also unsavoury places for the staff to work. For instance at Townsville I found open waste drains passing by the kitchen and dining room where officers take their meals. Personally, I am amazed the staff have not taken major industrial action about some of their working conditions.

At tropical Townsville, kitchens are not fly screened. There is no place for inmates to properly eat. They walk from yards to line up in the open to be dished up a meal. They walk back to open yards where they have to sit without proper shelter. The dormitory, where as many as ninety Aborigines and Islanders are housed in cramped conditions, is a disgrace to this State. The report to me by Don Davidson, a member of the Committee appointed by the Minister to assist the Review sums up the situation:

“Townsville Prison is a shambles. The antiquated buildings, are unhygienic and unsuitable for human habitation. The building should be demolished. The dormitory section (where Aborigines are housed) is appalling to say the least, unclean with lice ridden mattresses.

The lock up cells have no running water . . . with port-a-toilets in each cell, which are cleaned daily by the Aboriginal and Torres Strait Islander people.”

(Report to the Commission by Don Davidson)

This is 1988—not 1888 or 1788—why does this situation apply mainly to Aborigines and Islanders. No one thinks the conditions are satisfactory. The Human Rights Commission in its submission also draws attention to the failings of these prison units:

“We recommend that the administration close down the old parts of the prisons as soon as the new prisons come into operation. Of particular concern are the old divisions at Stuart Creek, Townsville and Two Division at Boggo Rd Prison. In the cells in these divisions there is no running water and no sanitary sewage disposal. Prisoners do not have automatic access to fresh water when they need it but depend upon prison officers to provide it. This is contrary to S.M.R. Rule 20(2). Moreover, the use of buckets instead of toilets does not ensure that the prisoner is able to comply with the needs of nature in a clean and decent manner. This is contrary to S.M.R. Rule 12. We are especially concerned at reports that the Two Division cells are used as punishment cells in which prisoners are locked up for 23 hours each day, sometimes for months at a time. Such incarceration in such conditions is quite inconsistent with the principle set down in I.C.C.P.R. Article 10.1.”

(Human Rights Commission Submission)

I understand that consideration is being given to the demolition of these outdated facilities both at Townsville and Brisbane. But commitment to such action is still not firm. I totally agree with submissions saying facilities at the old maximum security section at Townsville and No. 2 Division are completely inadequate and should be demolished. If they are demolished, the Queensland Prison Service will be in the envious position of having no institution built before 1958. No other prison system in Australia can claim this.

Future accommodation requirements can, and should, be met by building cheaper low security hostels and farms, and by better use of community corrections. The transfer of security patients to a Health Department institution will provide additional accommodation. Saving two atrocious units to accommodate possible future growth in prison numbers is not an answer. They need demolition, as soon as possible.

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### RECOMMENDATION

*It is recommended that the Government officially confirm a commitment to the demolition of No. 2 Division of H.M. Prison, Brisbane and the Maximum Security Section of H.M. Prison, Townsville immediately following the completion and opening of the three new prisons.*

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### 3.3 Future Directions In Prison Construction Programs

Under the present system and with present growth rates, new prisons will need to be planned and erected well before the end of this century. Indeed I am told that thought is already being given to the need and possible designs and location of a “fourth new prison”.

However, it is clear our expensive “fortress type” prisons house many people who present little threat to the community. They are on short sentences for non-violent crimes. It has to be possible to establish a penal system better suited to this type of offender. This would significantly reduce pressure for another high security detention facility and would significantly reduce the cost per offender.

In fact, I am prepared to say that if the recommendations of my reports are adopted, Queensland should not need to build any more "fortress" prisons in the next decade. The inevitable future growth in the correctional needs of this state will then be met at much lower costs than has been the case up to now by using community supervision, community-based detention and modern equivalents of the prison farm and particularly if fine defaulters are kept out of high security prisons.

I will explore the issues in more detail in my final report. But in view of my recommendations regarding the urgent need now for additional funds, I wish to indicate that one of the offsetting benefits will be the avoidance of major capital expenditure on old style concrete and steel bars prisons and a lower cost per prisoner, in the future.

### **3.4 Some Design Issues**

When we were briefed about the new prisons we were informed of two concerns held by the Department.

The first related to insufficient visual observation capability in the new cells (blind spots). Supervision of prisoners and protection of staff require officers to be able to make a full visual inspection of the cell room from the outside. However, it is now apparent the solid shower screens, used instead of clear shower screens for ease of maintenance, result in a blind spot from the viewing window and this presents a potential security hazard to staff. The solution being proposed by the architects is to instal a reflecting mirror high up in one corner of each cell. I was not totally satisfied with the solution being suggested by the architects, nor was the Comptroller-General.

I was not particularly concerned that a problem appeared to have arisen. I have been involved with a great many construction projects from resorts to major office buildings, warehouses and factories. I know of few occasions when something was not found to have been overlooked. The great mistake is to compromise a major project for a minimal cost of adjustment. Therefore I sought and was given an undertaking that before any further building work proceeded in this area, a cell would be completed to enable the solid screen and mirror to be properly examined. I also advised the Minister of my reservations.

I have now undertaken inspections of that test cell. I was accompanied by the Comptroller General, the Assistant Comptroller General (Security and Investigations) and his staff, the architects who advise the Prisons Department, members of my Committee including Dave Hayden from the prison officers' union. I am now satisfied the suggested approach should perform satisfactorily.

The second concern brought to my attention relates to the type of mesh used on the perimeter fence. The Assistant Comptroller-General (Security and Investigations), Mr. Bill Deichsel stated he believes a finer mesh is needed as the mesh being used is too easy to climb. I have written to Mr. Deichsel asking him to provide detailed data about the relative performance of the options. For the moment, I reserve any judgement. Probably, like any innovation, only time will tell whether it is going to be satisfactory.

### **3.5 Funding the New Prisons**

The new prisons will require additional operational funds. The new directions in management style and especially the fact that they will reduce crowding means that their unit operating costs are going to be higher than the very old facilities they will

replace. In this Review I am assuming that the Prisons Department has properly costed their operations and that their financial requirements will be properly attended to by the State's existing budgetary processes. As I have been repeatedly assured that this is the case, I see no point in making a specific recommendation at this stage.

### **3.6 Staffing the New Prisons**

Several hundred new officers will be required to staff the new prisons. Earlier in the Review I was asked by the Minister to give specific consideration to the issue of whether this would be an appropriate opportunity to rethink the basis for employment of new recruits into the Prison Service. It was suggested to me that a statement form part of their conditions of employment indicating all new prison officers may be required in the future to be employed under contract rather than an award system of wages.

The Minister indicated his concerns that prisons are too important a community service for the service to be strike prone or for prison management to be forced to accept lifetime employment of unsuitable people whose performance might be less than satisfactory. I agree totally with the Minister's concerns, but for the reasons I set out below I am recommending a different approach.

In this report I recommend the establishment of a Corrective Services Commission. This Commission will take over the role, functions, staff and responsibilities of the present Probation and Parole Service and the Queensland Prison Service.

Implicit in this recommendation for a Commission is that all existing prison officers and probation and parole officers together with administration staff as well as all new staff will be transferred from the Public Service to the staff of the Commission and hence will become subject to the terms and conditions of employment offered by the Commission.

Clearly those terms and conditions of employment will be subject to a process of negotiation between the Commission and the unions and it is likely that a Corrective Services Award more suitably tailored to the skills and responsibilities of those working within Corrective Services will be drawn up.

I believe that to employ the new staff under a set of conditions different from those applying to the existing staff would not be in the best interests of the Service, the staff or the State.

In the final report of this Review I will explore in greater detail a suitable set of terms and conditions. I will be suggesting that new staff recruited to the Commission should be employed as trainees on probation for a period of twelve months and that following that period of twelve months they may then be offered employment by the Commission if their performance to that date warrants. Their acceptance into the service will depend upon the passing of relevant examinations and the demonstration of inter-personal qualities, maturity and skills required by a modern progressive corrective services organisation. At any time during this probation period of twelve months unsuitable persons may be informed of their lack of progress or suitability and they will not be further engaged. All such probationary staff will be advised that upon successful completion of their probationary period they will be offered appointment subject to the terms and conditions provided by the Commission. Such terms and conditions should include the right to dismiss staff in certain circumstances in much the same manner as occurs in private enterprise. Because of the relatively dangerous (at times) nature of the work of a prison officer it is

essential to the well being of the Service that unsuitable people can be weeded out, as unsuitable officers can pose a danger to their fellow officers and to the security of the prison in which they work. I believe that this system is preferable to a "contract" system and more likely to develop a professional, specialized, skilled organisation with pride and purpose, a team spirit and career minded staff.

In summary, I am recommending that the appropriate procedure should be to recruit all new staff subject to the probationary period that prevails at present for all recruits. Their performance should be strictly monitored and on demonstrating satisfactory performance, on completion of their probation, they would be offered appointment to the Service on the terms and conditions that by then will have been established and agreed upon by the then established Corrective Services Commission.