

Department of Justice and Attorney-General
Queensland Corrective Services

OFFICE OF THE **CHIEF INSPECTOR**

Arthur Gorrie Correctional Centre Snapshot Review

21st May 2015



Queensland
Government

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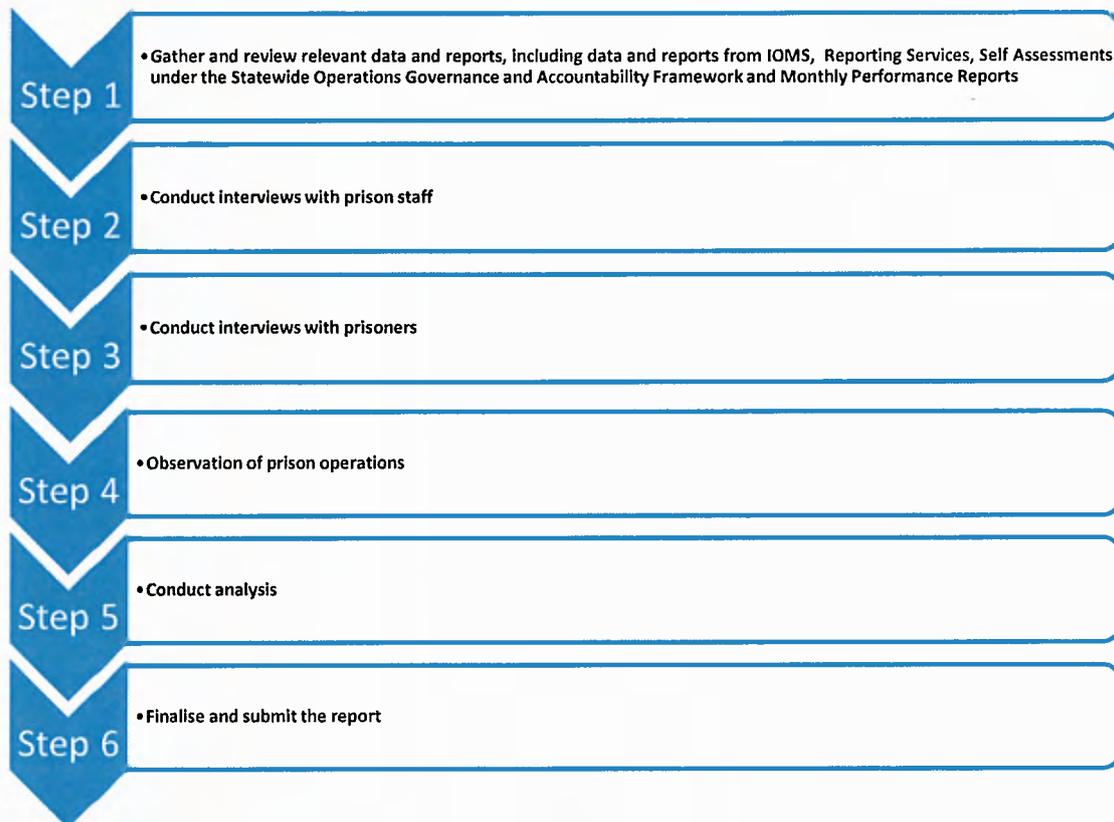
Arthur Gorrie Correctional Centre Snapshot Review

PURPOSE OF THIS REPORT

The report provides a brief assessment of Arthur Gorrie Correctional Centre's (AGCC) ability to manage significant existing and emerging risks based on evidence gathered by the Office of the Chief Inspector (OCI) during a centre visit to AGCC. This assessment is designed to assist in determining whether Queensland Corrective Services (QCS) should undertake or provide a higher level of intervention or support in respect of the correctional centre, and whether a full announced Chief Inspector inspection should be expedited.

METHODOLOGY

The assessment of AGCC by the OCI involved using a set of risk event guidelines developed by the National Institute of Corrections in the United States and the following methodology:



BACKGROUND

A desktop data review of AGCC undertaken in 2015 by the OCI identified several areas of concern, namely:

1. For the period March 2014 to March 2015 AGCC experienced several major security and disturbance related incidents, including:

- *Three major disturbances (non-violent demonstration);*
- *Eight major security incidents; and*
- *Four offensive behaviour incidents where three or more prisoners were involved in opposition to lawful authority.*

2. For the period March 2014 to March 2015 offender on offender assaults increased by 98%. The data review also identified:

- *AGCC had the highest occurrence of sexual assaults in the state, with 25% of all Queensland Sexual Assaults occurring at AGCC;*
- *AGCC had the second highest serious assault rate (offender against offender) in the state, with 14% of all offender on offender serious assaults occurring at AGCC (9% avg.) and;*
- *AGCC had an assault rate of 4.00 assaults per 100 prisoners for May 2015 which is the highest in the state (state average for high security facilities 2.51).*

3. There was a number of concerning demographic changes in the prison population across the period March 2014 to March 2015:

- *The AGCC average daily state increased by 12% from 930 prisoners to 1044 prisoners;*
- *Prisoners spending less than three months in AGCC increased by 132% from 179 prisoners to 416 prisoner;*
- *AGCC experienced an increase in prisoner offence profiles for convictions for Weapons (16% increase), Drugs (28% increase), Sexual assault (51% increase), Offences against justice process (57% increase), Fraud (31% increase) and Abduction (123% increase)*
- *Prisoner warning flag profiles at AGCC also increased for Self-harm history (27% increase), high profile offenders (900% increase) and ESO (130% increase).*

4. Further:

There was an increase of:

- *42% for the number of prisoners being managed on a self-harm episodes (36 prisoners in March 2014 to 51 prisoners in March 2015); and*
- *217% for the number of use of force incidents (6 prisoners in March 2014 to 19 prisoners in March 2015); and*
- *72% for the number of breaches of discipline (71 prisoners in March 2014 to 122 prisoners in March 2015).*

The above data is provided in more detail in **Attachment 1 – Arthur Gorrie Correctional Centre Snapshot Review Reporting Services Data.**

These themes and trends give an indication of some of the challenges and pressure the AGCC management team have faced at the centre over the last year.

FINDINGS

This section consolidates the findings of the OCI regarding the evidence and observations set out in **Attachment 2 – National Institute of Corrections Risk Identification Checklist Arthur Gorrie Correctional Centre Snapshot Review 21st May 2015.**

From discussions with the AGCC General Manager, and observations of the centre, it was apparent that progress had been made towards addressing structural and cultural issues at AGCC during the last two years, noticeably:

- There has been the creation of a new supervisor position to ensure one manager and supervisor for both A and B sides of the centre and a 24 hour by seven days per week Security Manager position;
- Direct accountability for accommodation managers/supervisors has been increased, with all accommodation managers/supervisors placed on new contracts outlining their new responsibilities;
- The General Manager had personally managed the [REDACTED] disciplinary processes. During this process it was found that officers were not accountable or were disempowered, and this has been rectified;
- Key changes had been made to ensure QCS and local procedural compliance;
- A wizard incident review system had been implemented that sorts and categorises all incidents in GEO centres for quality assurance checking by a senior manager; and
- Improvement had occurred in leadership direction with each year four key GEO objectives identified by senior management for focus and improvement.

However, despite this progress, several issues of emerging concern were identified by the OCI during the snapshot review of AGCC, namely:

- Complaints Management System
- Misconduct Allegations
- Standard Practice of Rear Handcuffing of Prisoners
- Out of Cell Access Time
- Behaviour Management Unit
- Health and Medical Services
- Over Capacity Accommodation
- Collective Punishment
- Legal Resource Access.

Further detail about each of these areas is outlined below.

1. Complaints and Request Management System

There was a consistent and significant lack of confidence in the AGCC complaints management process by prisoners across both mainstream and protection accommodation blocks. Relevantly, common themes emerging from prisoner statements were as follows:

- They would be targeted by officers when they raised a complaint through the blue letter process.

CCC EXHIBIT

- They did not have unrestricted access to blue letters and were required to request these from unit officers.
- Officers regularly questioned them regarding why they wanted a blue letter and that they would have to give the blue letter back to that same officer once it was completed (there are no blue letter mail boxes placed in accommodation units).
- The General Manager would approve a request through the blue letter process and then a staff member at a lower level would not follow through with this approval. Examples were also provided of blue letter complaints being forwarded to the officer who was the subject of the initial complaint, and the prisoner then being intimidated by that officer.

In addition to these common themes, some issues were raised about prisoner awareness of external review mechanisms. For example:

- Many prisoners interviewed had no understanding of how to access external complaint mechanisms, such as Official Visitors or the Queensland Ombudsman.
- There was a lack of information/posters regarding the Official Visitors scheme, the Queensland Ombudsman and the Health Ombudsman. There was some complaints type information in areas such as the Education block, but this was not observed in the prisoner accommodation areas.

There was an allegation that a senior manager at the correctional centre stated words to the effect 'this was his jail and the ombudsman was not welcome in his jail' or would 'tell him how to run his jail'. The OCI was unable to either confirm or disconfirm this allegation.

The issue of awareness of the complaint management system also arose in respect of some staff. The Assistant General Manager advised that AGCC was in the process of 'changing over' to the QCS Complaints Management System (CMS) and currently it was difficult for him to determine the number of operational complaints received per week. However, the OCI has confirmed that AGCC transitioned to the Resolve CMS last year with this becoming a measurable KPI.

As at the time of writing this report, there were 33 AGCC prisoner complaints recorded on the QCS Resolve CMS against AGCC. However, given the apparent limitations of the blue letter process in place at AGCC, and the general lack of confidence by prisoners in the AGCC CMS, this figure might underscore the actual number of prisoner issues at AGCC.

The prisoner request process was also not to the standard of other Queensland correctional centres. AGCC maintains a hard copy based system as opposed to the 'E-Shopfront' electronic process in place at most other secure correctional centres. There are inadequate mechanisms at AGCC to ensure transparency and accountability in determining whether prisoner requests have been actioned and what the outcomes were.

Lastly, it is important to highlight that raising of limitations with the complaints and requests system at AGCC is not new. The *Full Announced Inspection Report Arthur Gorrie Correctional Centre April 2012* made the following recommendations:

7	Medium	The Centre reviews all noticeboards and ensure that clear and current information is displayed.
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CCC EXHIBIT

11	High	The Centre review its Complaints Management system practices such that the database accurately reflects all submitted complaints.
13	Medium	The Centre reviews the information provided to prisoners regarding requests and complaints, such that there is accurate and consistent messages.
14	High	The Centre ensure that blue envelopes can be anonymously accessed by all prisoners within all accommodation units
22	Medium	The Centre ensures that the general prisoner population is made aware of their right of appeal under the complaints management system.

AGCC Response

AGCC advised:

- The Department of Justice and Attorney-General (DJAG) CMS has been implemented;
- Prisoners are informed on induction of how complaints are managed, including attempting to have the complaint dealt with locally;
- Prisoners are advised of other avenues of complaint, e.g. Official Visitor, Queensland Ombudsman, Health Ombudsman and the Anti-Discrimination Commission;
- Information on the complaint process is recorded in the prisoner's induction booklet;
- Prisoners have access to the Community Auto Dial List (CADL) and are able to access the Queensland Ombudsman and other agencies using the PTS as free calls; and
- As of 10 June 2015, the centre had no overdue complaints listed on Resolve.

AGCC supports the implementation of an 'E-shopfront' to replace the current paper based prisoner request system.

In the first five months of 2015, AGCC reported that 449 letters were received from internal and external sources with most dealing with a prisoner request.

OCI Finding

The OCI supports the centre response to implement an 'E-shop front' prisoner request system. The 449 letters of complaint mostly relating to prisoner requests demonstrates a need to improve efficiencies in this area.

The OCI continues to note the number of prisoners who did not understand or have confidence in the blue letter process, and who also lacked knowledge on how to contact Official Visitor's.

An analysis of the evidence and existing controls with recommended remedial actions for this issue are provided in Attachment 3 – *Details of Assessment*.

2. Misconduct Allegations

A number of allegations of misconduct were made to OCI Inspectors during the snapshot review. These primarily centred on the intimidation of prisoners by correctional officers. Specifically:

- A number of prisoners reported that prisoners were regularly diverted on the way to the Detention Unit (DU) into the Education/library block where the Assistant General Manager is located. Prisoners stated that this occurred as there were no cameras in this block and prisoners were then subjected to intimidation or other unlawful practices in this area;
- A prisoner who needed a wheel chair stated that he had been 'threatened' by staff when he wrote a blue letter in relation to the provision of the wheelchair;
- One prisoner informed inspectors that following his lodgement of a complaint about excessive use of force, there were a series of adverse incidents, specifically:
 - an officer stated to him that 'if I help you, then it will haunt you';
 - he was put in room with four officers where a supervisor explicitly threatened him about him proceeding with his complaint;
 - his blue envelope forms were taken away from him - other prisoners were provided with blue letters but not him;
 - he was mocked, laughed at if he tried to proceed with his complaint; and
 - a supervisor came and regularly gave him a hard time [Note: this prisoner did not want this matter investigated while he was still in AGCC as he feared for his safety – this matter was been referred by OCI to the Director, Ethical Standards Unit (ESU)].

AGCC Response

In response to these misconduct allegations AGCC noted that:

- Inspectors had advised that generally prisoner reports of staff/prisoner interactions were good in comparison to other centres;
- Requested further details regarding the allegations of prisoners being targeted if they made a complaint;
- The increased use of the disciplinary process, in particular the use of minor breaches and the IMP process, was evidence that staff were actively managing prisoners at a local level; and
- Copies of centre rules were displayed in each unit, and prisoners were informed of these rules on induction.

In relation to prisoner allegations of being detoured to the Assistant General Manager/Operations Office area of Programs B under escort, AGCC reported that a review of the centre layout indicates that any alleged activity should be evident through walkway CCTV footage.

ESU Response

All prisoner complaints of alleged misconduct were referred to the DJAG ESU for investigation. The ESU advised in correspondence dated 23 June 2015:

- ESU has a reporting relationship to the Crime and Corruption Commission (CCC) for all allegations of corrupt conduct at AGCC; and

- ESU refer any allegations of corrupt conduct to AGCC management to investigate and advise the outcomes, which enables ESU to satisfy reporting requirements to the CCC.

In relation to the prisoner complaints of alleged misconduct reported to Inspectors during the AGCC snapshot review, ESU advised:

- Four of the prisoner complaints had been determined to be not within the scope of matters that ESU refer to AGCC for investigation - to ensure that these complaints are addressed appropriately, ESU recommended these matters are raised with AGCC management;
- Two of the prisoner complaints are still under investigation by the ESU; and
- One complaint had previously been investigated by the ESU and finalised in February 2015.

ESU noted OCI advice in relation to prisoner reports of systemic intimidation and harassment by AGCC correctional officers of prisoners who lodge a complaint. It was considered this could be linked to some alleged issues relating to the blue letter process. ESU advised that they intend to refer this matter to the AGCC management.

OCI Finding

The OCI consider that there needs to be further investigation and examination of prisoner reports of systemic intimidation and harassment by AGCC correctional officers. A review and improvement of complaints management processes, in particular the blue letter system, as identified in the Complaints Management System section of this report will address transparency and accountability. However, the volume of prisoner reports of intimidation and harassment requires this issue to be further investigated and evaluated separately to the identified deficits in the AGCC CMS processes.

The OCI will:

- Refer to the Contract Management Unit (CMU) the four prisoner complaints to Inspectors of alleged misconduct recommended by ESU to be raised with AGCC management; and
- Undertake discussions with the CMU in relation to the conduct of further investigation and evaluation of prisoner reports of intimidation and harassment.

3. Standard Practice of Rear Handcuffing of Prisoners

During the AGCC inspection, inspectors observed the rear handcuffing of a prisoner within the Behaviour Management Unit (BMU). Inspectors were informed by correctional officers that this was normal practice at the centre when handcuffing a prisoner. Correctional supervisors that escorted inspectors during the snapshot inspection also confirmed that the rear handcuffing of prisoners was standard practice for AGCC. This practice is considered to be inconsistent with the handcuffing practices observed by the OCI at other Queensland correctional centres.

The Custodial Operations Practice Directive (COPD) Facility Security, section Handcuffs Operational Requirements states:

*"Procedure for use of handcuffs
Officers applying handcuffs should:*

CCC EXHIBIT

- not handcuff the subject with the hands behind their back unless the subject is identified as an uncooperative subject or assailant or to prevent or minimise self harm."

The issue of the rear handcuffing of prisoners at AGCC was previously highlighted in the OCI report '*Review of the procedures, processes and practices within QCS and relevant correctional centres that may be directed to ensuring the health and well-being of prisoners managed in Behaviour Management / Restricted Amenity Units*' (the BMU report), dated 6 May 2014. Recommendation 3 of the BMU report states:

"That the automatic 'handcuffing to the rear' of all BMU prisoners subject to an IMP at AGCC is stopped so as to ensure that such handcuffing only occurs in situations identified under relevant QCS procedures."

The Assistant General Manager of AGCC confirmed at the time of the BMU report that the standard rear handcuffing practice was in place for the AGCC BMU. AGCC provided a submission via the Executive Director, Operational Support Services, dated 17 June 2014 outlining why the standard rear handcuffing practice should be maintained. The Acting Deputy Director-General considered the AGCC submission on 18 August 2014 and determined that it was not persuasive and that AGCC should comply with QCS procedure requirements.

AGCC Response

In a request from the OCI to clarify if the rear handcuffing of prisoners was still standard practice across AGCC, the centre responded by advising that AGCC handcuffing of prisoners is compliant with QCS procedure requirements. The BMU was cited as the only location where rear handcuffing of prisoners was the standard practice. For other areas, front handcuffing was purported to now be the standard practice, with rear handcuffing based on an individual assessment of risk.

OCI Finding

OCI consider a correctional centre blanket practice of handcuffing prisoners to the rear would not be based on a sound risk management strategy and may be considered demeaning to prisoners subject to the practice. This applies equally to prisoners placed in a BMU, as different prisoners pose different levels of risk, for example, a prisoner may pose a risk to another prisoner/s not to correctional officers or a prisoner may display violence under certain situational factors that may not be present when placed in a BMU. All Queensland correctional centres, except AGCC, have a standard practice of handcuffing prisoners to the front, including in detention units and maximum security units, with prisoners only handcuffed to the rear based on an individual assessment in accordance with QCS procedure requirements. With this practice working in detention units and maximum security units across the State without significant issue, a standard practice of rear handcuffing prisoners at AGCC, including BMU prisoners, is not required.

AGCC's reasons for a blanket rear handcuffing practice in the AGCC BMU have previously been provided to QCS and considered by the Acting Deputy Director-General. It was

determined that the AGCC BMU handcuffing practice was not based on an individual assessment of prisoner risk and AGCC was required to comply with the COPD requirements. The COPD mandates that officers applying handcuffs are not to handcuff a prisoner with their hands behind their back unless the prisoner is identified as 'uncooperative' or 'assailant' or 'to prevent or minimise self harm'.

The blanket application of rear handcuffing practices at AGCC, including the AGCC BMU is unacceptable and should, if not done so already, be immediately ceased.

4. Out of Cell Access Time

Inspectors were advised by correctional officers that the AGCC structured day provides for prisoners to be unlocked at 0700 hrs and locked away by 1630hrs. However, correctional officers and prisoners interviewed advised that usual routines result in unlock occurring later than 0700hrs and lock away commencing between 1610 to 1615hrs. This results in a standard out of cell time of approximately 9 hours, which is less than the QCS 10 hour minimum. There is also a scheduled two hour training lockdown on a Tuesday, and regular unit lockdowns as a result of incidents. This further reduces actual out of cell time for AGCC prisoners.

It should also be noted that the early lock away time results in evening meals being provided between 1500 to 1530hrs, with prisoners having to eat these meals prior to lock away between 1610 to 1615hrs. Prisoners are therefore locked in their cells for up to 15 hours with no food (other than buy-up purchased items).

The OCI Inspection Standards, Standard 36 states:

- Prisoners have regular and equitable access to a range of out of cell activities.*
- Prisoners have access to a minimum of 10 hours out of their cells except in exceptional circumstances*
- Out of cell activities are not cancelled unnecessarily...*

The COPD Facility Security, section Routine High Security, sub-section unlock states:

"The out of cell time of prisoners in a corrective services facility must:

- ensure that a prisoner's access to time out of his/her cell is maximised and controlled; and*
- be for a minimum period of 10 hours per day..."*

AGCC Response

In correspondence dated 29 October 2013, the Acting QCS Commissioner approved for GEO to transition to 9 hours out of cell time for prisoners.

OCI Finding

QCS has granted approval to AGCC to have out of cell access time for prisoners that is less than that mandated by QCS COPD and OCI Inspector Standards requirements. The OCI recommends QCS review this decision.

5. Behaviour Management Unit

Appendix 29 - *Behaviour Management Units* was implemented on 3 February 2015 to address some of the concerns previously raised by the OCI in relation to the approval and management of behaviour management type units. Initial discussions with the acting correctional manager responsible for the AGCC BMU identified that he was unaware of the existence of the BMU appendix. The acting correctional manager did advise later in the day that, after having read the appendix, he 'believed' the AGCC BMU was in compliance with the appendix.

The OCI observations of the BMU and the local instruction approved by the AGCC General Manager for the BMU operations identified several concerns, including:

- The Local Instruction allows for a large amount of discretion regarding the type (behaviours) of prisoner that may be placed in the BMU;
- The Local Instruction progression pathway provides a set time frame for prisoner progression that creates tension between the local 'procedure' and the statutory requirement to have a 'reasonable belief' that either there is a present 'risk' or the order is 'necessary' for a safety order under s53 of the *Corrective Services Act 2006 (CSA)*;
- There was limited involvement of prisoners in the progression pathway review meetings;
- There was no intervention programs to address reasons for a prisoners placement in the BMU;
- The BMU Progression Pathways Stages 1 – 4 were in some instances more restrictive than those of a MSU Progression Plan (e.g. Stage 2 BMU buy up of \$35 but Stage 2 MSU \$40; Stage 3 BMU buy up of \$45 but Stage 3 MSU \$50; Stage 3 BMU one non-contact visit per week but Stage 3 MSU 2 to 3 per week; Stage 2 and 3 BMU out of cell access of 2 hours but Stage 2 MSU of 2½ hours and Stage 3 MSU of 2 to 6 hours); and
- The lawful authority for a General Manager to approve a local procedure in the absence of a s264 (administrative directions) or s265 (administrative procedures) CSA delegation.

Prisoners interviewed by inspectors in the AGCC BMU stated that:

- They were routinely allowed only one hour of out of cell exercise time, although one extra hour in the detention unit (DU) exercise yard was sometimes offered;
- No intervention programs were offered – a prisoner interviewed stated this was his third placement in the BMU due to anxiety/anger management issues. However, no intervention had been offered to address his anxiety/anger management and he continued to relapse and return to the BMU;
- There was limited access to phone calls as they could only access the prisoner telephone system (PTS) during exercise periods, which meant they missed out on exercise time if making a phone call;
- They considered that the segregation and isolation of the BMU made them 'worse' and 'angrier'; and
- They were concerned that they had no input into the BMU progression planning process.

AGCC Response

AGCC advised that:

- They did not agree with prisoner reports that they only sometimes receive a second hour of out of cell exercise, and that the BMU log book records showed compliance with the two hour minimum requirements;
- Prisoners were not provided with intervention programs, because as a remand centre, therapeutic programs are not available to prisoners;

- The BMU uses as staged progression to reward positive behaviours and that the majority of prisoners do not return to the BMU; and
- Prisoners do have input into their BMU plan, with a multidisciplinary assessment undertaken prior a prisoner's placement in the BMU.

OCI Finding

The AGCC BMU, and issues in relation to BMU's in general, have been listed on the PIMR and forwarded to the Statewide Operations Directorate (SWO) and the CMU. This issue will be investigated and evaluated through this process with the outcome accordingly reported to the Deputy Director-General.

6. Health and Medical Services

Overall the health and medical system at AGCC was considered by prisoners to be 'poor'. Many of the prisoners interviewed also believed that their medical issues were being 'put on hold' until they were transferred to a placement centre. The following incidences were provided by prisoners as examples of the poor medical services that they had experienced (it should be noted that some of these matters could be considered to be misconduct):

- A prisoner who needed a wheel chair stated that he had been 'threatened' by staff when he wrote a blue letter in relation to the provision of the wheelchair;
- A prisoner sought medical and disability assistance because he was on crutches, but this was denied. When he tried to persist with his request, officers pushed him and gave him hard time;
- A number of prisoners reported that they had boils, which they considered to be contagious, however, there was a long waiting time for treatment/medication;
- Two prisoners who were non-insulin dependent diabetics, separately advised that the General Manager had approved for them to be provided a daily supplementary pack for insulin dependent diabetics (contains sweet'n' low and fruit) through the blue letter process. However, the supplementary packs were not provided because another staff member determined they were not eligible;
- A prisoner reported the he urgently required full denture moulds that were made for him at a private dentist under Medicare at North Buderim, but that these had not been supplied. The General Manager had approved this is a considerable time ago through the blue letter process, but no staff member was responsible for facilitating the request; and
- Several prisoners raised the concern that only a daily allowance of prescribed medication was provided to them when they were on court escorts. If they were released from court it was then difficult for them to immediately source further supplies of their medication.

During the inspection, the OCI Inspectors were informed by the AGCC Health Services Manager that the hours for nursing, dentistry and medical had been recently increased by GEO to reduce waitlisting lists. Examples included:

- Appointment of a full time nurse practitioner to tirage for doctor referrals and reduce waitlists;
- Increased dentistry hours for a one month period to reduce waitlists from four months to two months; and
- Increased ongoing dentistry hours to maintain acceptable waitlists.

AGCC Response

In relation to these matters, AGCC advised that:

- Prisoners are reviewed on admission by health services staff;
- Induction processes include the topic of communicable and infectious diseases;
- Health and medical information is available on the prisoner education channel and in the programs building;
- The centre has been actively liaising with Queensland Health to ensure dental services continue and can be maintained to community standards;
- The centre has established two units for special needs (mainstream and protection); and
- Prisoners are provided a wheelchair where this is assessed as being required by a doctor.

OCI Finding

The AGCC Nursing Unit Manager provided evidence that health and medical services had been recently reviewed and increased to address reported gaps in service delivery. This has been accepted by OCI as sufficient to address this issue. However, it is recommended that CMU provide an increased level of monitoring to ensure that recent changes address health and medical service gaps to an adequate level.

7. Over Capacity Accommodation

The AGCC daily state increased from 930 to 1044 (12% increase) between March 2014 and March 2015. With a single cell accommodation capacity of 760 cells, AGCC is managing on a daily basis 284 prisoners in shared cell accommodation. Units such as W4 designed to house 40 prisoners, currently accommodate up to 65 prisoners.

Prisoners reported the increase in prisoner numbers was having a significant impact, including:

- Reduced access to tables and seating during meal time;
- Reduced access to fridges and storage space;
- Reduced access to exercise equipment and recreational items in the unit;
- Increases in waitlist times for services e.g. doctor, dentist;
- Increasing 'boredom' due the lack of programs and activities, resulting in more assaults;
- Increased stress/fear due to prisoner on prisoner assaults erupting over fairly minor things;
- Prisoners making erroneous complaints of sexual assault to avoid being doubled up without considering the significant impact this may have on the alleged perpetrator; and
- A lack of employment opportunities.

Relevantly, it is important to note that there were limitations with the centre's obligation to meet some of these needs even before the rise in prisoner population numbers. In specific terms, the *Full Announced Inspection Report Arthur Gorrie Correctional Centre April 2012* made the following recommendations:

19	Medium	The Centre ensure that a procedure is implemented to plan for alternative activities when access to the oval or gym is closed.
20	Medium	The Centre reviews its scheduling and access for all prisoners to hobbies, arts and crafts, to ensure equity

CCC EXHIBIT

30	Medium	The Agency and the Centre undertake a review of the availability of chairs and tables for prisoners in the Centre's older accommodation unit common areas such that a sufficient number of tables and chairs may be made available to prisoners.
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AGCC Response

In response to these issues AGCC advised that:

- The centre has adopted a model where prisoners are evenly allocated across all accommodation units, with all prisoners in a shared cell arrangement having their own bunk;
- Recently refurbished units have had seating increased;
- Where possible, white goods and seating are increased proportionally based on accessibility of power points and safe use. A request has been submitted to Building and Asset Services (BAS) for additional power and water points; and
- A review of prisoner employment is being undertaken to determine where it may be increased in line with increased prisoner numbers.

AGCC emphasised that Infrastructure issues are under the control of QCS and therefore there are limitations on what they can achieve at a local level to deal with infrastructure related problems. The General Manager also advised that AGCC has increased:

- Staffing levels in line with increases in prisoner numbers;
- Supervisory capacity; and
- CCTV coverage via capital works submissions.

OCI Finding

The OCI consider that AGCC senior management have taken steps toward improving prisoner services and facilities in line with the centres over capacity state. It is also acknowledged that there are limitations with infrastructure (e.g. amount of power points, water outlets, phone connections), which are largely controlled by QCS. The action taken has been accepted by OCI as sufficient to address this issue. However, there is an inference drawn from prisoner interviews that service delivery gaps exist in areas of operation controlled by AGCC centre management, including oval access, visit times, program and education facilitation. It is recommended that current strategies should be reviewed with increased monitoring by the CMU to ensure the centre provides an adequate level of services and facilities aligned to prisoner numbers.

8. Collective Punishment

Concern was raised by prisoners regarding the occurrence of group punishment. A number of incidences of group punishment were cited by prisoners, including:

- The whole unit being locked down due to two prisoners fighting;
- Removing computer access for the whole unit when one prisoner was found to be copying music on the computers;
- Removal of oval time for whole unit when some prisoners had left rubbish outside of cells; and
- Removal of unit activity equipment for whole unit when some prisoners had misused the equipment.

Prisoners stated that group punishment created tension within the whole unit and that it may take some days for the unit as a whole to settle down.

AGCC Response

In response to his issue AGCC advised that:

- The centre adheres to the requirements of the Risk Management COPD when conducting disciplinary proceedings; and
- The locking down of an accommodation unit following an incident is not a form of punishment but achieves immediate de-escalation, prevention of secondary incidents, facilitation of prisoner escorts and quicker re-opening of the unit in a controlled and staged manner.

OCI Finding

The AGCC response only addresses the matter of unit lock downs post incident and does not address the removal of oval time, removal of computer access and removal of unit activity equipment to groups of prisoners.

An analysis of the evidence and existing controls with recommended remedial actions for this issue are provided in **Attachment 3 – Details of Assessment**.

9. Legal Resource Access

Prisoners identified a lack of access to computers for undertaking legal preparations as an area of concern. It was reported that each unit has a computer room, but that there are no computers available in most of these rooms. Protection prisoners advised that they were only able to access the AGCC legal resource area once per week, which was not sufficient to meet legal preparation requirements.

The AGCC *Induction Handbook* states:

- *Prisoners have access to a legal library and use of computers in the Remand Programs building which is facilitated by submitting a prisoner request form to the remand programs correctional officer - a scheduled time will then be made available to the prisoner to use the area;*
- *If a prisoner requires legal advice, they may request through a unit officer to be placed on a list to see a Duty Solicitor - Duty Solicitors from Legal Aid Queensland visit AGCC on Tuesday and Thursday; and*
- *If a prisoner needs to make an application for bail, before applying to the prisoner bail clerk for legal assistance with a bail application, a prisoner must apply for Legal Aid Assistance from Legal Aid Queensland - if refused Legal Assistance by Legal Aid, then the prisoner may make an application to the bail clerk by filling out a prisoner request form (bail assistance is only available to prisoners who have been refused legal aid).*

The *Full Announced Inspection Report Arthur Gorrie Correctional Centre April 2012* made the following recommendations:

CCC EXHIBIT

17	High	The Centre review its allocation of legal library resources such that there are higher levels of updated and relevant legal materials available for prisoners, including updated contact details for legal practitioners in Queensland.
18	High	The Centre reviews its allocation of legal library resources and ensure that a process is in place to equitably share these resources across the facility.

AGCC Response

Nil response provided.

OCI Finding

An analysis of the evidence and existing controls with recommended remedial actions for this issue are provided in **Attachment 3 – Details of Assessment**.

CONCLUSION

OCI has determined that there is not an immediate need to bring forward the full announced Chief Inspector inspection for AGCC, currently scheduled for February 2016. However, there are a number of areas that have been identified as requiring further action. It is recommended that QCS consider in detail the findings and related action items from sections 1 to 9 of this report and the assessment of existing controls and remedial examples provided in **Attachment 3 – Details of Assessment**.

In summary, there is a need to:

1. Complaints Management System
 - AGCC to continue with the implementation of the 'E-shop front' prisoner request system for prisoner complaints, and improve the understanding of, and confidence in, the complaints process;
 - AGCC to review method of advising prisoners when an Official Visitor is to visit the centre and how they may access the Official Visitor;
 - AGCC to review current blue letter process to ensure prisoners can access and lodge complaints confidentially - may include provision of a locked mail box in each accommodation unit for blue letters that may only be accessed by an officer approved by the General Manager; and
 - CMU to review recommendations highlighted in the Complaints Management section of this report (from the AGCC OCI Full Announced Inspection Report 2012) to determine if these have been effectively implemented.
2. Misconduct Allegations
 - OCI to refer to CMU the four prisoner complaints to Inspectors of alleged misconduct recommended by ESU to be raised with AGCC management; and
 - OCI to undertake discussions with the CMU in relation to the conduct of further investigation and evaluation of prisoner reports of intimidation and harassment.
3. Standard Practice of Rear Handcuffing of Prisoners
 - GEO to immediately cease, if not done so, the practice of blanket rear handcuffing of prisoners, including prisoners placed in the BMU.
4. Out of Cell Access Time
 - QCS to re-assess the approval given to AGCC to reduce out of cell access time for AGCC prisoners to less than the QCS mandated standard.
5. Behaviour Management Unit
 - OCI to monitor the outcome of the PIMR regarding BMUs.
6. Health and Medical Services
 - CMU to monitor the adequacy of recent changes to address AGCC health and medical service gaps.
7. Over Capacity Accommodation
 - CMU to increase monitoring to ensure AGCC provides an adequate level of services and facilities aligned to prisoner numbers.
8. Collective Punishment
 - Statewide Operations to review COPD Risk Management to determine if more clarity is required around what constitutes a collective punishment; and

CCC EXHIBIT

- CMU to review historic and ongoing 'Alarm and Event Report' for accommodation units post incident to determine reasonableness of lock down times.

9. Legal Resource Access

- CMU to review and monitor AGCC compliance with COPD Prisoner Entitlement - Official Rights - Legal Resource Access for Prisoners; and
- CMU to review recommendations highlighted in the Legal Resource Access section of this report (from the AGCC OCI Full Announced Inspection Report 2012) to assess if these have been effectively implemented.