

## Prisoners Forum Report Quarter 1 | January to March 2022

### 1. Meeting of members of the Prisoners Forum

The Prisoners Forum met on 10 February 2021. Members of the following organisations participated in the meeting: the Aboriginal Legal Service, Corrective Services NSW, Community Restorative Centre, Womens Legal Service, Kingsford Legal Centre, Inspector of Custodial Services, Just Reinvest, Just Connect, Public Interest Advocacy Centre, Justice Health & Forensic Mental Health Network, Legal Aid NSW, NSW Ombudsman, and Department of Communities and Justice.

### 2. Presentation by NSW Health Complaints Commission: Jennie Wright and Daniel Lauric

- Daniel manages the enquiry line.
- Open 9-5, Monday to Friday.
- HCCC received approximately 11,000 calls a year, of which 2-3,000 are from detainees.
- Detainees have priority – they have a separate phone queue and will take priority.
- HCCC is on the common dial list (#17) for detainees.
- HCCC sends complainants in detention a physical copy of their complaint form.
- HCCC have set up an arrangement with Justice Health to set up an office in Long Bay correctional centre and they present on the common dial list (#5) for detainees to contact Justice Health directly now.
- It can take HCCC 60 days to respond to an initial complaint – but that's not often suitable for detainees with pressing concerns – so they can reach out to the Justice Health clinics directly, as well as the Private prison health clinics (e.g. Junee) – they have an agreement with HCCC to respond within 24 hours.
- For formal complaints, HCCC reaches out to Justice Health to respond to the complaint, and then HCCC determines whether further action is needed.

### Questions from the Forum

- A question was asked about the forms given literacy issues with detainees. HCCC responded that they can fill forms in on a person's behalf. This can be a little challenging because of call time limits for detainees.
- A question was raised about tablets provided for detainees. Anthony raised the possibility of making those forms on the tablets. HCCC noted the issue and said they would raise it with Corrective Services.
- The Chair asked about whether the form was online and this was confirmed.
- A question was raised about whether data could be provided about how many calls were being made by detainees and in which centres. Jennie referred to the annual report but noted it wasn't broken down by centre. In 2020-2021, 1442 calls from detainees of which 163 become written complaints about Correctional and Detention facilities (out of 8,702; 3,037 about health organisations including the 163 in detention facilities). Complaints about correction facilities represent about 5.5% of health organisation. Since the agreement with Justice Health, there has

been a reduction in complaints being made to HCCC, and that percentage has come down to the 5.5%.

- A concern was raised that since the agreement between HCCC and Justice Health, about whether that data would be lost, noting that the level of oversight of HCCC is an important and useful function which has now been lost for those matters. Anecdotally HCCC noted they didn't think Justice Health were collecting that data, and that they were receiving between 2,500-3000 complaints but now that had reduced to 1,400.
- A question was raised whether young people in youth correctional facilities had a direct dial to Justice Health. The ombudsman's office said they believed that wasn't available.

### **3. Presentation from Anthony Levin, Legal Aid NSW**

- Purpose of presentation: introduce and frame key issues, describe Legal Aid NSW's work in the area, and generate questions and discussion to inform the reform agenda in 2022.
- There is an inextricable link between the health of detainees and the health of the wider community.
- If detainees don't receive timely and adequate health care, then it will exacerbate their underlying conditions in detention, and on release their health is at particular risk;
- Looking after prisoner health benefits detainees but also the community as a whole.
- Key reports on this issue:
  - Inspector of Custodial Services report in March 2021 about health services in correctional facilities;
  - Audit office report about access to health service in custody from September 2021;
  - UNSW report: "Obstacles to Effective Support of people released from prison."
- Covid-19 is a focus at the moment and it also concentrates pre-existing issues.
- Two of Premier's priorities include reducing recidivism, and improving the health system, so connected to the State agenda.
- Legal Aid does lodge complaints, both to Justice Health and HCCC, and sometimes to correctional services.
- Over the last few years Legal Aid have helped about 150 clients with exclusive health issues in custody, but of course the Prisoner's Legal Service does a great deal more work. Legal Aid also works in coronial inquests, and they support criminal law matters.
- Sometimes clients raise serious issues such as personal injury matters -these are referred.
- Legal Aid does policy work:
  - 2018: parliamentary inquiry into Parklea Correctional Centre
  - 2019: Productivity commission mental health inquiry report
  - 2020: Review of the inspector of custodial services act;
  - 2020: NSW parliamentary inquiry into high rates of Aboriginal people in custody;
  - Audit office submission listed above;
  - Current: Disability Royal Commission
- Scope for Legal Aid: adults in custody.
- Issues for detainees:
  - Long waiting times for basic care;

- Limited access to mental health care;
- Lack of access to timely specialist/allied care;
- Lack of continuous care;
- Poor release-planning for detainees with health conditions;
- Lack of access to treatment- dental/physio/wound care. There have been cases of detainees that have had to pull their own teeth in custody because of lack of access to dental services.
- Focus on mental health and medication:
  - Mental health medication often has side effects- this is hard for detainees because it's hard to access a GP to discuss this;
  - A big issue is the interruption to medical regimes, and delays in assessment to review of medication;
  - Often when medication is prescribed, it doesn't come with enough information to help a detainee manage their medication;
  - A priority action could be: can we ensure greater continuity in existing medication regimes on intake and across the system.
  - Medical records: detainees and their advocates struggle to get access;
  - Another priority action could be: timely and culturally safe medical care.
- Anthony provided a case study for an Aboriginal man being held on remand who wasn't able to get access to his insulin as a diabetic at Surry Hills Police Centre.

#### **Questions from the Forum**

- The Chair asked about current advocacy across the sector. Anthony noted the Justice Reform Initiative – looking to develop an agenda that will focus on a number of issues. Legal Aid has also developed an internal report about the issues in the space, which will lead Legal Aid's conversations with government.
- A question was raised about whether it is possible to publicly make available the minimum wait times. Anthony referred to pages 9-10 of the Audit Office report. Legal Aid believes that comparative data is an opportunity. We currently know the wait times are long but we know this anecdotally. There is some data for the public system.
- A comment was raised about the possibility of a data share for the forum – for agencies with data, including Legal Aid.

#### **4. Update on Prisoners Legal Service**

- The challenge to the Commissioner's decision to not release detainees early due to covid is before the Supreme Court on 22 February. Two applicants have dropped off (they were released).
- Legal Aid is doing advocacy around access to detainees.

#### **5. Update on Corrective Services**

- First meeting of the year held for the year.
- Staff infection numbers have declined.
- Metropolitan remand centre manage Covid positive cases.
- Small outbreaks in 6 correctional centres.
- Difficulty with AVL and court appearances.
- Rollout of INCELL tablets are continuing. They have been rolled out to 2 centres, and then another 10 centres. 5000 tablets are in prisons now. They have received \$40million dollars to rollout the tablets to 17 more Centres. Content Access: access to offender telehpne system, whitelisted sites, free games, static content deliver, correctional broadcasts, inmate kiosk (trust account, court dates, grocery buyups). Future functionality: e-forms, rolling out entertainment (music, movies, games, library, secure messaging), a learning management system. The Chair asked when this would roll out more broadly. Rebecca noted she has seen the map of which centres are next.

#### **6. New sub-group focusing on health needs of people in detention**

- It was agreed a sub working group would form regarding health issues for detainees. From the forum, Anthony Levin, Jenny Lovric, Nadine Miles, Geoffrey Tremelling and Grace Gooley have agreed they wish to be part of the group. Jenny mentioned a particular focus on throughcare, release, unaddressed health needs, and the point of entry into detention. Grace agreed about the importance of throughcare as a focus. The Inspector of Custodial Services suggested also focusing on young person's needs.

Nadine Miles | **Chair, Prisoners Forum** | March 2022