

Appendix D: P Stewart response to A Reilly, 5 December 2023



Ref: QCS-04765-2023
Your Ref: 2021/09891

- 5 DEC 2023

Mr Anthony Reilly
Queensland Ombudsman
investigations@ombudsman.qld.gov.au



Office of the
Commissioner

Queensland
Corrective Services

Dear Mr Reilly

Thank you for your email of 31 October 2023 inviting comment on your proposed report on the investigation of a matter referred from the Legal Affairs and Safety Committee (LASC) about Queensland Corrective Services (QCS).

I would like to take this opportunity to reaffirm that QCS absolute priority is protecting the safety and health of every person in the correctional system, including QCS officers, health workers and prisoners. QCS recognises the issues outlined in your proposed report, and appreciates the opportunity afforded by the investigation to help QCS improve its services.

QCS acknowledges your proposed report is primarily focused on overcrowding in Queensland's correctional centres, with a specific focus on Maryborough Correctional Centre (MCC). Capacity challenges continue to be QCS' most pressing issue, and responding to capacity demands and mitigating risks and issues presented by high prisoner numbers remains a critical priority for QCS. This commitment is reflected in the QCS Strategic Plan 2023-2027, which identifies capacity issues in facilities as a strategic risk requiring ongoing monitoring and proactive mitigation, with key strategies including increasing prison capacity and considering options to meet future capacity needs.

QCS has implemented a number of short, medium and long-term strategies to address current capacity constraints, including:

- the delivery of purpose-built bunk beds retrofitted to cells across Queensland to get prisoners off mattresses on the floor, meaning that by the end of 2024, approximately 6000 additional beds including more than 3400 bunk beds will have been delivered since 2015
- an additional 736 beds across 492 cells through the re-commissioning of Borallon Training and Correctional Centre
- the conversion of the Southern Queensland Correctional Centre to a women's facility in 2019, providing immediate relief to the women's correctional system
- an expanded Capricornia Correctional Centre, delivering an additional 398 beds across 348 cells.

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QCS Headquarters
L21 Northbank Plaza
69 Ann Street Brisbane
GPO Box 1054 Brisbane
Queensland 4001 Australia
Telephone +61 7 3565 7675
ABN 61 993 700 400

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Other non-infrastructure related responses to reduce demand on the system have included:

- implementation of recommendations from the Queensland Parole System Review – centred around increasing rehabilitation opportunities for prisoners to address the underlying causes of offending behaviour and recidivism prior to release;
- increased funding to support Parole Board Queensland operations and continue efficient consideration of parole matters
- expansion of re-entry services to aid the transition of prisoners back into the community to reduce their likelihood of reoffending and returning to custody
- ongoing collaboration with the Justice Reform Office in the Department of Justice and Attorney-General and other Queensland Government stakeholders, which includes consideration of initiatives to reduce demand on Queensland's prisons.

QCS current capital program includes the following key initiatives that aim to address capacity issues:

- \$861 million (\$341 million in 2023-24) to build the new 1536-bed health and rehabilitation designed Lockyer Valley Correctional Centre (LVCC)
- \$9 million (\$1 million to complete round 3 in 2023-24 plus \$8 million in released central funds for Round 4) to install additional bunk beds in high security correctional centres across Queensland to manage the increasing prison population
- \$3 million (\$1 million in 2023-24) to complete the refurbishment of the Princess Alexandra Hospital Secure Unit
- \$20 million in 2023-24 for pre-commencement activities including design works, site investigations and other preliminary works for the future expansion of the Townsville Correctional Precinct
- \$10 million in 2023-24 for pre-commencement activities including design works, site investigations and other preliminary works for the future establishment of a new Wacol Precinct Enhanced Primary Health Care facility located at the Brisbane Correctional Centre.

QCS is also considering other ways to address increasing demand on the correctional system and capacity constraints including:

- additional capacity solutions over and above LVCC and the Townsville Correctional Precinct
- potential lower cost capacity solutions, for example low/medium security variants
- alternate building strategies using modern methods of construction to reduce the lead time for new accommodation.

QCS acknowledges that more needs to be done to address demand on QCS custodial capacity, while also managing and mitigating issues and risks presented by high prisoner numbers. As such, QCS supports the recommendations of your proposed report and provides the following general comments.

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Proposed recommendation 1: *QCS continue to include information about facility utilisation on the basis of built cell capacity in its departmental annual report.*

In 2022-23, QCS introduced a new service standard regarding facility utilisation, namely built bed capacity. As such, QCS now has two facility utilisation service standards – built cell capacity, which is a measure of the capacity of correctional centres as designed, and built bed capacity, which includes permanently installed bunk beds and is a measure of QCS' management of the continuing growth in prisoner numbers. QCS will continue to report on these service standards in its service delivery statements and annual reports.

Proposed recommendation 2: *QCS publish on its website its annual forecasts of prisoner numbers for the five years following the year in which the forecast is made.*

In the beginning of each calendar year, QCS produces estimates of the size of future prisoner populations for QCS operational and planning needs. QCS agrees that increasing the information that is publicly available on current and expected demand in the correctional system will assist the public and stakeholders in understanding and assessing the potential strategies that could be utilised to respond. Noting that the Report includes forecasting data prepared in 2022, QCS will publish updated data in 2024 following its annual forecast review.

Proposed recommendation 3: *In recognition of the importance of humane containment, QCS develop and provide advice to government on options to expand the number of cells available to accommodate prisoners on an ongoing basis and reduce the harmful impacts of overcrowding over time. Priorities for QCS advice on options should include addressing chronic overcrowding at Arthur Gorrie Correctional Centre and increasing built cell capacity for female prisoners.*

QCS will continue to develop and provide advice to government on responses to address current and future capacity needs.

Notably, QCS has identified the Arthur Gorrie Correctional Centre – General Medical Facility Expansion as infrastructure required to support growth, as part of the draft South East Queensland Infrastructure Supplement.

QCS is also reviewing the system configuration for South Queensland with a focus on remand placement options following the commissioning of LVCC.

For female prisoners, QCS is implementing the funded recommendations from the Women's Safety and Justice Taskforce and is increasing low custody capacity to provide more options for women in custody to be housed in the least restrictive accommodation available.

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Proposed recommendation 4: *QCS should prioritise the development of responses to the range of impacts of overcrowding identified in this report.*

QCS, as a priority, will continue to progress and further consider the development of responses to address the impacts of high prisoner numbers, including considerations related to workplace health and safety, reintegration and rehabilitation programs, availability of services, prisoner access to services, staffing models, infrastructure capacity and condition limitations, shared cell arrangements, out of cell time, the use of modified unit routines and lockdowns, and the legal status of remand prisoners when making accommodation decisions in regional prisons.

The ability for each potential initiative to reduce the impact of high prisoner numbers will be considered, such as its impact on the health and safety of Custodial Correctional Officers, administrative burden of making accommodation decisions for prisoners (particularly shared cells), corrupt conduct, influences for further criminalisation, prisoner access to healthcare, strain on infrastructure, prisoner employment, out of cell time, prisoner self-harm and suicide, access to parole, prisoner on prisoner assaults, and prisoner access to psychological assessments and programs.

Proposed recommendation 5: *To reduce the impacts of overcrowding at Maryborough Correctional Centre, QCS:*

- (a) maintain sufficient staffing levels of custodial officers at MCC to provide core prisoner supervision, but also undertake other duties such as escort of prisoners and supervision of recreational activities
- (b) review the adequacy of current staffing arrangements for the various small, centralised units at MCC such as administration, intelligence, psychology, cultural liaison and programs, which have struggled to maintain service levels in the face of increases in prisoner numbers
- (c) assess whether the current staffing model for MCC remains appropriate, and if not, implement a new, more contemporary model
- (d) review the sufficiency of the provision of prisoner services such as programs, education, industry and other employment to meet the needs of a growing prisoner population, and seek to address identified deficiencies
- (e) assess the need for capital improvements to MCC buildings, storage, kitchen and plumbing to ensure they are sufficient to meet the needs of increased prisoner numbers
- (f) where necessary, assist local management to continue to closely monitor and respond to the health and safety of officers, particularly in relation to assaults on officers as prisoner numbers increase
- (g) ensure MCC management engage with staff to reduce, where possible, the use of modified unit routines (MURs).

QCS is committed to maintaining staffing levels through retention and recruitment strategies.

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QCS is pleased to note that 14 Custodial Correctional Officers who recently graduated from the QCS Academy on 17 November 2023 will be posted to MCC.

Further, QCS is currently considering a review of its funding model associated with fluctuations in prisoner numbers. If progressed, and subject to funding, this may positively impact the staffing arrangements at MCC and other correctional centres. More broadly, QCS is reviewing its business and operating models following the continued growth in prisoner and offender numbers, and the pressures being placed on current delivery and funding allocations.

As noted in the response to recommendation 4, QCS will progress and consider the development of responses to address the impacts of overcrowding. This will include reviewing the sufficiency of prisoner services such as programs, education, industry and other employment opportunities, and the sufficiency of infrastructure facilities such as MCC buildings, storage, kitchen and plumbing, with an upgrade to the sewerage system currently in progress.

QCS has a zero tolerance for violence towards staff and all assaults in Queensland correctional centres. As such, QCS is supporting MCC local management to continue to closely monitor and respond to the health and safety of officers, particularly in relation to assaults on officers. QCS notes assaults are a key performance indicator measured, monitored, and discussed as part of the QCS Commissioner's Operational Performance Reviews (OPRs).

QCS is committed to ensuring the safety and good order of correctional centres and notes modified unit routines (MURs) are enforced by local instruction only when there is a demonstrated need relating to staff and prisoner safety. The use of MURs is also discussed as part of the QCS Commissioner's OPRs and is closely monitored to ensure that when enforced, this does not unduly disadvantage any prisoner cohort by unnecessarily restricting access to amenities or services.

QCS will continue to investigate options to improve conditions at MCC and Queensland's correctional centres more broadly.

Proposed recommendation 6: *QCS undertake a review of the Custodial Operations Practice Directive (COPD) on Prisoner Accommodation Management and how it is being implemented to ensure that it effectively guides decision-making to mitigate risks associated with shared cell placement decisions, and is being fully implemented by officers through individualised assessments that are well documented.*

QCS supports a review of the Custodial Operations Practice Directive (COPD) on Prisoner Accommodation Management: Cell Allocation, to ensure it is fit for purpose, guides decision-making, and is being implemented effectively at MCC and correctional centres more broadly.

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Proposed recommendation 7: *As part of the recommended review of the QCS COPD on Prisoner Accommodation Management recommended in Recommendation 6, QCS also review the implementation of the COPD's requirements about the accommodation of remand prisoners in regional correctional centres to ensure that remand status is properly considered when making accommodation decisions.*

QCS supports a review of the consideration of remand prisoners in regional correctional centres as part of the review of the implementation of the COPD on Prisoner Accommodation Management: Cell Allocation. It is noted that QCS does not operate separate remand facilities in regional correctional centres, and capacity constraints challenge QCS ability to separate remand and sentenced prisoners in these centres.

QCS understands that prisoners having contact with their families supports their wellbeing whilst in custody and assists them with their transition from custody back into the community. In making placement decisions, QCS endeavours to keep prisoners close to their family which limits the opportunity to move a prisoner to a purpose-built remand centre in all cases.

Further limiting the flexibility of QCS to place prisoners is that remand prisoners are required to appear in person in Court at the discretion of the presiding Judicial Officer. QCS continues to work with the Courts and Department of Justice and Attorney General to maximise use of videoconferencing.

Thank you for providing the opportunity to comment on your proposed report. If you require further information regarding this matter, please contact Superintendent [REDACTED], Chief of Staff, Office of the Commissioner on telephone [REDACTED] or email at [REDACTED]

Yours sincerely



Paul Stewart APM
Commissioner

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