

# **SOUTH AUSTRALIAN PRISON SYSTEM**

draft 270323



Yatala Prison in South Australia

# Report on the South Australian Prison System

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## Executive Summary

This report is an examination of the South Australian Prison System in relation to recidivism, rehabilitation and current progress in relevant initiatives like '10by20'. It includes evidence of practices and values of the staff of the Department for Correctional Services (DCS) that damages the rehabilitation process. These observations are used to develop inferences regarding the philosophy and attitudes of related management and leadership, something that is driven from the top (the Chief Executive) down.

In 2016, the South Australian Government introduced the '10by20' initiative, establishing a target of reducing recidivism in South Australia by 10% before the year 2020. In the State Government's 2021 progress report, the foreword of South Australian Minister for Police, Emergency Services and Correctional Services, Vincent Tarzia, boasts a reduction of recidivism rates from 46% in 2016, to 42.3% in 2020, when in fact this shows a failure to meet the 10% reduction target of the '10by20' initiative.

Reports from prisoners confirm that some of the 10by20 strategies are working very well. For example, prisoners report the Work Ready Release Ready program to be very effective - with meaningful engagement designed to cater for individual needs and circumstances. This program involves Work Ready Release Ready mentors being assigned to individual prisoners to assess and understand their skill sets, development and personal needs to break down barriers to employment. The mentor is assigned to work with prisoners for up to one year after release from prison with the aim of finding suitable employment. The Work Ready Release Ready team are engaged in a wide range of employers who have no issue with accepting ex-prisoners into their workforce.

However, reasons for the reduction in recidivism may be more complex than simply attributing the reduction to good rehabilitation strategies. For example, in the period of 2016-2020, the department held a significant volume of prisoners in prison well over their non-parole periods because the DCS failed to have them enrolled in rehabilitation programs prior to their non-parole period expiring. Consequently, given more people were held in prison longer, the reduction in recidivism could at least in part have been attributed to the fact that less prisoners, particularly those deemed high or medium risk of reoffending, were released, thereby assisting the reduction of the possibility of some recidivism over that period.

Furthermore, the impact of COVID lockdowns in the community caused drug supply chains to dry up and reduced opportunities for many types of offending. The implications to recidivism should not be overlooked.

In 2018, the Australian Government Productivity Commission reported that roughly 80% of the South Australian prison entrants had prior experience in adult detention. Commentators have subsequently called into question the apparent improvements in the South Australian prison system, instead arguing that further consideration should be given to alternative assessments. Despite the government's targets, the Productivity Commission's 2019 Report

on Government Services found adults released from prison who returned to prison with a new sentence within two years had increased slightly from 2015-16 to 2017-18.

Annual reports signed off by the Chief Executive for the DCS, David Brown, appear to report a favourable picture about the performance of the Department for Correctional Services, however collateral reports from other credible sources report different. Commentary regarding the progress of the '10by20' initiative and other related issues suggest that areas of concern and opportunities for improvement still remain.

Reports from investigative agencies and regulators such as the South Australian Independent Commission Against Corruption<sup>1</sup> (ICAC) and the State Ombudsman<sup>2</sup> include damning findings inconsistent with the reports of the Chief Executive, particularly with respect to attitudes, values and the culture of prison staff (particularly management) and the discharging of legal duties such as those required under Freedom of Information legislation. The ICAC's report revealed widespread staff conduct issues that included: (i) a widespread resistance to the changes intended by programs such as the Better Prisons Program; (ii) the Blue-shirt code adopted by staff to turning a blind eye to wrongdoing of other staff; (iii) unreasonable sense of entitlement held by staff; (iv) attitudes and behaviour of staff contrary to the standards expected<sup>3</sup>; bullying and harassment by staff.

Reports from the Ombudsman show criticisms toward the South Australian DCS's position with respect to prisoners' access to information about themselves or from the outside world. During 2021, the Ombudsman found the DCS had breached the law in processing hundreds of prisoner applications for information under the *Freedom of Information Act* 1991.<sup>4</sup> Further, in the Ombudsman's 2014/15 annual report, the DCS was criticised for their attempts to block prisoner access to internet services and from any communication to Justice Action, with DCS declaring Justice Action a 'media organisation'.<sup>5</sup>

In their April 2022 report,<sup>6</sup> the Justice Reform Initiative, reported that the South Australian prison population increased by 50% since 2012, drawing a connection to exploitation of the prison system as a default response to offending. These findings were identified as evidence of South Australian prisons operating as a 'cycle of disadvantage', as opposed to a mechanism of rehabilitation and education.

Further to official findings, newspaper and prisoner reports also paint a dim picture compared to that depicted by the Chief Executive in his annual reports. Judicial review proceedings filed by prisoners in the Supreme Court and applications for information under the Freedom of

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<sup>1</sup> Independent Commission Against Corruption SA, *Practices, Policies and Procedures of the Department for Correctional Services* (2021). <[Evaluation of the Practices, Policies & Procedures of the Department for Correctional Services](#)>

<sup>2</sup> See Ombudsman report: Correctional Services, Department for - Final Report [2020] SAOmbRP 13 (22 June 2021). <[view online](#)>

<sup>3</sup> *ibid*, p.61

<sup>4</sup> See Ombudsman report: Correctional Services, Department for - Final Report [2020] SAOmbRP 13 (22 June 2021). <[view online](#)>

<sup>5</sup> Justice Action Website, 'South Australian Ombudsman Supports iExpress'. <<https://justiceaction.org.au/south-australian-ombudsman-supports-iexpress/>>

<sup>6</sup> Justice Reform Commission, 'State of Incarceration - Insights into imprisonment in South Australia' (April 2022). <[IRI SA Report V11.pdf](#)>

Information legislation have spiked over the past 3 or 4 years, sparking suggestions of the Chief Executive and action to further restrict prisoner access to legal avenues to review decisions and restrict prisoner access to documents holding personal information about prisoners.

Prison environments are in many cases poor and are not conducive to the goal of rehabilitation and reduction of recidivism. Prisons are overcrowded and unsafe. Serious prisoner-on-prisoner assaults have more than doubled since 2010 from less than 1 per 100 prisoners to more than 2.39 per 100 in 2021.<sup>7</sup> Case management Coordinators are overworked and under-resourced, resulting in superficial and poor case management of prisoners. Meaningful education and access to computers is undervalued by senior management and relevant resources are stretched or non-existent. Prisoners report that access to educational material is severely restricted.

Some prisons also restrict access to books and magazines, hampering educational and training prospects despite a lack of risk posed by prisoners reading. The lack of single cells denies prisoners the ability to access a quiet zone to undertake self-directed study or homework for treatment programs due to the consequential inability to exercise the deep thinking and reflection required for meaningful learning and rehabilitation through such activity. In some prisons, cells are too small, lack windows, and have poor air conditioning. Such conditions contribute to mental health issues, suicidal tendencies, feelings of isolation, and have the potential to intensify violence by prisoners leading to unsafe conditions not only for prisoners but for staff.

South Australia is also the only jurisdiction in Australia to reject the distribution of the *Just Us* newspaper, a paper aimed not only at providing important political communication to help prisoners exercise their democratic right to vote, but also aimed at promoting access to law and contributing to decreasing feelings of isolation and recidivism. The decision of South Australia to refuse distribution, with no explanation provided, reflects the attitude of exclusion and isolation by the South Australian DCS, which has contributed to the failure to meaningfully reduce recidivism in the state. The refusal to allow distribution of the *Just Us* newspaper is consistent with decisions made by DCS over the past decade to refuse prisoners access to certain educational material or to allow prisoners to undertake study for higher learning.

The Justice Reform Initiative has released a report into the state of incarceration in South Australia, finding that prison is being used as the default response to offences, clear evidence that rehabilitation is not truly being prioritised in South Australia. While offending has decreased in Australia, incarceration has increased as a part of 'tough on crime' approaches to criminal justice. So called 'tough on crime' approaches by governments have been proven time and time again to fail at meaningfully reducing offending and recidivism.

South Australia's goal of reducing recidivism is an important one, however thus far the programs and approaches taken by the government have had at best mixed results. A serious

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<sup>7</sup> Productivity Commission, 'Report on Government Services 2022, Corrective Services' (2022). <[8 Corrective services - Report on Government Services 2022 - Report on Government Services Productivity Commission \(pc.gov.au\)](#)>

attempt at reducing recidivism requires a strong focus on rehabilitation, not on punitive tough on crime justice which serves only to perpetuate cycles of disadvantage and criminality.

Australians, the concerning growth in the proportion of female prisoners and an increasingly prevalent trend of alleged offenders being held on remand. These issues are considered in relation to the allocation of funds within the South Australian prison system, finding that issues within prisons are underpinned by inadequate allocation of financial resources. The role of Government with particular respects to the 10by20 initiative and its specific strategic directions are discussed. This report then analyses the efficacy of South Australian Prisons in relation to relevant outcomes and the official presentation of the SA government. Subsequently, recent commentary regarding South Australian prisons is considered.

## 1. Background Information

### 1.1. Prisoners in South Australia

In recent decades, the South Australian prison population has rapidly increased.

- There has been a 7% increase in prison numbers during 2017-2018.<sup>8</sup>
- There has been a 52% growth in prison numbers over the past 10 years.<sup>9</sup>
  - More than 4/10 of prisoners will reoffend within two years.<sup>10</sup>
- In 2016, there were 2,954 prisoners in the adult correctional facilities.<sup>11</sup>
- As of December 2022, there were 3,116 in adult correctional facilities.<sup>12</sup>
- According to Table 8A.11, in 2021-2022 SA had the lowest rate of prisoners who had achieved higher education, at only 0.1% (equal only to NSW)<sup>13</sup>
- According to Table 8A.13, in 2021-2022 SA had the lowest rate of time prisoners spent out of secure cells, at only 7.7 hours/day<sup>14</sup>
- According to Table 8A.17, in 2021-2022 SA had the highest rate of deaths due to unnatural causes among Indigenous inmates, per 100 prisoners, at 0.14%<sup>15</sup>
- According to Table 8A.19, in 2021-2022 SA had the lowest total net operating expenditure per prisoner, at \$303.11<sup>16</sup>

### 1.2. Rehabilitation Rationale

Rehabilitation seeks to reform criminal offenders and their behaviour with the goal of reducing reoffenders.

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<sup>8</sup> Australian Bureau of Statistics, *South Australia Snapshot at 30 June 2016* (7 December 2016). [<view online>](#)

<sup>9</sup> SA DCS, above n 2, 8.

<sup>10</sup> Eccles, David, *Why Jailing Is Failing South Australia* (May 27, 2022) InDaily

<sup>11</sup> SA DCS, *10 by 20: Strategic Policy Panel Report* (2016), Government Report 15.

<sup>12</sup> *Corrective Services, Australia, December Quarter 2022* Australian Bureau of Statistics

<sup>13</sup> *C Justice C Justice - Report on Government Services 2023 - Productivity Commission Justice Data Tables*, 8A.11.

<sup>14</sup> *Ibid* 8A.13.

<sup>15</sup> *Ibid* 8A.17.

<sup>16</sup> *Ibid* 8A.19.

### 1.3. Prisons in South Australia:

There are 9 prisons in South Australia<sup>17</sup>:

- Adelaide Women's Prison can accommodate up to 232 female prisoners in remand and sentenced with high, medium and low risk security classifications.<sup>18</sup>
- The Cadell Training Centre can accommodate up to 204 low security prisoners.<sup>19</sup>
- The Mobilong Prison can accommodate up to 472 prisoners.<sup>20</sup>
- The Port Augusta Prison can accommodate up to 617 high, medium and low security prisoners.<sup>21</sup>
- The Port Lincoln Prison can accommodate up to 178 medium to low risk security prisoners.<sup>22</sup>
- The Yatala Labour Prison can accommodate up to 576 high, medium and low male security prisoners.<sup>23</sup>
- The Mount Gambier Prison can accommodate up to 653 medium and low male security prisoners.<sup>24</sup>
- The Adelaide Pre-release Centre can accommodate up to 84 mixed gender low security prisoners.<sup>25</sup>
- The Adelaide Remand Centre can accommodate up to 274 male high security prisoners.<sup>26</sup> Currently there are no employment, educational or training opportunities for those held on remand<sup>27</sup>. It is important to offer such services to these individuals whilst awaiting trial, as trial lengths may be excessive.

Many prisons claim to be providing educational and work opportunities for prisoners with the purpose of rehabilitation.

- The General Secretary of the Public Service Association of South Australia union, Neville Kitchin, said that although Mobilong Prison is intended to accommodate only low-risk prisoners, overcrowding of SA prisons has led to unsuitable, high-risk prisoners being sent directly to Mobilong. 'Mobilong prisoners are expected to follow a daily work structure...suicidal and violent prisoners would not mix in.'<sup>28</sup>
- The Work Ready, Release Ready Program (WRRR) is being implemented in Cadell low-security prison northeast of Adelaide, with much success. The WRRR 'assigned

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<sup>17</sup> South Australia Department of Correctional Services (SA DCS), *SA Prisons* (2010) <<http://www.corrections.sa.gov.au/sa-prisons>>.

<sup>18</sup> SA DCS, *Adelaide Womens Prison* (2022)

<<https://www.corrections.sa.gov.au/prison/prison-locations/adelaide-womens-prison>>.

<sup>19</sup> SA DCS, *Cadell Training Centre* (2022) <[Cadell Training Centre](#)>

<sup>20</sup> SA DCS, *Mobilong Prison* (2022). <[Mobilong Prison](#)>

<sup>21</sup> SA DCS, *Port Augusta Prison* (2022). <[Port Augusta Prison](#)>

<sup>22</sup> SA DCS, *Port Lincoln Prison* (2022). <[Port Lincoln Prison](#)>

<sup>23</sup> SA DCS, *Yatala Labour Prison* (2022). <[Yatala Labour Prison](#)>

<sup>24</sup> SA DCS, *Mount Gambier Prison* (2022). <[Mount Gambier Prison](#)>

<sup>25</sup> SA DCS, *Adelaide Pre-release Centre* (2022). <[Adelaide Pre-release Centre](#)>

<sup>26</sup> SA DCS, *Adelaide Remand Centre* (2022). <[Adelaide Remand Centre](#)>

<sup>27</sup> University of New South Wales School of Arts and Social Sciences, *Submission to Productivity Commission Inquiry: Data Availability and Use* (July 2016), Research Report 5.

<sup>28</sup> Emmalie Balnaves-Gale, 'Overcrowding in SA prisons a concern for Mobilong', *Murray Valley Standard* (online), 10 April 2017. <[view online](#)>

inmates to a mentor to develop an employment plan, helping them achieve skills for a job, and provided them with ongoing support for up to one year after their release. The program's manager, Melisa Buttery from Workskil Australia said the primary obstacle was for the mentor to persuade a potential employer that a prisoner would be an appropriate employee.

- 'South Australia prison uses Azure and Office 365 to reduce reoffending' by Elly Yates-Roberts, *The Record* (April 30 2019): By using Microsoft, the SADCs has 'deployed a cloud-based computing network and educational software to help prisoners learn [...] The solution also ensures consistency across all the prisons to provide the same training materials and content.'<sup>29</sup> Henry Pharo, director of Offender Rehabilitation Services at SADCs, stated that they are 'also using the system to support our training for numeracy and literacy, using computer-aided learning. Previously, it was very much paper-based.'

## 2. Existing Problems

### 2.1 Supreme court rules decision making process of prisoner case management unlawful

During March 2023, the Chief Justice of the Supreme Court of South Australia ruled on a judicial review hearing that was held around December 2021 (see ***Webb v Department for Correctional Services***).<sup>30</sup> The proceedings were instituted by a prisoner, Richard Webb. Mr Webb was denied legal aid and so was unrepresented. Without any formal training in public speaking, legal processes or legal principles, Mr Webb proved that the Serious Offender Committee (SOC) for the Department For Correctional Services had failed to provide procedural fairness in two of his annual case management reviews.

For many years prisoners have held that the SOC had been making unlawful decisions given their secretive nature and use of documents and information unknown to the prisoner. Rather than base their decisions on fact, the SOC have essentially been getting away with making many untenable decisions based on personal agendas rather than merit on facts. Due to the inability for prisoners to obtain legal aid for judicial review proceedings, they have been left to attempt to learn the law for themselves without adequate resources. The lack of legal training of prisoners meant that the SOC have been able to avoid accountability for many years. Mr Webb's result was the culmination of a number of prisoners efforts made over the last 5 years in relation to unlawful practices in prisoner case management.

The head of the SOC has the title of Executive Director of Offender Management for Correctional Services. Documents obtained by prisoners through Freedom of Information and other unrepresented judicial review proceedings are claimed to reveal that the Executive Director has deliberately omitted cogent and relevant information from consideration when making decisions against certain prisoners, and made irrational decisions when considering the evidence, and used the case management process as a smoke screen for attempting to manage other legal liabilities brought against Correctional Services by prisoners (see also ***Vansetten v The State of South Australia***).<sup>31</sup>

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<sup>29</sup> Elly Yates-Roberts, 'South Australia prison uses Azure and Office 365 to reduce reoffending', *The Record* (online), 30 April 2019. <[view online](#)>

<sup>30</sup> <http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/sa/SASC//2023/29.html>.

<sup>31</sup> <http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/sa/SASC/2020/158.html>.

Essentially, the recent judgement in *Webb v Department for Correctional Services* proves the Serious Offender Committee has been making unlawful decisions against prisoners since its formation around 14 years ago. That would equate to 1000s of unlawful decisions. Thanks to the efforts of a number of prisoners, some of which who were personally threatened and suffered consequences in the form of victimisation from Correctional Services management due to the legal pursuits against DCS, the prisoners can now attend Serious Offender discussions where the decisions are made on their case reviews. Essentially, this is the start of the end to the secret decision making process by the SOC, and the use of secret information against prisoners.

## **2.2 Poor management of long-term prisoners promoting institutionalisation**

A number of long serving prisoners are affected by refusal of Correctional Services to provide access to meaningful activities to promote rehabilitation and reintegration.

Two examples of this treatment are seen when reviewing the circumstances of prisoners Michael (Mick) Fyfe and James (Jim) Early. Both have now served over 30 years in prison, and despite showing appropriate behaviour for decades, neither have progressed to a low security prison.

Mick Fyfe has been in solitary confinement for over 27 years, and allowed only one hour a day out of his cell. He was recently moved from solitary confinement to Port Augusta Prison for reintegration into mainstream prison, however a recent newspaper has reported that he has actually been put in conditions harsher than the conditions he was in. He now does not even have access to a pencil, and given Port Augusta Prison is 300 km from Adelaide, visitor access to him has been severely hindered.

Jim Earley, now in his 60s, was incarcerated in 1989 and convicted of murder after shooting a man who had invaded and threatened a woman in the presence of her young child. Jim received a 14 year non parole period, however, political interference saw that extend out to 23 years. He was released briefly around 2013 - to a community house that was across the road from a pub, but was re-arrested after confronting people who were urinating on his car. Jim has since been accepted for release on parole (in 2016), however, he was also flagged at that time for deportation to Ireland. Given he has been in Australia since he was 7 years old, his only family ties or personal supports are those in Australia. He also has health issues that put him a risk of flying. He has therefore refused parole and will likely spend the rest of his life in prison. He has no access to any personal development or educational programs in the prison he is in. He states he would not cope in the community given the reliance one needs on technology in today's society.

## **2.3. Increased Recidivism Rate in South Australia**

Recidivism refers to offenders that 'return to correctional services, either through community corrections or prisons within two years'.<sup>32</sup>

- In 2021-2022, South Australia's recidivism rate was 33.9%, which was the second lowest rate among Australian territories. The lowest was Western Asutralia, at 30.8%<sup>33</sup>
- In South Australia, during 2018 roughly 80% of prison entrants had previously been in adult detention.<sup>34</sup>

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<sup>32</sup> Government of South Australia Department for Correctional Services (GSADCS), *10by20: Strategic Policy Panel Report* (Report, 2016) 8.

<sup>33</sup> *C Justice* C Justice - Report on Government Services 2023 - Productivity Commission Figure C.3.

<sup>34</sup> *Ibid*, 43.

#### 2.4. Problematic Behaviour of Staff of Correctional Services

Despite claims by the Chief Executive of the DCS with respect to staff training and relevant initiative, the true culture was revealed in 2021 after the Independent Commissioner Against Corruption for South Australia (ICAC) conducted an Evaluation of the Practices, Policies and Procedures of the DCS.<sup>35</sup> In the final report, which was tabled in South Australian Parliament during July 2021, the ICAC confirmed a raft of concerning conduct by staff of the DCS, including: (i) a widespread resistance to the changes intended by programs such as the Better Prisons Program<sup>36</sup>; (ii) the Blue-shirt code adopted by staff to turning a blind eye to wrongdoing of other staff<sup>37</sup>; (iii) unreasonable sense of entitlement held by staff<sup>38</sup>; (iv) attitudes and behaviour of staff contrary to the standards expected<sup>39</sup>; bullying and harassment by staff<sup>40</sup>. Comments confirming staff behaviour cited by the ICAC in that report included:<sup>41</sup>

- ‘the [staff on staff] prison environment was described to me as ‘a school yard culture in prisons – you have to fit in and if not, you are ostracised.’
- ‘I believe the culture of the operational areas is long standing and is difficult to shift. There are deeply embedded patterns of behaviour, unwritten rules and a disregard for management and indeed the public sector...’
- ‘The blue code was originally, if an officer had to restrain a prisoner and in the heat of the moment you do a little bit too much – you keep quiet as it’s in the heat of the moment. Nowadays this means you protect anything - now the blue code is accepting all forms of bad behaviour to protect peers.’
- ‘On my first day as a correctional officer I was told by another officer to ‘forget what you’ve learned over the last 3 months and remember the blue code’. The blue code basically meant that you support your partner and never write up an officer’
- ‘There is a view that you ‘get promoted when you are due’ rather than when it is deserved or earned.’
- ‘Unfortunately we do have a few people that maintain a manipulative and bullying attitude and this ruins our ability to have a safe and drama free work environment’
- ‘Bullying is accepted. There is a known bullying ‘rat pack’ that is even spoken of during initial induction training and it is accepted that these bullies exist and nothing is ever done to stop it. If reported the person reporting gets victimised and alienated even more’
- ‘You don’t have to worry about the prisoners – worry about the officers.’

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<sup>35</sup> Independent Commission Against Corruption SA, *Practices, Policies and Procedures of the Department for Correctional Services* (2021). <[Evaluation of the Practices, Policies & Procedures of the Department for Correctional Services](#)>

<sup>36</sup> *ibid*, p.57.

<sup>37</sup> *ibid*, p.58.

<sup>38</sup> *ibid*, p.60.

<sup>39</sup> *ibid*, p.61

<sup>40</sup> *ibid*, p.62.

<sup>41</sup> *ibid*.

The findings were reported in an article in the Advertiser Newspaper which confirmed that 40% of survey respondents admitted to witnessing abuse of power, while 25.4% saw inappropriate staff relations with prisoners.<sup>42</sup>

## **2.5. Unlawful and Wrongful Discharge of Freedom of Information Applications**

During 2020 and 2021 the Ombudsman conducted an Own Initiative Investigation to determine whether the DCS had processed hundreds of prisoners' applications for information (under the Freedom of Information Act 1991) lawfully.<sup>43</sup> In publishing his report, the Ombudsman stated that:<sup>44</sup>

'As individuals who are regularly, and often significantly, affected by government decision-making, prisoners' right to information is particularly important. I understand that most FOI applications by prisoners request access to documents concerning their custody and management,<sup>[1]</sup> and that departmental policy occasionally prohibits access except by application under the FOI Act.<sup>[2]</sup> However, unlike the general public, prisoners have limited options to seek advice about the FOI Act, and must often rely on written communication by post in order to make an application and respond to the department in the course of an application's progress.'

The Ombudsman's final view was that the DCS:<sup>45</sup>

- 1) acted in a manner that was wrong when it failed to acknowledge receipt of [prisoner] applications within a week or at all;
- 2) acted in a manner that was wrong when it sought clarification from [prisoner] applicants after it had received the application;
- 3) Acted in a manner that appears contrary to law when it failed to take reasonable steps to assist [prisoner] applicants to clarify the terms of their applications;
- 4) Acted in a manner that was wrong when it requested that [prisoner] applicants reduce the scope of their applications more than 14 days after the department had received applications;
- 5) Acted in a manner that was based on a mistake of law when it simultaneously considered sections 13(d) and 18(1), and applied sections 15 and 18(2), of the FOI Act;
- 6) Acted in a manner that was based on a mistake of law when it relied on a two hour threshold to assist [prisoner] applicants to reduce the scope of their applications;
- 7) Acted in a manner that appears contrary to law when it was required by section 18(2) of the FOI Act to issue formal notices of refusal but failed to do so.

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<sup>42</sup> Patrick James and Gabriel Polychronis, 'ICAC survey reveals 'concerning' bullying culture within SA Department of Corrections', *The Advertiser* (online) 24 June 2021.

[<ICAC survey finds bullying is accepted in Department of Corrections | The Advertiser>](#)

<sup>43</sup> See Ombudsman report: Correctional Services, Department for - Final Report [2020] SAOmbRP 13 (22 June 2021). [<view online>](#)

<sup>44</sup> See Ombudsman report: Correctional Services, Department for - Final Report [2020] SAOmbRP 13 (22 June 2021). [<view online>](#)

<sup>45</sup> See Ombudsman report: Correctional Services, Department for - Final Report [2020] SAOmbRP 13 (22 June 2021). [<view online>](#)

Many of these failures appear to be a result of a combination of poorly trained staff and the influx in prisoner applications for information since 2017. This influx is reported by prisoners to be due to a culture of secrecy by the DCS combined with prisoners increasingly identifying an increase in staff recording inaccurate information in prisoner records. Rather than seek to address the core issue, the Chief Executive has recently introduced a new policy, during December 2021, that prevents nearly all prisoners from obtaining a fee waiver for Freedom of Information applications. Most prisoners are now forced to have to pay around \$38.50 for each document they wish to access - a fee that most cannot afford given the average weekly prison wage is around \$30.00. A raft of prisoner complaints are now before the Ombudsman with respect to the new policy regarding fee waivers.

## **2.6. Reports Coming from the Prisoners of Poor Case Management Practices**

Many prisoners report issues with the case management process that include:

- a failure to disclose adequate information to know how the case management system works;
- a failure to advise prisoners that they make written submissions for decisions in their case management;
- under-resourced case management coordinators resulting in superficial case reviews being common practice. In one report a prisoner confirms that he and two other prisoners were called to the office of their case management coordinator (CMC) for their once a year case review at the same time, just 20 minutes before a prison lockdown was scheduled. The CMC had intended to complete all three case reviews in that 20 minutes (one at a time). When one prisoner presented his written submission document for review by the CMC, the CMC looked at his watch and said there was no time to review the submission, he would simply put that submission on file. Without an adequate understanding that particular prisoner's efforts during the previous 12 months, the CMC then confirmed the recommendation he would make for the outcome of the case review;
- decisions on case reviews are being made by a committee, the Serious Offender Committee, based on inadequate, incomplete and inaccurate reporting by staff;
- legal requirements for procedural fairness are often breached in the decision-making process of case reviews, with reports that some CMC's and senior management openly state to prisoners that they 'have no rights', not even the right to procedural fairness, because they are prisoners.

A statement from one long-term prisoner appears to summarise the culture accepted by senior management relating to these issues:<sup>46</sup>

'The case review process is nothing more than a tick box process. There is an inherent lack of transparency provided to prisoners about the reports and information being held and

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<sup>46</sup> Statement from prisoner about advice he received from senior manager of Mobilong Prison during a case review held in 2021.

considered by the DCS when they make decisions on prisoners. A senior manager at Mobilong Prison told me that the Serious Offender Committee knows what decision they are going to make on a particular prisoner's case review before the review is held and prior to any submissions being considered, and that case management coordinators cannot be seen to make recommendations outside these predetermined decisions. Senior management, including executives within the DCS, have no respect for the law regarding prisoners' right to procedural fairness in government decision-making. Secrecy, capriciousness and arbitrariness appear to be the order of the day.'

## **2.7. Concerns Regarding Handling of 2016 Aboriginal Death in Custody, Wayne Fella Morrison.**

In 2020 the Ombudsman finalised a report of his Own Initiative investigation that focused on DCS staff actions before and after Mr Morrison's death.<sup>47</sup> In his findings, the Ombudsman included the following statement:

'In my view, Mr Morrison's family were not treated with the openness, frankness and sensitivity that they deserved. It is not at all surprising that Mr Morrison's family appeared to regard the department's actions with suspicion. The department's actions did not instill confidence or trust in its dealing with Aboriginal prisoners in custody.'

The Advertiser Newspaper later reported that Acting General Manager of Yatala Prison at the time of Mr Morrison's death, Darren Hosking, refused to apologise to Mr Morrison's family despite recommendation from the Ombudsman to do so, with respect to issues surrounding their treatment at the time of Mr Morrison's death.<sup>48</sup> Darren Hosking was later promoted to General Manager of Mobilong Prison.

## **2.8. Increased Representation of Indigenous Prisoners**

- Indigenous South Australians are incarcerated approximately 10 times more than their non-Indigenous counterparts.<sup>49</sup>
- Aboriginal and Torres Strait Islanders (ATSI) make up 19 per cent of the adult prison population in South Australia,<sup>50</sup> even though they comprise of 2.3% of the South Australian population.<sup>51</sup>

## **2.9. Increased Representation of Women Prisoners**

- Approximately 7% of the adult prison population are women.<sup>52</sup>

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<sup>47</sup> Ombudsman SA: Department for Correctional Services - Various issues before and after the death of an Aboriginal prisoner (2020). <[Department for Correctional Services – Various issues before and after the death of an Aboriginal prisoner | Ombudsman SA](#)>

<sup>48</sup> Jordanna Schriever, 'Prison boss Darren Hosking declines to apologise to family of Wayne Fella Morrison in court', *The Advertiser* (online), 28 May 2021. <[Prison boss Darren Hosking declines to apologise to family of Wayne Fella Morrison in court](#)>

<sup>49</sup> Australian Bureau of Statistics (ABS), above n 21.

<sup>50</sup> Mark Hansley, 'State of imprisonment: South Australia's prisoner numbers soar, with just 10% of budget for rehab', *The Conversation* (online), 14 April 2015 <[State of imprisonment: South Australia's prisoner numbers soar, with just 10% of budget for rehab](#)>.

<sup>51</sup> ABS, *Estimates of Aboriginal and Torres Strait Islander Australians, June 2011* (27 January 2016) <[Estimates of Aboriginal and Torres Strait Islander Australians, June 2016](#)>.

<sup>52</sup> Department for Correctional Services, *Annual Report 2015-16* (2016), Government Report 44.

- Since 30 June 2015, there has been an increase from 24 to 28 prisoners per 100,000. These imprisonment rates for women have been the highest in South Australia in the past decade.<sup>53</sup>

### 2.10. Increased Remand Population

- Unsentenced prisoners held in remand made up 41% of the adult prison population. This was the highest remand population in South Australian history and nationally during 2015-2016.<sup>54</sup>
- To accommodate the rising remand population, unsentenced prisoners are being held in police cells and are driven around in transit vans.<sup>55</sup>
- In August 2019, the Adelaide Remand Centre management's first budget was finalised in 2018. Minister for Correctional Services Corey Wingard maintains that privatisation is a cost-efficient initiative, reducing expenditure by \$5-6 million a year. However, privatisation of prisons has reported issues of overcrowding and administrative corruption, further deteriorating the mental and physical health of prisoners.

### 2.11. Ineffectively Used Funds

- During 2017/18, a prisoner access computer network was installed with the intention of enabling prisoners better access to education and improved computer skills. However, a large majority of these computer terminals sit idle as prisoners are repeatedly denied access. For example, a new policy was introduced at Mobilong prison during February 2022 that saw prisoners' general access to these computers reduced to just 2 hours per week maximum, and only on Fridays, and this is only if the prisoner seeking such access is not rostered to work during that 2 hour window. Classes not requiring computer access are often run in the classrooms that house the computers, leading to computer terminals sitting unused for a majority of time.
- In 2013-2014, it cost \$266.3 per day to keep an inmate in prison. This amounts to approximately \$100,000 per year to keep one person incarcerated.<sup>56</sup>
- In 2015, it cost South Australian corrections approximately \$180 million per year<sup>57</sup> to operate South Australian prisons.
- 76% of the total corrections budget was spent on security and custodial programs, 13 per cent was spent on community-based programs and only 11% was spent on rehabilitation.<sup>58</sup>
- Financially, prisons are costing taxpayers \$361 million a year, equating to \$80,289 per adult prisoner.<sup>59</sup>

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<sup>53</sup> ABS, above n 8.

<sup>54</sup> ABS, above n 5.

<sup>55</sup> Candice Keller, 'State's prisons full, a third on remand', *In Daily* (online), 12 December 2014. <[view online](#)>

<sup>56</sup> Productivity Commission for the Steering Committee for the Review of Government Service Provision, above n 11 560.

<sup>57</sup> Hansley, above n 6.

<sup>58</sup> Department for Correctional Services, above n 13.

<sup>59</sup> Eccles, David, *Why Jailing Is Failing South Australia* (May 27, 2022) InDaily

## 2.12. What the media says

- 12/04/2022: Adelaide independent news reported that the Justice Reform initiative released a report into the “state of incarceration” in South Australia, providing new strategies to cut recidivism and reduce rates of incarceration<sup>60</sup>. The report states that “the SA prison population has grown by almost 50% since 2012” as a result of the exploitation of the prison system as a default response to offending. This is evidence that rehabilitation is not being prioritised as it should and incarceration is being used as a scapegoat rather than a mechanism of rehabilitation and education, creating a “cycle of disadvantage”.
- Dr Ron Wilson, prison education expert, published a book on prison reform. He calls for critical analysis of who is being incarcerated and for what reasons. If there are people in prisons who are not a threat to the community, do they need to be imprisoned? What are beneficial alternatives<sup>61</sup>?
- Offending decreasing (fell 18% nationally since 2020) and incarceration increasing (rose 25% since 2020). This is explained to be the result of “tough on crime” government policy, which has cost tax-payers \$13.5 billion more<sup>62</sup>.
- In August 2021, the Advertiser reported the suspension of 3 South Australian prison officers after they became embroiled in a New South Wales police inquiry involving a former employer of Correctional Services, who had become a police officer in New South Wales, and grisly crime scene photos.
- In July 2021, the Advertiser reported that a prison officer had been stood down after he was charged with indecently assaulting three co-workers after a staff Christmas party. Officer Craig Norman Campbell, 47, faced five counts of indecent assault over the alleged incident after a function at The Barracks complex, Port Augusta, on December 15, 2018. The Advertiser revealed the alleged victims – all aged in their 20s and no longer working at the prison – did not report the incident to police until July 2020, saying they feared they would not have the Correctional Services Department’s support. One of the alleged victims of the indecent assault said she eventually resigned because of what she described as the lack of response from the prison. The alleged victim claimed she was harassed by people at the prison about the incident and resigned in May 2020. “I was scared that we would face a lot of backlash for reporting another officer due to the ‘blue-shirt code’ and that we would not have the support of (the Correctional Services Department) if we did,” the alleged victim said. “They all just laughed it off because that’s the culture out there. “I was there a year and a half after it (allegedly) happened, and I just walked out ... because I just couldn’t be around (the bullying) anymore. It was disgusting and mentally really affected me.” “I’ve had multiple occasions where I’ve felt in a day I’ve received 10 times more respect from the prisoners I’m working with than my fellow colleagues.”

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<sup>60</sup>In Daily, Call to Rehabilitate SA prison system (April 12, 2022). <[view online](#)>

<sup>61</sup>Alicia Naily and Rebecca Levington (March 23, 2022) Justice Reform Initiative wants prison reform to support vulnerable community members. <[view online](#)>

<sup>62</sup>Rick Sarre (October 22, 2021) Australia’s prison rates are up but crime is down. What’s going on? <[view online](#)>

The woman said she had developed anxiety and depression since starting work at Port Augusta Prison five years ago. Multiple other current and former employees have told The Advertiser managers at the prison did not support officers. “It’s not the prisoners you worry about there, I never had an issue with it. It’s the staff,” a male prison officer said.<sup>63</sup>

- In March 2021, the Advertiser published a story about prisoner James Earley, one of the longest serving prisoners in South Australia who had served 32 years after being given a 14 year non-parole period dating back to 1989. Mr Earley had sent a letter to the Attorney General of South Australia, Vicky Chapman, pleading for her to intervene in his matter to assist him in gaining legal aid to fight a deportation order. Mr Earley confirmed that he was 59 and after spending 32 years in prison “I still have not received adequate treatment to prepare for a successful reintegration into the community, whether that be here in Australia or abroad in Ireland – I expect problems reintegrating and therefore do not intend to accept parole. “As the law stands, I will spend the rest of my life here [in prison, despite the Parole Board confirming he is suitable for parole].”<sup>64</sup>
- In March 2021, the Advertiser reported child sex charges laid against two men including a high ranking Correctional Services officer. The charges against the high ranking officer included two counts of producing child exploitation material, one count of indecent filming, one count of aggravated possession of child exploitation material and one count of disseminating child exploitation material.<sup>65</sup>
- In December 2020, the Advertiser reported that ‘seven prisoners have this year launched Supreme Court action challenging Parole Board decisions, prompting top-level talks aimed at tightening eligibility for such moves’ and that ‘such reviews have been a legal rarity until this year.’ Rather than seek to address the core issues resulting in the influx in judicial review proceedings, and seemingly forgetting that prisoners cannot undertake any remunerated employment when in custody, the Chief Executive went on to say that ‘it may be questionable if the prisoners would take such action if they had to fund it themselves’ and that ‘I expect I will have further discussions with the Minister on’.<sup>66</sup>
- In March 2020, the Advertiser reported that an SA public servant charged with corruption had been identified as Correctional Services officer Luke Walter Burns. It was said in earlier articles that authorities raided at least nine properties after an

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<sup>63</sup> Dixie Sulda and Nigel Hunt, ‘Port Augusta prison officer charged with indecently assaulting three female co-workers’, *The Advertiser* (online), 9 July 2021. <[view online](#)>

<sup>64</sup> Nigel Hunt, ‘After 32 years in prison, murderer James Patrick Earley refuses parole because he’s facing deportation’, *The Advertiser* (online), 14 March 2021. <[view online](#)>

<sup>65</sup> Nigel Hunt & Sean Fewster, ‘Two SA men charged with child sex offences – one is Ben Waters, an adviser to MP Nat Cook, the other a senior Corrections officer’, *The Advertiser* (online), 31 March 2021. <[view online](#)>

<sup>66</sup> Nigel Hunt, ‘Crims bill taxpayers to take on Parole Board’ *The Advertiser* (online), 7 December 2020, p.4.

“extensive and long running” inquiry into alleged criminal fixing of a \$150 million Yatala Labour Prison redevelopment in northern Adelaide.<sup>67</sup>

- In April 2018, the Advertiser Newspaper reported that a female prison guard, Sharon Stretton, exchanged 168 calls and 1237 text messages on a mobile phone that she smuggled into Cadell Training Centre. The officer had also smuggled alcohol, clothing and food to the prisoner and was convicted in the District Court for introducing a prohibited item into the prison. Stretton received a four month suspended jail sentence for her crimes.<sup>68</sup>
- In 2016, it was found that Women prisoners’ in Adelaide’s Womens Prison were denied basic hygiene products due to levels of overcrowding<sup>69</sup>. It is thus important to use taxpayer money effectively, by creating programs to make sure that the 46% recidivism rate is reduced, and the offenders are adequately rehabilitated. This will not only accommodate the growing number of prisoners entering into prison, but will also help the offender effectively reintegrate back into society.
- In 2014, the Advertiser reported of a prison crisis that had taken a dramatic turn with rank-and-file prison officers unanimously supporting a vote of no confidence in Correctional Services chief executive David Brown. It was reported that ‘the unprecedented move follows several months of increasing tensions between the officers and management. Issues include chronic prison overcrowding and unnecessary expenditure while staff numbers are being cut to meet budget cuts.’<sup>70</sup>
- In 2014, a South Australian prison inmate from Port Augusta Prison, claimed that prison authorities are not allowing inmates to access educational books in their cells, including dictionaries. It was also stated that the prison libraries are understocked and are not updated<sup>71</sup>. As prisoners are in their cells for approximately 18 hours a day, they should be allowed to access educational materials as this would keep them occupied. This would be a positive, active move towards rehabilitation in prison, allowing the prisoner to be a model citizen once released. Similarly, instead of only 10% of the corrections fund being spent on rehabilitation, it would be more effective for more funds to be allocated to the rehabilitation and reintegration of the prisoner. A prisoner being rehabilitated in prison will subsequently reduce the recidivism rate.

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<sup>67</sup> Sean Fewster, ‘SA public servant charged with corruption identified as Correctional Services officer Luke Walter Burns’, *The Advertiser* (online), 4 March 2020. <[view online](#)>

<sup>68</sup> Meagan Dillon, ‘Guard and inmate in texting romance’, *The Advertiser*, 6 April 2018.

<sup>69</sup> Sean Fewster, ‘State Government announces 21 million funding increase to create more beds in Adelaide and Mt Gambier Womens prisons’, *The Advertiser* (online), 12 December 2016. <[view online](#)>

<sup>70</sup> Nigel Hunt, ‘Prison officers unanimously support no confidence motion against CEO’, *The Advertiser* (online), 5 September 2014. <[view online](#)>

<sup>71</sup> Sean Fewster, ‘SA prison inmates claims jails are denying access to educational books and dictionaries’, *The Advertiser* (online), 21 June 2014. <[view online](#)>

### 3. Information and Communication Technology (ICT)

According to information cited in the paper published by the Australian Institute of Criminology, 'Trends and Issues in Crime and Criminal Justice: Prisoner use of information and communications technology':<sup>72</sup>

...the restricted access [prisoners] have to [ICT] is a form of censure that renders them second-class citizens in the Information Age.

And goes on to say:

However, this situation is rapidly changing and technological innovation is now one of the key issues facing correctional managers. There is a growing recognition that appropriate use of available and emerging ICT has the potential to positively alter the delivery of institutional corrections, not least by improving prisoners' use of time and achieving rehabilitation and wellbeing outcomes.

#### 3.1. ICT in South Australia

Currently prisoners in SA have no access to ICT for communication. Very limited access to computers is provided but this access is not for communication, rather it is to facilitate education and personal letter writing. The DCS categorise preparing legal documents as 'personal letter writing'.

Prisoners in SA have no access to in-cell computers at all. Prisoners must therefore rely on being able to access education centres within the prison to access computers.

Prisoner access to computers varies from prison to prison, as well as from unit to unit within each prison. This depends on the regime of the unit in which a prisoner resides. Some regimes facilitate none to very little access to education centres, while others facilitate reasonable access.

The computers in the education centre have highly restricted access to an intranet. The intranet offers very basic software, such as Microsoft Office and some learning apps that assist with basic numeracy and literacy, however offers no access to tertiary colleges or university, nor to any higher learning material, nor to any rehabilitation programs, nor email communication.

The DCS often misrepresent the amount of access prisoners have to computers as being more favourable than reality. Even best-case scenarios do not allow for regular disruptions to prisoner access to education centres, such as staff shortages and prison lockdowns, which ultimately prevent prisoners from accessing computers. Further, prisoner employment often occurs during the hours of education centre operation. Prisoners employed at such times do not get access to computers.

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<sup>72</sup> Kerr A and Wills M (2018), Trends & Issues in Crime and Criminal Justice: Prisoner use of information and communications technology', Issue No. 560, p1. <[Prisoner use of information and communications technology \(aic.gov.au\)](#)>

Prisoners enrolled in education (Educational Use) may use computers for class exercises only. Positions in education are extremely limited and prioritise people who have very low numeracy and literacy skills. For example, Mobilong Prison has a population of around 460 prisoners but has approximately 32 to 40 positions available for education courses. Despite these numbers appearing to be reasonable, the infrastructure of the education facilities causes many computer terminals to remain unused most of the time. For example, three out of four classrooms at Mobilong are used for programs that require little to no computer use by participants. No other prisoner can enter these classrooms during class periods to access these unused computers. Therefore, these terminals remain unused for most of the time.

The lack of ICT in cells prevents many more prisoners engaging in education during times of lockdown and other spare time. A limited number of vocational training courses run at most prisons at various times throughout the year, although the intake numbers are low due to limited resources. These courses often require no or very little access to computers, however they are often conducted in the classrooms where the computers are located. Many computer terminals therefore remain unused and inaccessible to prisoners in need of computer access.

Prisoners seeking access to computers for any other reason (Private Use), whether to practice typing skills, conduct self-directed study, prepare legal documents, prepare personal letters and other documents (including for legal matters when prisoners have no legal representation), have very little or no access to computers for such. Sources from within various prisons confirm Private Use access to computers as follows, stated in terms of worst-case and best-case scenarios:

Prison	Unit (and population)	Hours of computer access per week for 'Private Use' (least to most)	Hours spent in cell (average per day)
Yatala Labour Prison	B-Division (approx. 240 prisoners)	0 to 4	18-20
	F-Division (approx. 280)	0 to 8	12-18
	High Dependency Unit	unknown	unknown
	G-Division	0	23
Port Augusta Prison	Bluebush & Greenbush Units (approx. 250 prisoners)	0	18-22
	Wattle & Spinifex Units (approx. 160)	0	12-16
	Saltbush Unit	unknown	12

	(approx. 128)		
	Banksia Unit (approx. 90)	0	16-18
Adelaide Remand Centre	Entire prison (approx. 270)	0	16
Mobilong Prison	Sturt Unit (approx. 60 prisoners)	0	16-18
	Light Unit (approx. 70)	0 to 2	16-18
	Angus and Murray Units (approx. 150)	0 to 2	12-16
	Eyre Unit (approx. 90)	0 to 2	12-16
	Ross Unit (approx. 86)	0 to 2	12-16
Mount Gambier Prison	A & B Blocks (approx. 140 prisoners)	unknown	12
	C & D Block (approx. 120)	0 to 10	12
	EFG Unit (approx. 120)	0 to 20	12
	Houses Area (approx. 120)	unknown	12
	Kanawinka Unit (approx. 160)	0 to 20	12
Port Lincoln Prison	Entire prison (approx. 180)	unknown	unknown
Cadell Training Centre	Entire Prison (approx. 210)	unknown	8-12
Adelaide Pre-release Centre	Entire Prison (approx. 84)	unknown	unknown
Adelaide Womens Prison	Entire prison (approx. 232)	unknown	unknown

### 3.2. The Impact on Rehabilitation and Future Direction

Since 2007, there has been a significant increase in prison populations across South Australia, mainly through doubling up of cells – turning cells designed for one man into two-man cells -

or the addition of new units that contain cells that are all double-up. There has not been a similar increase in education resources. Education resources have decreased with the effect of preventing the large majority of prisoners from access to meaningful and relevant education. Because of the limited resources, the DCS provides a narrow selection of courses that rules out university and other higher-level study. This has been condemned by academics, including by Professor Lorana Bartels of the University of Canberra's School of Law and Justice, who was quoted with respect to SA DCS as saying:<sup>73</sup>

[D]iscouraging prisoners from pursuing university degrees was "narrow" and "short sighted. Prisoners who have completed education classes are more likely to remain in the community. The more classes they attend and complete, the less likely they are to reoffend. However, the decision to discourage tertiary education for prisoners is a really narrow view of what people are capable of. Truly stimulating and challenging prisoners is likely to take them in new directions in the outside world, often in a way which something like horticulture will not.

Rehabilitation benefits of ICT have been reported widely across many jurisdictions. Despite the introduction of ICT proving to be valuable to reducing recidivism, South Australian Correctional Services has failed to adopt such measures. The report from the Australian Institute of Criminology stated:<sup>74</sup>

Over the past 20 years, the way we communicate has changed significantly. Technologies such as mobile phones, email and the internet play a fundamental role in the way we communicate, access information and conduct many aspects of our daily lives. ICTs have also been found to reduce recidivism by improving prisoners' use of time and family connections.

Latest reporting by South Australian Corrections on their 10by20 initiative purports achievements and future directions on 6 key areas.<sup>75</sup> Important to note, there is a complete absence of any intention to introduce improved access to ICT.

Furthermore, the current available programs are available to a very small minority. For example, the Certificate III in Fitness program, that DCS boasts about in the recent 10by20 progress report, had around 12 participants. There were no concrete plans to run the program again. Reports from prisoners who participated in the Cert III Fitness course conflicted with the positive depictions reported by the DCS. Some prisoners reported that they were misled about the actual certificate they would be awarded and that the course facilitator told them

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<sup>73</sup> Mott M (24 March 2019), Experts hit out at Corrections policy banning inmates from enrolling in uni degrees, Adelaide Advertiser.

<sup>74</sup> Kerr A and Wills M (2018), Trends & Issues in Crime and Criminal Justice: Prisoner use of information and communications technology', Issue No. 560, p2. <[Prisoner use of information and communications technology \(aic.gov.au\)](#)>

<sup>75</sup> Correctional Services (2021), 10BY20 Progress Report Update. <[10by20-Progress-Report-2021-Update.pdf \(corrections.sa.gov.au\)](#)>

that the irregularity with the award was due to funding issues. The DCS 10by20 Progress Report Update states:<sup>76</sup>

Implemented training at Mobilong Prison for people in custody to undertake a Certificate III in Fitness. The course equipped students with the required skills and knowledge to become a fitness instructor working both with individuals or groups. Throughout the 20-week journey, students study a range of topics including: health screening, quality service, anatomy and physiology and Healthy eating. Graduates will have a range of independent employment pathways.

It seems further investigation, particularly one that seeks honest feedback from prisoner participants (without any risk of being punished for speaking out truthfully), should be conducted to determine effectiveness of all programs.

When considering the table above, particularly the amount of time prisoners are forced to spend in their cells each day, one can clearly see the missed opportunities that are perpetuated by the absence of in-cell ICT. The table shows that most prisoners spend at least 12 to 16 hours a day in their cells. If each of those prisoners spent an average of 1 to 2 hours per day learning via an in-cell computer or tablet, that would equate to around 350 to 700 hours per year, per prisoner. With around 3000 people imprisoned, that equates to around 1 to 2 million hours of education to prisoners per year. If you agree there are 40 working hours per week, that equates to approximately 26,000 to 52,000 working weeks of education delivered each year.

#### **4. Government Regulations - "10by20 Strategy"**

As the recidivism rate in South Australia has been rapidly increasing in decades, the South Australia DCS launched the 10by20 strategy in 2016, aiming to reduce reoffending by 10% by 2020. The 6 strategies below allow for resources to be efficiently allocated to the areas of the prison population and correctional services system wherein significant improvements can be achieved.<sup>77</sup>

##### **4.1. Successful Return to Community**

This strategy focuses on ensuring that prisoners have higher success in all aspects of their return to the community when released on bail, parole or leaving custody.

##### Progress in 2018:

Assisting those on bail or parole in accessing the Home Detention Integrated Support Services Program (HISSP), which has supported over 415 offenders since November 2017. The program has been expanded to include women with much success, with almost 25% of those accessing the program being women.<sup>78</sup>

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<sup>76</sup> Correctional Services (2021), 10BY20 Progress Report Update, p10.  
<[10by20-Progress-Report-2021-Update.pdf \(corrections.sa.gov.au\)](#)>

<sup>77</sup> Government of South Australia Department for Correctional Services (GSADCS), 7

<sup>78</sup> Ibid.

The Integrated Housing Exits Program (IHEP) emphasises the reduction of recidivism through the amelioration of the accommodation standards for former offenders. By the end of the 2017-2018 financial year, IHEP accomplished the following outcomes:

- 151 offenders were assessed for IHEP Housing, with 72 offenders placed in housing;
- 30 offenders were in the process of transitioning to ongoing accommodation, with 26% of the tenants being women;
- And 18% of IHEP tenants identified as Aboriginal.<sup>79</sup>

The Department of Planning, Transport and Infrastructure (DPTI), in conjunction with Housing SA, cooperatively engaged in the REPAY SA program. The main objective of REPAY is to provide professional support in incorporating pre-release prisoners into the workforce, by facilitating the access to jobs, the introduction to labour hire companies, and volunteering opportunities in community centres. These include, but are not limited to, housing repairs and presentation maintenance of railway platforms; as for the companies, these are in the fields of construction, retail, and waste services, amongst others.<sup>80</sup>

Mental support was also a priority in the reintegration of remandees, with the development of 6 new positive psychology programs called Inside Out, planned across Port Augusta, Yatala and Mount Gambier. This program fostered self-reflection on negative influences, and goal-setting for the future.

#### Plans for 2019:

- New Foundations initiative: individualised approach to reintegration, rehabilitation, and access to tenancy and housing
- Australian Workplace Training (AWT): lay the foundations for employment pathway connections, as well as delivering Warehouse Certificate II for female prisoners.

## **4.2. Employments and Industry**

This strategy aims to integrate prisoners into the labour force through industry and employment opportunities.

#### Progress in 2018:

A partnership with Hutt Street Centre was established, providing a range of services, encompassing the Cadell milk industry's employment prospects for prisoners, who milk the cattle twice daily, in order to provide milk to a plethora of local businesses. New partnerships were formed with local businesses and government agencies to expand prison industries.

A partnership with TAFE SA was formed to promote a Horticulture Certificate II to APC farm prisoners.

The expansion of several Creative Industries initiatives provided artistic opportunities, business skills and entrepreneurship. Through these art programs, the most popular artworks were carefully selected to be publicly displayed in order to cleanse the urban environment

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<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

and reduce the appearance of street art/graffiti. Moreover, a 4-day art workshop focusing on Ananguku Arts for Aboriginal prisoners at PAP was introduced.

They funded a trial program in Design and Make at AWP, through collaborating with the University of South Australia. The program targets the education of prisoners in an array of highly demanded professional skills, such as design thinking, product design, retail, hospitality and mentoring.<sup>81</sup>

Adelaide Women's Prison (AWP) in partnership with Mossop Construction and Total Space Design provided up to 10 female prisoners the 'chance to renovate and transform the accommodation block and Women's Centre.' They also included a link with TAFE SA to 'allow participants to gain qualifications in Certificate II (Construction)' and several other vocational programs. As of September 2018, there were five women employed post-release in the construction industry as a result of the project.<sup>82</sup>

#### 4.3. Prioritising Target Cohorts

- The 10by20 panel's recommendations include a greater focus on 'recidivism rates and cost-benefit analyses'
- Changes have been made to the Making Changes program, which has been running since 2010 for prisoners and offenders at moderate to high risk of recidivism and a history of substance abuse. These include:
  - 'Increased the accessibility and flexibility of the program.
  - Updated program content based on contemporary evidence.
  - Strengthened the management and oversight of the program.
- As a result of the improvements, community-based offenders will be identified and assessed much earlier in their sentence and as the program will be running 48 weeks of the year in Adelaide CBD, suitable offenders can be offered a place in the program with a maximum wait time of four weeks.<sup>83</sup>
- Research conducted by the University of New South Wales to assess the impact that legislative and program changes have had on the effectiveness and efficiency of HD in South Australia has found:
  - 19.6% of those who served a HD order returned to custody for a re-offence during the 24-month follow up period (June 2015 to June 2017) following the completion of their HD order, which is significantly lower than the national rate of 52.6% of adult offenders released from prison during 2013-2014 who returned to corrective services within two years.
  - Return to custody rates were significantly lower for prisoners who completed their sentence on Release Ordered Home Detention (ROHD) at 29.1% compared with a matched group of prisoners who served their sentence in prisons, at 46.8% return to custody.
  - Breach numbers have not increased despite considerably longer ROHD sentences since 2016, suggesting that the assessment processes for ROHD are effective in selectively targeting those more likely to manage HD conditions.

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<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

<sup>83</sup> GSADCS, above n 13.

- The report also reveals demonstrable cost offsets for the Government as well as non-costed positive outcomes such as an increased ability to retain housing and a reduction in the risk of homelessness or reliance upon homelessness services.<sup>84</sup>
- ‘Reached target milestones with respect to the Women Offender Framework, Strong Foundations & Clear Pathways: Action Plan, with 47 Actions completed, 15 in progress and 25 ongoing. The Framework aims to provide a gendered and culturally informed approach to the management of women in prison and community corrections.’<sup>85</sup>

#### **4.4. Strategy for Aboriginal Offenders**

The SA DCS have ‘officially partnered with SA Health in the launch of the South Australian Model of Care for Aboriginal Prisoner Health and Wellbeing in February 2018.’

The contract with the provider of the WRRR program has been updated ‘to encompass the requirement to provide a culturally supportive and responsive approach to the needs of Aboriginal offenders.’

The updated contract includes free ‘specialised training for both Aboriginal participants of the program as well as employers.’<sup>86</sup>

They have also attempted to implement an 18-month trial for a Community Transition Learning Centre (CTLC) for returning Aboriginal offenders with Commonwealth funding and support. The Department has also ‘achieved a high proportion of Aboriginal people accessing the BASP.’ Roughly 33% of accepted referred candidates identify as Aboriginal.<sup>87</sup>

The Department has also partnered with RAW Recruitment (an Aboriginal and Torres Strait Islander employment provider) who seeks to employ prisoners from APC, and provide skills training and mentoring.<sup>88</sup>

The Aboriginal Strategic Framework has commenced. Moreover, the Aboriginal Reference Group (ARG) continues to draft members, which will have a ‘direct input into the development of the Framework.’ The ARG aims to include Aboriginal people across varying regions of South Australia, as well as Aboriginal representatives from key areas such as the Courts, Aboriginal Health and SAPOL.<sup>89</sup>

A Translating and Interpreting Policy and Guideline has been finalised, which ensures ‘that prisoners and offenders from culturally or linguistically diverse backgrounds are provided with the same information and opportunities as prisoners and offenders who speak English fluently.’ Specific provisions in the Policy and Guidelines focus on providing translation and interpretation services for Aboriginal offenders, who are the largest linguistically and culturally diverse cohort.<sup>90</sup>

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<sup>84</sup> Ibid.

<sup>85</sup> GSADCS, above n 14.

<sup>86</sup> GSADCS, above n 16.

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

As part of the strategy, Aboriginal prisoners at PAP were engaged to participate in the recording of four instructional videos in a language that Anangu prisoners can understand, providing crucial information for new prisoners 'about the admissions process; prison visits; the prisoner telephone system; and guidelines for sending or receiving money.'<sup>91</sup>

The strategy has also continued the Aboriginal Elders Visitation Program (AEVP), which aims to provide support for Aboriginal prisoners from Elders who play an important role 'as a form of extended family.'<sup>92</sup>

The annual Prevention of Aboriginal Deaths in Custody (PADIC) forums, across all prison sites, as recommended by the 1991 Royal Commission into Aboriginal Deaths in Custody have been continued. The PADIC forums are an important part of the Department's commitment to preventing the deaths of Aboriginal prisoners. They serve as an opportunity to focus on 'reducing reoffending to ensure better outcomes for Aboriginal prisoners, as well as allowing them the chance to communicate any issues they are having or experiencing.'<sup>93</sup>

The strategy has incorporated the Violence Program (Cross Borders Program), a joint initiative between the governments of South Australia, Northern Territory and Western Australia 'to reduce the incidence of physical and psychological harm in remote Aboriginal communities.'<sup>94</sup>

- The strategy has developed and implemented a Violence Prevention Program for Aboriginal Men (VPP-AM). The VPP-AM uses a similar therapeutic model to the mainstream VPP, but also incorporates a strong cultural focus for Aboriginal participants. The VPP-AM includes an Aboriginal Programs Officer who 'ensures that the content is culturally appropriate and responsive, and that participants feel culturally supported.'<sup>95</sup>
- The strategy has implemented the following programs tailored to Aboriginal male prisoners:
  - o Four Drumbeat programs, with 36 participants, which aim to build trust through a safe and non-confrontational therapeutic process forming 'a gateway to more widespread engagement.'

Six Our Way, My Choice programs, with 69 participants, which are 'non-criminogenic wellness programs.'<sup>96</sup>

- The strategy has made progress towards a 'national in prison employment service, Time to Work Employment, for eligible Aboriginal and Torres Strait Islander offenders, providing assistance and preparation for employment before their release.'<sup>97</sup>
- The mosaic tiling of the Healing Circle at AWP has been completed in partnership with the Port Adelaide Enfield Council, Seeds of Affinity and a local mosaic artist. The

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<sup>91</sup> Ibid.

<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

<sup>96</sup> Ibid.

<sup>97</sup> Ibid.

project was inspired by a vision to create a meeting place within AWP that expresses healing, common ownership and community connection.’<sup>98</sup>

- The strategy has engaged 32 DCS staff and volunteers to develop the new Reconciliation Action Plan (RAP) for 2019, as well as a planning day in May 2018 ‘to map out expectations and timeframes.’<sup>99</sup>
- The strategy has ‘trained Aboriginal Liaison Officers to deliver Wellbeing and Resilience training as well as SMART Recovery program training’ to increase the support that they can provide to Aboriginal offenders.’<sup>100</sup>

#### **4.5. DCS Agency and Staff Response**

DCS staff have been engaged through Shaping Corrections, senior manager forums and a staff survey, for input and insight into the development of the DCS’s new Strategic Plan, published in late 2018.<sup>101</sup>

- Executive Roadshows across DCS sites have engaged all staff across the agency, providing an update on the progress of 10by20 and supporting the staff’s involvement in the Better Prisons program.<sup>102</sup>
- The partnership between DCS and SAHMRI to deliver Wellbeing and Resilience training has completed its third and final year. 29 staff members have been inducted as resilience trainers and over 750 staff have completed training across the Department. This has increased wellbeing on a yearly basis as sick leave across the Department reduced in 2017 and 2018 compared to the 2016 baseline, saving an estimated \$700,000.’<sup>103</sup>
  - o An additional two-day workshop to new AWP staff was conducted in August 2018 which built on the training requirements for custodial staff working with the women offender cohort, better equipping them to respond to the complexity of the needs of women offenders.<sup>104</sup>
  - o The Department has implemented a revised Cultural Awareness Training Program, based at the Living Kurna Cultural Centre and Warriparinga Wetlands. This includes a cultural and bush tucker tour, as well as an online component for the training.’<sup>105</sup>
- 500 staff across the Department have completed their Cultural Awareness Training, with refresher training every three years.<sup>106</sup>
  - o The Department received a management and staff training award at the International Corrections and Prison Association Conference (ICPA) from the Wellbeing and Resilience program partnership with SAHMRI.<sup>107</sup>

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<sup>98</sup> Ibid.

<sup>99</sup> Ibid.

<sup>100</sup> Ibid

<sup>101</sup> GSADCS, above n 18.

<sup>102</sup> Ibid.

<sup>103</sup> Ibid.

<sup>104</sup> Ibid.

<sup>105</sup> Ibid.

<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

- o The Department rolled out a Reflective Practice Framework in Community Corrections. This allows professionals who are working with offenders, to develop a critical understanding of their own practice, along with developing the necessary skills, knowledge and methods to achieve the best outcomes for their clients.<sup>108</sup> The program earned the Department a finalist position in the Australian Psychological Society Workplace Excellence Awards.
  - Moreover, DCS staff from the Aboriginal Services Unit have been involved in a review process for the Australian Industry Standards (Cultural Awareness Module) for Certificate III in Correctional Practice.<sup>109</sup>
- o The DCS reviewed the six-week Correctional Officer Training Course (COTC) content over eight months in 2018. The review sought to ensure the continuous commitment of DCS towards a rehabilitation-focused workforce that enhances proactive and positive interactions between staff and prisoners in line with the 10by20 Strategy.<sup>110</sup>
  - ‘Undertook an initial review for the Compulsory Training Requirements for Correctional Officers.’<sup>111</sup>
- The Minister for Correctional Services officially opened the Kanawinka Unit and Glenn Ahern Building at Mount Gambier Prison (MGP). The \$57 million investment resulted in a residential style prisoner accommodation complex for up to 160 prisoners, and a modern facility that houses management and critical support staff. ‘Kanawinka’ means ‘land of tomorrow’, complementing 10by20’s strategy which ‘seeks to provide prisoners with the life skills and training that they need in order to allow for a better future.’<sup>112</sup>
- An additional 270 beds at YLP has been funded in response to bed capacity pressures and space restrictions affecting the ease of delivery of rehabilitative programs, which will result in the ability to better achieve the 10by20 Panel’s overall recommendations.’<sup>113</sup>
- The DCS has commenced research for the Government’s commitment to a pilot program in a regional prison to block the use of contraband mobile phones. Mobile phone carriers, their associations and the national regulatory body have been engaged in the process. After a number of prisons were assessed to determine the most appropriate location for the trial, PAP was found to be the preferred site. The aim of this commitment will be to increase the safety and security of the prison system.’<sup>114</sup>
- The DCS continues to implement a community engagement strategy to promote 10by20, ensuring media coverage of key community engagement events or launches, such as the Shaping Corrections Riverland Community Forum in Berri and the WRRR launch, both of which occurred in 2018. Media coverage for the Berri forum was by:

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<sup>108</sup> Ibid.

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

<sup>111</sup> Ibid.

<sup>112</sup> Ibid.

<sup>113</sup> Ibid.

<sup>114</sup> Ibid.

River News, ABC Riverland and the Murray Pioneer. Coverage for the WRRR was by: the Advertiser.’<sup>115</sup>

- The DCS ensured the launch of key events, such as Trainee Correctional Officer (TCO) graduations, Art by Prisoner launches, included fundamental messages about the importance and relevance of the 10by20 strategy, that promote an understanding of the rehabilitative approach to reducing reoffending.’<sup>116</sup>

#### **4.6. Partnerships and Collaboration**

- The DCS worked with the Government to find new legislative changes to stop the influx of drugs into prison, ‘increasing the safety, security and integrity of the prison system.’ This has included new amendments to the Correctional Services Act 1982:
  - o Outlaw Motorcycle Gangs (OMCG) and organised crime groups are prohibited from visiting prisons.
  - o Introduction of workplace testing of correctional officers, other staff and contractors for alcohol and illicit drugs.
  - o Children are prohibited from visiting prisoners who have an historical child sex offence (currently this visit restriction only applies to prisoners with a current conviction).
- As part of the effort to ban OMCGs from entering prisons, the DCS has collaborated with the South Australian Police (SAPOL) to improve information-sharing between agencies.
- The DCS has strengthened partnerships with government and non-government agencies to provide further protection to high-risk families and women entering custody while pregnant ‘with a targeted, shared care approach.’

The DCS has strengthened multi-agency partnerships with:

- SAPOL, continuing work on the Multi-Agency Protection Service (MAPS) which ‘enables a holistic and collaborative services responses across multiple agencies, both government and non-government’ in relation protecting women and children who are at risk of domestic family violence (DFV) as well as the management of DFV offenders. The MAPS was received an award for ‘Outstanding Achievement by a Large Organisation’ as part of the Kornar Winmil Yunti (KWY), Aboriginal Corporation, Flame of Change Unifying Support (FOCUS) Awards in 2018.
  - o Participated in the SAPOL-led Offenders Management Plan (OMP) to Ceduna and Mount Gambier, which improved cross-agency information sharing, decision-making and responses.
  - o Continued the implementation of the Family Safety Network, an initiative aiming to improve multi-agency responses to family violence cases where there is imminent and high risk of serious injury or death.
- The DCS also investigated the introduction of drug and alcohol testing of staff members to reinforce the Government and the Department’s stance against drugs.
- The DCS worked with SA health and SAPOL on a business case supporting the implementation of a smoking ban in South Australian prisons by 2019.

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<sup>115</sup> Ibid.

<sup>116</sup> Ibid.

- The DCS signed an MOU with the Aboriginal Legal Rights Movement in Aug 2018, focusing on the speed and efficiency of the sharing of information between agencies for the purposes of:
  - Reducing the overall rate of incarceration of Aboriginal people in South Australia.
  - Reducing the overall rate of reoffending amongst Aboriginal people who have already been convicted and sentenced by the court.
  - Reducing the risk of Aboriginal deaths in custody.
  - Promoting the health and wellbeing of Aboriginal people in custody.
  - Improving the connectedness of Aboriginal family and community.
  - Building up workforce capability and capacity.
  - Promoting the legal rights of Aboriginal and ensuring access to appropriate legal advice, representation and rehabilitation.
  
- The DCS introduced a new KPI, measuring from 1 July 2018, into the updated MGP contract: 'Reduction in Rate of Return to Corrections.'
  
- The DCS introduced payments in the WRRR contract to incentivise the employment agency to achieve their targets: (1) an 'Employment Bonus' consisting of a one-off payment per participant of \$1,000 payable to the supplier at the end of the participant's post release employment phase, based on the length of their paid employment during this phase, and (2) a 'Reoffending Bonus' consisting of a one-off payment per participant of \$2,000 payable to the supplier 2 years after the participant's entry into the post-release employment phase, on the condition that they have not returned to the correctional services system.
  - The DCS aims to determine this scheme's effectiveness and the viability of expanded programs in 2019
- The DCS aims to strengthen relations, protocols and agreements with the DCP and SA Prison Health Services.
  
- The DCS also aims to expand information sharing with SAPOL and the Courts Administration Authority in relation to bail conditions, with the ultimate aim of ensuring appropriate measures are taken to build Information and Communications Technology (ICT) capability to monitor bail conditions and improve community safety.
  
- The DCS continues to work with SAPOL and SA Health for the Smokefree Prisons Strategy, implementing a comprehensive health response and emergency preparedness planning.

## **5. Effectiveness of the South Australian Prison System**

Feedback based upon people directly affected by the Corrections system, outlines the current ineffectiveness of the prison system, and the need to amend it. This section will expand on potential changes that can be implemented to the South Australian Prison System. This includes modifications to education and training and employment opportunities available to prisoners, and potentially to those held on remand; and the adequate treatment of prisoners. This section will also expand on reforming the '10 by 20' strategic and business plans to effectively reduce recidivism rates by 10% in South Australia by 2020.

### 5.1. Cells Conditions and Overcrowding

The prisoner population in South Australian prisons has increased since 2009, making overcrowding a major issue. \$56.1 million<sup>117</sup> has been set aside for corrective services in the South Australian state budget in 2016. The money would be used for the building of 198 more beds across multiple South Australian prisons, even though 230 beds were already installed in 2015-16.<sup>118</sup>

However, this approach does not effectively rehabilitate the prisoner, making them prone to reoffend once released. If these funds were redirected to the development of more rehabilitation programs, it would decrease the chances of recidivism and therefore help reach the goal set out by '10by20'.

It has been predicted that more than 3000 prisoners would be incarcerated in South Australia by 2019.<sup>119</sup> This negatively impacts the safety of inmates and correctional officers alike as:

- The prisoners may have to fight for resources;
- The prisoners would become more frustrated with their living arrangements, which subsequently makes it harder for corrections officers to deal with them; and
- It would increase illness and suffering for the prisoners

As prisons in South Australia are becoming overcrowded, prisoners are being held in an increasingly unsafe environment. A former inmate at Yatala Labour Prison stated that there were up to 4 prisoners in each cell in the E2 division, and inmates have a tiny plastic shelf that is sized at approximately 200mm x 300mm, to carry all their belongings (i.e. food, magazines). There was also inadequate air-conditioning and no windows in the cell. Furthermore, as the sizes of the cells are already small, this overcrowding can increase the likelihood of prisoners developing a mental health issue, may exacerbate suicidal thoughts and tendencies (i.e. self harm) and may intensify violent reactions from prisoners, making the prison environment more unsafe for prisoners and correctional staff<sup>120</sup>. Latest data suggests that serious prisoner on prisoner assaults has risen from 0.86 (per 100 prisoners) in the 2010-11 year to 2.66 (per 100 prisoner) in the 2019-2020 year.<sup>121</sup>

Further, the lack of availability of single cells caused by overcrowding hinders prisoners from reform. There is an inherent lack of any quiet zone in which a prisoner can undertake deep reflective thought and study. Instead, the prison environment is one of complete and ongoing distraction that hinders effective rehabilitation.

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<sup>117</sup> Angelique Donnellan, 'SA budget 2016: overcrowded prisons to get \$56.1m for new beds', *Australian Broadcasting Corporation (ABC)* (online), 6 July 2016 <[SA budget 2016: Overcrowded prisons to get \\$56.1m for new beds - ABC News](#)>.

<sup>118</sup> Department for Correctional Services, above n 17, 60.

<sup>119</sup> Donnellan, above n 31.

<sup>120</sup> Penal Reform International, *Overcrowding* <<https://www.penalreform.org/priorities/prison-conditions/key-facts/overcrowding/>>.

<sup>121</sup> Productivity Commission, *Report on Government Services, Correctional Services*, (2021) <<https://www.pc.gov.au/research/ongoing/report-on-government-services/2021/justice/corrective-services>>

In 2015, it was claimed that a remandee spent 24 days in a police cell (instead of a prison) without daylight, books or visits, whilst awaiting his sentence, due to the issue with overcrowding in South Australia's prisons<sup>122</sup>. The maximum amount of time that a person can be held in a police cell is 15 days. This inhumane treatment goes against many international protocols, such as Article 1 of the Basic Principles of the Treatment of Prisoners<sup>123</sup>, which states that all prisoners must be treated with respect.

## 5.2. Treatment of Prisoners

An inmate at Yatala Labour Prison claimed that inmates only have access to 3 magazines at a time. If there are limits to the amount of magazines an inmate can get at any one time, books in cells may also be an issue for Correctional authorities, which may hinder educational and training prospects for the prisoner.

Amendments made to the *Correctional Services Act 1982 (SA)* pt IV div 6 34(4.e) have restricted the admittance of domestic visitors identified as members or associates of criminal organisations, in an effort to curb the recruitment and recidivism of newly incarcerated prisoners. These amendments were installed as part of the Marshall Government's Better Prisons Programs, in conjunction with the 10% by 2020 goal in recidivism. However; concerns lie in the discretionary nature ascribed to the notion of a 'known associate' of a criminal organisation. There are no readily available criteria present for potential visitors or inmates to predetermine whether they would be banned, leading to potential distress to both families and inmates.

## 5.3. Hobbies

In 2015, it was found that out of 386 prisoners in the privately run South Australian Mt Gambier Prison, 30 inmates who have been on good behaviour can undertake recreational activities including painting and woodworking<sup>124</sup>. Their reasoning is that education is the key to rehabilitation and reform. This notion should be extended towards all state run correctional facilities across South Australia, and be available to all qualified inmates.

## 5.4. Mental Health

In 2015, 8 forensic mental health patients were held in the standard prison system in South Australia, as there was a lack of beds in psychiatric facilities<sup>125</sup>. It is extremely inadequate to keep mental health patients in the mainstream prison population, as these individuals need personalized care and support.

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<sup>122</sup> Sean Fewster, 'SA prisoner has spent 24 days in Holden hill Police Station cells awaiting sentencing, family claims', *The Advertiser* (online), 7 July 2015  
<<http://www.adelaidenow.com.au/news/south-australia/sa-prisoner-has-spent-24-days-in-holden-hill-police-station-cells-awaiting-sentencing-family-claims/news-story/c8f26ce9fad58e58773808b31dba5c2e>>.

<sup>123</sup> *Basic Principles for the Treatment of Prisoners* part 1.

<sup>124</sup> Kate Hill, 'Inside Mt Gambier Prison: Education and work in jail', *Australian Broadcasting Corporation (ABC)* (online), 20 July 2015  
<<http://www.abc.net.au/news/2015-07-20/mount-gambier-prison-education-and-work-program/6629116>>.

<sup>125</sup> 'Forensic mental health patients being held in mainstream prisons, SA public advocate says', *Australian Broadcasting Corporation (ABC)* (online), 13 July 2015  
<<http://www.abc.net.au/news/2015-07-13/forensic-mental-health-patients-being-held-in-sa-prisons/6616696>>.

Even though 10 new beds were built in the James Nash House<sup>126</sup>, more beds are needed in other mental health institutions, as targeted, therapeutic services and programs will be provided to the patients accordingly.

Unless a prisoner meets the needs of a High Risk Assessment Team, they cannot access psychological services. This results in an inherent lack of psychological support until serious psychological complications occur. Prisons prevent prisoners from access to private psychologists for intervention.

### **5.5. '10 by 20' Strategic and Business Plans**

In these plans, there is no mention about access to computers and there is nothing mentioned in this proposal that was new, except the end goal of reducing recidivism by 10% by 2020. The key stakeholders the plan mentioned were the community, the government, the parole board, courts and victims. There was limited mention of liaising with prisoners and their families, who should be considered key stakeholders.

The State Government's ambitious strategy to reduce the South Australian reoffending rates in 2016 from 46% to 41.4% by 2020 has failed to meet its target. Statistics from the Productivity Commission Report on the Justice Sector show that over the period 2016 to 2018 the rate of reoffending has increased instead. For example, adults released from prison who returned to corrective services with a new correctional sanction within 2 years had increased. These figures are as follows:

- **2015-16:** 46.1%
- **2016-17:** 45.0%
- **2017-18:** 45.7%<sup>127</sup>

Furthermore, adults released from prison who returned to prison with a new sentence within two years had also increased despite the targets set out by the South Australian Government. These figures are as follows:

- **2015-16:** 36.9%
- **2016-17:** 36.2%
- **2017-18:** 37.1%<sup>128</sup>

## **6. The South Australian Official Presentation**

There are a variety of educational and employment programs across 8 of the 9 prisons in South Australia (Adelaide Remand Centre does not have such programs). Such opportunities are also available for Indigenous offenders and women prisoners. Similarly, South Australia Corrections implemented the '10 by 20' plan, as past programs have been unsuccessful so far. This new strategy is aspirational and aims to reduce recidivism rates by 10% in South Australian prisons by 2020. The current South Australia Corrections programs and their new '10 by 20' plan are summarised below.

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<sup>126</sup> Dr John Brayley, 'Crisis in forensic mental health inpatient care' [2011] *In Focus* 9-10.

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<sup>128</sup>

### 6.1. Current Offender Development Programs<sup>129</sup>

According to the South Australia Corrections website, the current programs for prisoners before the implementation of the '10 by 20' plan include the:

#### Making Changes program<sup>130</sup>

This program allows both male and female offenders to reflect on their offending behaviours, and suggest ways they could change their approach before offending. This program incorporates victim awareness, conflict resolution and communication, and managing emotions.

#### Violence Prevention Program (VPP)<sup>131</sup>

This program helps offenders who have been convicted of violent crimes, address their criminal behaviours and think of ways they could and/or should have dealt with their violent, criminal actions. The VPP program consists of approximately 12 offenders and runs between 6-9 months, depending on the level of violence the group of prisoners' associates with. This program deals with mindfulness techniques, relationships skills and cognitive reformation.

#### Sexual Behaviour Clinics (SBC)<sup>132</sup>

The SBC-me clinic aims to reduce sexual reoffending by helping offenders understand their offending behaviours, and teaching them to change their offending choices. This program runs twice a week for 14 months at Mt Gambier Prison. The SBC clinic consists of approximately 12 offenders and runs between 6-9 months, depending on the level of violence the group of prisoners' associates with. This program deals with emotional management, relationship and victim awareness and self-management. These programs run twice a week.

Child sex offenders who are sentenced to a community order, are referred to the Department of Health's 'Owenia House'<sup>133</sup> for development services and programs.

#### Domestic and Family Violence Intervention Program<sup>134</sup>

This program runs for approximately 5 months and addresses male offenders' violent and abusive behaviours towards their partners. This program was implemented to increase the safety of women and to change offenders' attitudes regarding their domestic violence practices upon their victims (spouses and other family members).

This program deals with issues regarding dangerous behaviour and thinking, negative effects of children witnessing or dealing with violent outbursts and taking responsibility for their actions.

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<sup>129</sup> SA DCS, *Rehabilitation Programs* (2010)

<<http://www.corrections.sa.gov.au/rehabilitation-programs>>.

<sup>130</sup> SA DCS, *Making Changes* (2010)

<<http://www.corrections.sa.gov.au/offender-development/making-changes>>.

<sup>131</sup> SA DCS, *Violence Prevention Program* (2010)

<<http://www.corrections.sa.gov.au/rehabilitation-programs/violence-prevention-program>>.

<sup>132</sup> SA DCS, *Sexual Behaviour Clinic* (2010)

<<http://www.corrections.sa.gov.au/rehabilitation-programs/sexual-behaviour-clinic>>.

<sup>133</sup> Ibid.

<sup>134</sup> SA DCS, *Domestic and Family Violence Intervention Program* (2010)

<<http://www.corrections.sa.gov.au/rehabilitation-programs/domestic-and-family-violence-intervention-program>>.

## 6.2. Education and Training available at South Australian Prisons:

### Adelaide Pre-Release Centre<sup>135</sup>

- 'Meaningful Education' is given a high priority
- Literacy and Numeracy issues of the prisoner are addressed
- Prisoner's are able to obtain vocational education qualifications
- The prisoners have a wide range of programs to choose from, which encourages the prisoners to actively participate in rehabilitating themselves, allowing for easier reintegration of the prisoner back into society.

### Adelaide Women's Prison<sup>136</sup>

- Offers crisis intervention and support services, including mental health services
- Continued focus on Integrated Offender Management
- These programs allow the prisoners to reintegrate back into society effectively, whilst maintaining familial relationships and support from transition officers.

### Cadell Training Centre<sup>137</sup>

- Prisoners can undertake education programs focusing on numeracy and literacy and also computer programs.
- Can obtain various recognised training including driving, truck and forklift licenses, and other nationally accepted qualifications including dairy, commercial cooking and horticulture.
- Prisoners can undergo the Community Work Program, which uses the prisoner's manual labour to complete many projects within the community. This restorative justice regime, allows the inmates to develop new skills, that will lead to an easier transition into society
- The Cadell Country Fire Service uses prisoner volunteers to help suppress bushfire incidents if the inmates hold the required qualifications. The prisoner is able to gain experience in such tasks, which can be continued after release.

### Mobilong Prison<sup>138</sup>

- Offers case management services, education and vocational training, alcohol and drug programs and violence prevention programs. These programs allow the medium security male prisoners to develop skills and reduce recidivism.

### Port Augusta Prison<sup>139</sup>

- This prison offers the 'Making Changes' Program which addresses substance abuse and other offending behaviour of the prisoners.
- This prison has formed an agreement with the 'Corporation City of Port Augusta' for the prisoners to participate in community service programs. This restorative justice measure includes the removal of graffiti, the building and maintenance of parks and cleanup activities in general areas within the community.

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<sup>135</sup> SA DCS, above n 49.

<sup>136</sup> SA DCS, above n 18.

<sup>137</sup> SA DCS, *Cadell Training Centre* (2010)

<<http://www.corrections.sa.gov.au/prisons/cadell-training-centre>>.

<sup>138</sup> SA DCS, above n 22.

<sup>139</sup> SA DCS, above n 46.

Yatala Labour Prison<sup>140</sup>

- Holds many programs including the Sentencing Management Unit, education and vocational training and the Sexual Behavioural Clinic.

#### Effectiveness of the process in delivering offender development programs

Despite DCS claims to offer a wide range of treatment programs, the effectiveness of such programs is questionable. Significant understaffing has resulted in poor timing of delivery of these programs, particularly the Violence Prevention Program, the Living Without Violence Program, the Domestic and Family Violence Intervention Program and the Sexual Behaviour Clinic. Suitable participants for such programs are often not enrolled for participation until after their non-parole period has expired. Even the enrolment process is vague and seems capricious – with prisoners not being advised until near the end of their non-parole periods whether they are eligible to participate in such programs, with such advice on eligibility often changing – there is no sound clarity in the process.

Prisoners participating in such programs are commonly held for months, sometimes years in prison over their earliest release date (as set by the court) simply because of poor administration of programs. These prisoners cannot seek to organise employment or accommodation well in advance of their release date because they don't actually know when they can expect to be released. The effectiveness of treatment programs is significantly reduced to the overwhelming frustration of being held in prison due to administration failures. Facilitators of these treatment programs confirm to participants their frustrations of the poor timing of the programs, suggesting to prisoners that if they had it their way, the programs would be delivered much earlier in relevant prisoners' sentences. Families of these prisoners are left disillusioned. Some prisoners have been released with no housing as they were kept in prison until the end of their full sentence to complete a program and then given no support or superficial support with respect to housing and employment. DCS simply wiped their hands from any duty of care. When questioned by prisoners about the issue of late enrollment into treatment programs, the DCS regularly state 'we don't look at your non-parole period, we only consider your head sentence. This position obviously shows no regard for any sentencing judges' careful thought and consideration to applying non-parole periods when sentencing such offenders.

### **6.3. Employment opportunities available at South Australian Prisons:**

Prison Industries<sup>141</sup>

- DCS claims to provide education and on the job training to give offenders the skills they need to reintegrate back into the community in an effective and meaningful manner.

Adelaide Pre-release Centre<sup>142</sup>

- Has market gardens in which the prisoners can work. Prisoner employment is based on the seasons and is driven by the market economy.

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<sup>140</sup> SA DCS, above n 47.

<sup>141</sup> SA DCS, *Prison Industries* (2010) <<http://www.corrections.sa.gov.au/prison-industries>>.

<sup>142</sup> SA DCS, *Prison Industries: Adelaide Pre-Release Centre* (2010) <<http://www.corrections.sa.gov.au/industry-partnership/adelaide-pre-release-centre>>.

- 104 low security prisoners (male and female) are held in the Adelaide Pre-Release Centre generally in the last 12 to 18 months of their sentence. All 104 low security prisoners are allowed to work, under the guidance of 1 custodial specialist, as it helps them develop skills to reintegrate back into society in an effective manner.
- A group of low security prisoners can work in metropolitan national parks specifically on the 'Woody Weed Removal Program'. This program addresses restorative justice practices as prisoners gain skills and develop an ability to work within the community.

#### Adelaide Women's Prison<sup>143</sup>

- Has a specialist textiles business unit, which manufactures goods for government agencies and private enterprises. This unit deals with developing clothing, blankets and arts & crafts.
- Employs approx. 16 prisoners working under supervision of 2 custodial specialists.

#### Cadell Training Centre<sup>144</sup>

- Prisoners take part in a structured day. Prisoners work on the prison farm, on dairy production and packaging and citrus and olive development.
- Employs approximately 130 prisoners spread out over the farming industries, working under the supervision of 9 custodial specialists.

#### Mobilong Prison<sup>145</sup>

- Has 4 business units including, metal fabrication & welding, bakery, process assembly (electrical) and concrete product manufacture.

#### Port Augusta Prison<sup>146</sup>

- Has 5 business units including, metal fabrication & welding, timber and furniture manufacture, market garden (driven by season and customer demand) and plant propagation, commercial laundry and spray painting.
- Employs approximately 40 prisoners working under the supervision of 9 custodial specialists.

#### Port Lincoln Prison<sup>147</sup>

- Specialises in grain growing, cropping and market garden produce.
- Employs 50 prisoners working under the supervision of 3 custodial specialists.

#### Yatala Labour Prison<sup>148</sup>

- Has 4 business units including, metal fabrication & welding, timber manufacture, powder coating & spray painting and commercial laundry.
- Employs 103 prisoners working under the supervision of 19 custodial specialist staff.

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<sup>143</sup> SA DCS, above n 19.

<sup>144</sup> SA DCS, above n 20.

<sup>145</sup> SA DCS, above n 23.

<sup>146</sup> SA DCS, above n 25.

<sup>147</sup> SA DCS, above n 27.

<sup>148</sup> SA DCS, above n 29.

#### 6.4. Opportunities for Indigenous Prisoners

Aboriginal Services Unit (ASU)<sup>149</sup>

- Developed in 1995 based on the findings of the Commission into Aboriginal Deaths in Custody.
- This unit was designed to develop targeted and culturally sensitive services for Indigenous offenders in South Australia, primarily to reduce the overrepresentation of Aboriginal prisoners in the South Australian prison system.

Port Augusta Prison<sup>150</sup> accommodates up to 12 Aboriginal prisoners in the accommodation unit, 'Pakani Arangka'<sup>151</sup>. This unit permits the prisoners to attend culturally specific programs (i.e. cultural awareness training), allowing them to develop skills, while being in a culturally sensitive environment. The prisoners will also be able to interact with those they identify with, leading to the formation of better relationships and easier reintegration back into society.

- The development and implementation of the 'Aboriginal Elders Visiting Program' in 2015-16<sup>152</sup>, allows Indigenous offenders to meet with volunteers Aboriginal elders to strengthen cultural bonds and relationships whilst they are in prison. This program will encourage prisoners to hold onto their cultural ties within their community, and will allow them to reintegrate back into society in an easier manner, as they would have support systems once released.
- Respect Sista Girls 2 Program.<sup>153</sup>
  - Empowers Aboriginal women to make better life choices. Increases self-awareness and self-esteem. Teaches roles & responsibilities
- Helping Aboriginals Prison Forum<sup>154</sup>
  - Forums held every six weeks at different prisons. Platform for Aboriginals to communicate any issues they may be having in prison
- Aboriginal Liaison Officers<sup>155</sup>
  - Officers' role is to implement recommendations from the Royal Commission into Aboriginal Deaths in Custody. Work at designated prison sites and provide support to Aboriginal prisoners

#### 6.5. Opportunities for Women Prisoners

Adelaide Women's Prison<sup>156</sup> creates specific programs to address the needs of its prisoners:

- 'The Reintegration program'<sup>157</sup> assists offenders who are to be released to learn skills in seeking housing, managing finance, and finding employment.

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<sup>149</sup> SA DCS, *Aboriginal Services* (2010) <<http://www.corrections.sa.gov.au/aboriginal-services>>.

<sup>150</sup> SA DCS, above n 24.

<sup>151</sup> Ibid.

<sup>152</sup> Department for Correctional Services, above n 17, 27.

<sup>153</sup> Government of South Australia, *Programs and Support for Aboriginal Prisoners and Offenders* (January 28, 2021) SA.GOV.AU.

<sup>154</sup> Ibid.

<sup>155</sup> Ibid.

<sup>156</sup> SA DCS, above n 30.

<sup>157</sup> South Australia Attorney-General's Department, *Transforming Criminal Justice- Supplementary Fact Sheet: Rehabilitation and Reintegration* (2015), Government Report 8.

- Low security women offenders nearing release are placed in a 'Living Skills Unit'<sup>158</sup>, which accommodates 148 women. The women who are placed in this unit are given opportunities and support programs (tailored to the individual), to adequately reintegrate them back into the mainstream society.
- Education, vocational and training programs are also available.

### 6.6. '10 by 20' Strategic Plan

On Thursday 11 August 2016, the Minister for Correctional Services, Hon Peter Malinauskas MLC, unveiled the new '10 by 20'<sup>159</sup> plan to reduce levels of reoffending. As 46% of offenders return back to prison within 2 years, the South Australia DCS have developed an aspirational plan to reduce South Australian recidivism rates by 10% by 2020. This goal will allow offenders to be rehabilitated in prison, will make the community and victims safer, will return offenders into the community as law-abiding people and will lead to less crime as a whole.

- South Australia Correctional Services want to reduce recidivism by 10% by 2020:
  - To make the community safer (as crime is reduced)
  - To reduce the number of victims in society
  - To reduce the amount spent on corrective services (use tax payer money on different services instead of South Australian corrections)
  - To improve outcomes for ATSI and female offenders by providing targeted services)
- Rehabilitation and Reintegration
  - South Australian Correctional Services want to offer programs that are person-centred, outcome-focused and targeted (so the inmates can receive long lasting change)
  - They want to offer programs that take into account gender and cultural differences
  - The programs would be monitored and evaluated, and the delivery of programs will be modified according to evidence-based research
  - Resources will be allocated based on the evaluation of the programs
- Key models for offender rehabilitation that is outlined in the '10 by 20' plan:
  - 'Risk-Needs-Responsivity'<sup>160</sup> (RNR) model: change prisoners 'pro-criminal' attitudes by addressing the prisoner's personality traits (i.e. lack of empathy, low self-control)
  - 'Good Lives'<sup>161</sup> model: seeks to equip the offender with skills, values, attitudes and resources that allows the offender to live a satisfying life, without acting in a criminal manner
  - 'Desistance Theory'<sup>162</sup>: aims to identify and explore strengths in the offender to help the offender live a crime-free life

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<sup>158</sup> University of New South Wales, *Women in prison South Australia 1970-2010* (2010) <<http://cypp.unsw.edu.au/women-prison-south-australia-1970-2010>>.

<sup>159</sup> Malinauskas, above n 10.

<sup>160</sup> SA DCS, above n 2, 20.

<sup>161</sup> Ibid.

<sup>162</sup> Ibid.

## 7. Other Criticism

Media reports and criticism can highlight the progression, or lack thereof, in the reformation of South Australian prison systems and the effectiveness of strategies to reduce recidivism.

### 7.1. Government Policy Agenda

'Tough on Crime' government agenda is incompatible with resources and human rights on living conditions as a result of overcrowding in prisons<sup>163</sup>.

- Justice reform initiative: South Australia has a chance to lead Australia in reform by reducing reliance on incarceration<sup>164</sup>.
- reforms that will make a significant difference to reducing incarceration rates:
  - investing in evidence-based services instead of incarceration to break entrenched cycles of engagement with justice – cost-saving and manageable populations in prisons
  - Tough on crime rhetoric is NOT manageable and does not improve the safety of society. Over-use of prisons decreases rehabilitation mechanisms and increases recidivism.
  - evidence based interventions, community led programs, rehabilitation accessibility and support systems that ensure their viability<sup>165</sup>.

### 7.2. Human Rights Violations

International treaty ICCPR: Overcrowding in South Australian prisons addressed in case: Collins v State of South Australia [1999] SASC 257<sup>166</sup>.

- judge agreed that prison conditions breached humane treatment under ICCPR, however the relevant provisions had not been enacted in Commonwealth or State legislation, so could not be enforced<sup>167</sup>.
- As a result of overcrowding, single cells now house double bunk beds of prisoners, creating tension and frustration between inmates which often increases likelihood of violent altercations.

## 8. 'JUST US' South Australian Challenge 2016

This section primarily outlines the ongoing interaction between the South Australia Correctional System and Justice Action regarding the Just Us newspaper and the iExpress platform. The regulation implemented by the South Australian Corrections, is to be repealed, to increase support to prisoners whilst in prison, to effectively rehabilitate prisoners, limiting reoffending once released and to allow for restorative justice practices to be improved within South Australia. By allowing for interaction between prisoners and Justice Action, this will essentially help prisoners, victims and the wider community.

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<sup>163</sup> Anita Mackay (2015), 'Overcrowding in Australia prisons: The human rights implications'

<sup>164</sup> In Daily, Call to Rehabilitate SA prison system (April 12, 2022)

<<https://indaily.com.au/news/2022/04/12/call-to-rehabilitate-sa-prison-system/>>

<sup>165</sup> Bronwyn Naylor (2014), 'Prisons, overcrowding and rights', Monash University.

<sup>166</sup> Ibid

<sup>167</sup> Ibid

In 2016, South Australia Corrections passed a regulation<sup>168</sup> to block the interaction between any South Australian prisoner's and Justice Action. This included the blocking of the Just US newspaper (which was handed out to all other prisoners in other Australian jurisdictions and New Zealand), and blocking the iExpress Internet platform for people in prison and hospitals, as South Australia deemed that it was a 'media enterprise'.

A prisoner from South Australia took this case to the Ombudsman, who concluded in mid-2016 that South Australian Corrections acted in an unreasonable manner and the regulation was unfair and 'punitive'<sup>169</sup>. The Ombudsman suggested that the regulation was to be repealed, therefore allowing prisoners access to the iExpress website and enabling them to express their feelings and thoughts.

During the negotiations between South Australian Corrections and Justice Action, it was outlined that victims may get re-victimised based on what was being put on iExpress. Currently, there have been no complaints from victims or other groups in society, and staff at Justice Actions closely monitors the content on prisoners' webpages. As stated on the iExpress website, 'Justice Action will not publish web pages including anything defamatory, aggressive or showing ill will'<sup>170</sup>. Any material that does not abide by these guidelines, will not be posted, and/or will be taken down. Furthermore, founder of the 'anti-violence organisation "Enough is Enough"<sup>171</sup>, Ken Marslew, was consulted when creating the iExpress website. He stated that this tool would act as a restorative justice measure<sup>172</sup>, and would help the offender rehabilitate and reintegrate back into society, as a more well-rounded person. This website empowers prisoners and lets them 're-identify themselves'<sup>173</sup>. This ensures they are held accountable to their actions by providing them with a voice.

## 9. Recommendations

This section will recommend modifications that should be implemented by the South Australian Corrections System to make the system more effective. These suggestions would lead to prisoners being rehabilitated in prison, allowing a smoother reintegration back into society. They also help achieve the '10 by 20' goal to reduce recidivism rates.

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<sup>168</sup> Justice Action, 'South Australian Ombudsman Supports iExpress' (Media Release 2016) <[http://www.justiceaction.org.au/index.php?option=com\\_content&view=article&id=856:south-australian-ombudsman-supports-iexpress&catid=45&Itemid=1010](http://www.justiceaction.org.au/index.php?option=com_content&view=article&id=856:south-australian-ombudsman-supports-iexpress&catid=45&Itemid=1010)>.

<sup>169</sup> Ombudsman (SA), *Report: Full Investigation - Justice Action v Department for Correctional Services*, Ombudsman reference 2016/01525 (2016) cl. 43.

<sup>170</sup> iExpress, *How it Works* <<http://iexpress.org.au/howworks>>.

<sup>171</sup> Enough is Enough, *About Us: Background* (2016) <<http://www.enoughisenough.org.au/about-us/>>.

<sup>172</sup> Rachel Olding, 'Social networking to be available to inmates', *Sydney Morning Herald (SMH)* (online), 22 June 2014 <<http://www.smh.com.au/digital-life/digital-life-news/social-networking-to-be-available-to-inmates-20140619-zsf1i.html>>.

<sup>173</sup> Meagan Dillon, 'Correctional Services Department writes to Justice Action calling for five SA prisoners to be removed from online forum', *The Advertiser* (online), 25 July 2015 <<http://www.adelaidenow.com.au/news/south-australia/correctional-services-department-writes-to-justice-action-calling-for-five-sa-prisoners-to-be-removed-from-online-forum/news-story/5e5f67a2475c031435d7571ba77b63fd>>.

### 9.1. Education and Training

Currently, the South Australia recidivism rate is 46%, which is at an all time high, which is acknowledged by the creation and implementation of the '10 by 20' plan. This shows the need to implement appropriate support structures and rehabilitation services, to allow the inmates to develop a variety of skills whilst in prison.

- Access to education and training programs are based on available places<sup>174</sup>. This is ineffective as not all prisoners are getting accepted into necessary programs, which will ultimately lead to increased recidivism. It is important to create new places or programs to target individual prisoners, to help develop new skills, leading to less recidivism and more effective reintegration back into the community. This will allow the community to be safer, and this limits the amount of victims in the South Australian community.
- As per the statements of an ex-prisoner from Yatala Labour Prison, prisoners have no access to books in prison cells. Appropriate books in cells would allow increased access to education and thus increase the likeliness of a smooth reintegration into society.
- Prisoners have no access to computers in prison cells. Computers in cells with pre-programmed educational or training software (i.e. Online Services for Domestic Violence<sup>175</sup> and Online Services for Terrorism<sup>176</sup>) will allow the prisoners to effectively use their time. Computers with such programs will teach prisoners in a way that is up-to-date with current technological standards, allowing them to be well equipped with knowledge to enter and live in society, once released.

#### Numeracy and Literacy

- Currently there is an increased focus on literacy and numeracy in terms of education in prison, but it is important to branch out to other educational tools. This includes allowing all inmates to access vocational education if they wished to do so, and would also include allowing access to books and computers in cells.

### 9.2. '10 by 20' Strategic and Business Plans

#### Domestic Violence

- Recommendation 1.7 of the '10 by 20' Business Plan 2016-2017 outlines the need to 'enhance DCS' response to domestic Violence'<sup>177</sup>.
- We recommend that by implementing the Community Justice Coalitions' (CJC) Online Services for Domestic Violence initiative, it would be less likely for domestic violence and abuse to be repeated once the prisoners are released. By allowing computers in cells with the embedded DV programs, prisoners can use up some of the 18 hours a

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<sup>174</sup> SA DCS, above n 1.

<sup>175</sup> Community Justice Coalition, *Domestic Violence Prevention: Online Services for Prisoners* (2016), Research Report 2.

<sup>176</sup> Community Justice Coalition, *Prisoner responses to Terrorism: Online Radicalisation Proposal* (2016), Research Report 2.

<sup>177</sup> SA DCS, *10 by 20: Business Plan 2016-2017*, (2016), Government Report 1.

day<sup>178</sup> they are held up in their cells, actively doing something productive. This will also have the impact to reduce the recidivism rate for domestic violence incidents and will help prisoners reintegrate back into the community in a more effective manner (refer to recommendation 1.14<sup>179</sup> of the same document).

#### Education

- On page 39 of the '10 by 20' report<sup>180</sup>, principles 3, 5 and 8 outlines the need to allocate adequate, targeted resources to assist prisoners in achieving positive changes in their life. These recommendations can be achieved by:
  - o Endorsing the need for education in the inmates lives, by allowing them to pay for their own education (instead of primarily focusing on literacy and numeracy outcomes);
  - o Allowing books in prison cells; and
  - o Implementing online services for domestic violence and terrorism.
- The online services can be a support service that is offered to the inmates as an 'in-study'<sup>181</sup> program outlined on page 56 of the strategic plan, and will allow the prisoners to gain skills and efficiently utilise their time in their prison cells. By following these suggestions, the community is more likely to be safe (explored in principle 1<sup>182</sup>), recidivism rates will decrease and there is a higher chance of the offender being rehabilitated in an effective manner.

#### Rehabilitation and Reintegration

- Recommendation 1.13 outlines the need to 'provide rehabilitation and reintegration services to address issues which contribute to reoffending'<sup>183</sup>. This can be achieved by implementing the CJC's domestic violence and terrorism online services
- Allowing prisoners to access the online platform for prisoners and patients in hospital, iExpress<sup>184</sup>, is also necessary, as it will allow prisoners to have a support system, which is required for reintegration back into society. This system is closely monitored by JA and any issues with risk to victims is alleviated by JA's close monitoring. There have also been no complaints by victims, of being re-victimised. Recommendation 1.14, which outlines the need to 'pursue opportunities to effectively reintegrate offenders into the community'<sup>185</sup>; will also be achieved in the same manner.
- The iExpress platform will also lead to the achievement of recommendation 3.7 which outlines the need to 'improve the support and engagement of Victims of Crimes'<sup>186</sup>, as

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<sup>178</sup> Alkira Reubfrank, 'Inside one of Australia's oldest working prisons', *Australian Broadcasting Corporation (ABC)* (online), 6 July 2016 <<http://www.abc.net.au/news/2017-01-17/inside-cooma-jail-one-of-australias-oldest-working-prisons/8186114>>.

<sup>179</sup> SA DCS, above n 87.

<sup>180</sup> SA DCS, above n 4, 39.

<sup>181</sup> Ibid 56.

<sup>182</sup> Ibid 39.

<sup>183</sup> SA DCS, above n 89.

<sup>184</sup> iExpress, *Welcome to iExpress* <<http://www.iexpress.org.au/>>.

<sup>185</sup> SA DCS, above n 93.

<sup>186</sup> Ibid.

this tool can be used as a restorative justice technique, if victims feel that this may work in their favour.

- Prisoner's voices and concerns were outlined on page 20 of the '10 by 20' report after the panel consulted with prisoners regarding their experience of prison, and barriers the corrections system want to overcome. During these conversations, many prisoners feel a 'lack of social networks and feeling of belonging to a community'<sup>187</sup>. The iExpress software helps minimise this concern, as it has the ability to act as a support system for the prisoner, allowing them to find their own voice, which in turn aids in their rehabilitation. Similarly, the JUST US newspaper<sup>188</sup> would also give them additional support, as by getting access to the newspaper, they would feel connected to all the other prisoners in Australia and NZ.
- It has also been found that the inmates also feel that there are a 'lack of programs and supports for individual on remand or serving short sentences'<sup>189</sup>. The online services for domestic violence and terrorism are thus, a great tool to use to effectively occupy the time of those held on remand or shorter sentences. This tool is also a great rehabilitative and educative measure. Furthermore, more short-term rehabilitative programs should be developed and implemented in the Adelaide Remand Centre, as trial lengths may be excessive, and short-term programs will allow the alleged offender to utilise their time effectively.

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<sup>187</sup> SA DCS, above n 92, 76.

<sup>188</sup> Justice Action, 'Just Us: The Voice of People in Prisons and Hospitals (Publication 2016)  
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<sup>189</sup> SA DCS, above n 96.

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