

A Prison System in Crisis?

The need to implement appropriate standards & monitoring systems for the South Australian Prison System



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Source: Maynard

South Australian Prison System

- Overcrowding.
- Aspects of the prison environments have been termed as 'unsafe'.

Poor Prison Accommodation



Source – Web Unknown

- Consequences can be life threatening and costly (American Correctional Association 1983).
- Higher death rates including natural death rates among elderly prisoners, violent death rates, and suicides (Paulus et al., 1978).
- Higher levels of violence and other non-compliant behaviours (McCain et al., 1980) including groups behaviours such as escape and hostage taking, campaigning, riots and other disturbances (Cohen and Taylor 1981).
- Sleeping difficulties, illness complaints (Ray 1978), increased psychiatric commitment rates (McCain et al., 1980) among prisoners.

Standards for Prison Accommodation

- International Covenant on Civil and Political Rights.
- United Nations Standard Minimum Rules for the Treatment of Prisoners.
- Revised Standard Guidelines for Corrections in Australia (2004).
- Correctional Services Act 1982 (SA).

Applying Standards & Guidelines to SA Prison Accommodation

I accept that the situation about which the plaintiff complains is quite undesirable, even wrong:

It is a breach of the principles in the Standard Minimum Rules for the Treatment of Prisoners. I am not able, at law, to do anything to have it improved. I express the hope, though, that the Government will

(Collins v South Australia, 1999 at 215 per Millhouse J).

- Content tends to be very general and there is no content in legislation (*Correctional Services Act 1982 (SA)*) relating to prison accommodation.
- Used generally as a benchmark not as a minimum standard.
- Generally as a benchmark to design new facilities but not to monitor existing accommodation.
- Not legally binding or linked to legislation despite repeated recommendations (e.g. Clarkson Review, RCIADIC, *Collins v South Australia*, 1999).

How overcrowded are South Australian Prisons?



Photograph: Grant

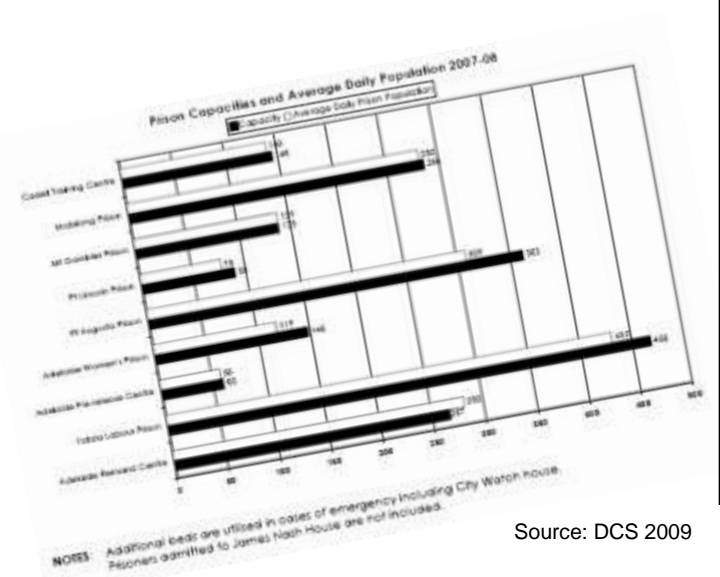
Three recognised ways of measuring the level of crowding in prisons

- ‘Rated Capacity’ – the number of prisoners a prison can handle according to an ‘expert’s opinion’.
- ‘Operational Capacity’ – the number of prisoners accommodated according to a prison’s programs, staffing and services
- ‘Design Capacity’ - the number of prisoners that architects designed the prison for. This is the measure used by Australian Government Productivity Commission.

Note – two or more measures may be used to get a clear idea of the level of crowding

Measurement of crowding used in South Australia

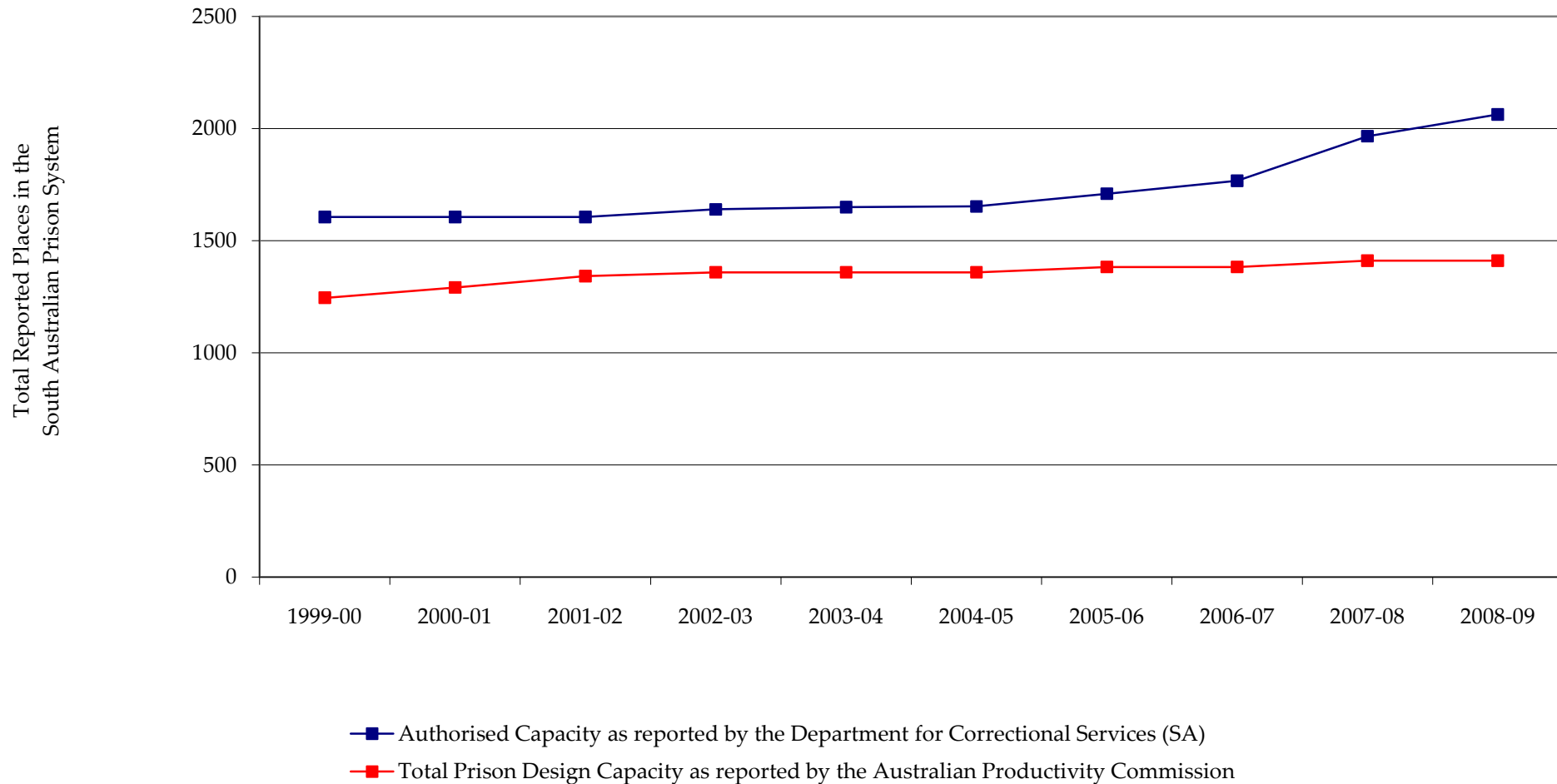
- ‘Authorised capacity’ (or ‘capacity’) – measurement of all bed numbers and includes all beds in the prison (including special purpose units such as segregation and ‘at risk’ accommodation).



The difficulties using 'authorised capacity' as a measure of crowding

- Not a generally used or accepted measure of the level of crowding in a prison.
- Appears to have an arbitrary dimension.
- Does not show level of access to programs, services and amenities or staffing levels.

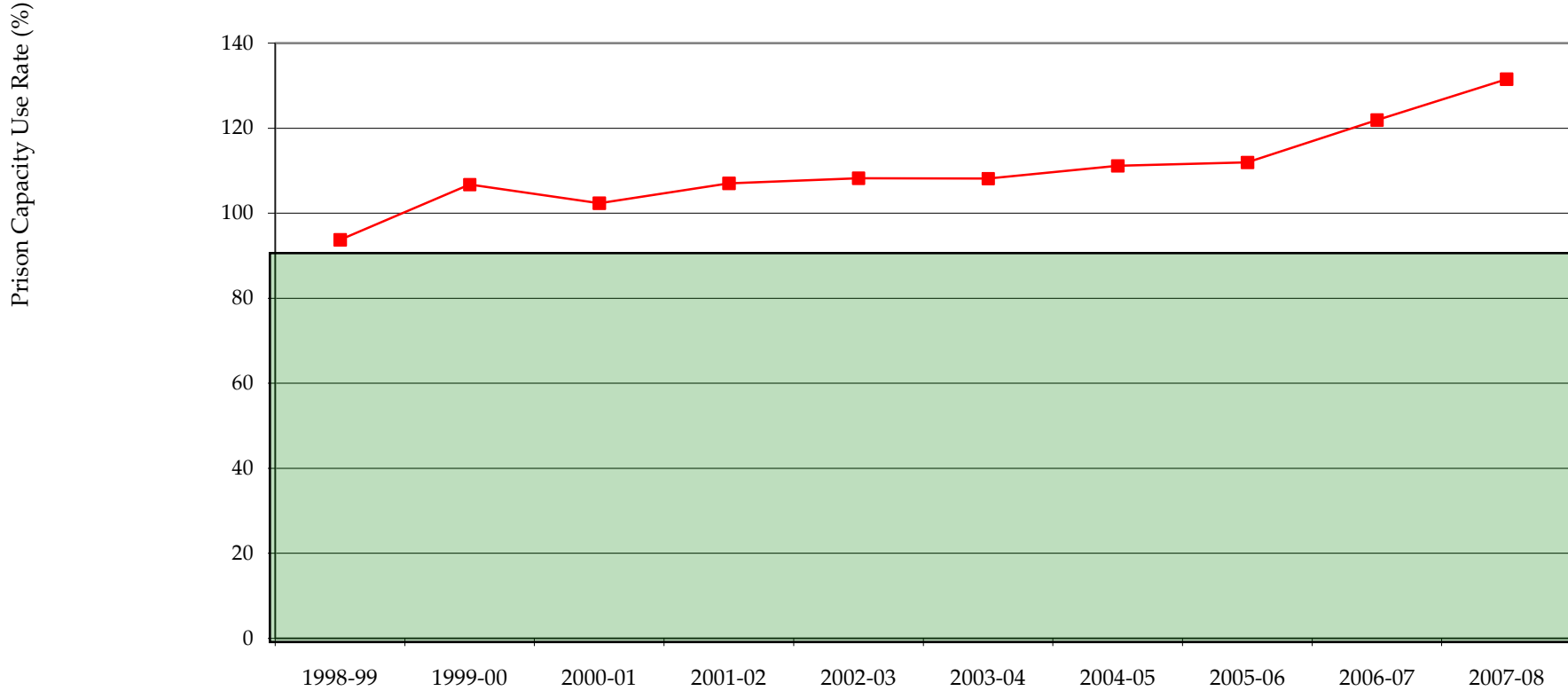
Comparison of 'authorised capacity' and 'design capacity' of the South Australian Prison System 1998 – 2009



Prison Utilisation Rate

- Is not a 'measure' but an 'indicator' of the use of resources/level of demand
- Used by the Australian Government Productivity Commission and many similar bodies.
- Number of prisoners are measured against available prison places and expressed as a percentage.
- Optimum prison capacity should lie between 85 – 95 per cent (in the industrialised world) to cater for prison movements, transfers, special purpose accommodation and manage short term fluctuations (The Australian Institute of Criminology, The Council of Europe, The American Correctional Association).

Prison Utilisation Rate - South Australian Prison System



How South Australia planned/ is planning to alleviate overcrowding?

- South Australian Prison Project (first delayed then cancelled) (Australian Broadcasting Commission 2009b).
- Refits of single cells for double-bunking (DCS 2008).
- 40 cells at the City Watchhouse allocated for corrective services use (DCS 2008).
- Cells at other police stations and court holding cells being used periodically (Kenton 2008).
- Some adults being held at juvenile facilities (Kenton 2008).
- Planned additional accommodation units being constructed at various regional prisons (Australian Broadcasting Commission 2009a).

Effects of Double Bunking

...chronic over-crowding in South Australian prisons requires multiple occupation of cells. One only has to look at photographs of cell 302 to realise the miserable and over-crowded conditions in which these prisoners lived. The lack of privacy and hygiene involved in sharing toilet and hand-washing facilities in the cell, ...Mr. XXX so disliked sleeping on the top bunk that he used to take his mattress and put it on the floor and sleep there next to the toilet bowl each night

(Coroner of South Australia 2000c).

- Increased risk of rape and other assault (Heilpern 1998).
- Increased risk of contracting communicable disease (Coroner of South Australia 2000c).
- Increased risk of negative health outcomes e.g. passive smoking (Grant and Memmott 2008).
- Denial of prisoners privacy and dignity (Dawes 1997).
- High levels of violence, gang membership and illegal drug use have been observed in multiple occupancy accommodation (Peguese and Koppel 2003).

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The Safety of South Australian Prison Accommodation

The Revised Standard Guidelines for Corrections in Australia (2004) state that ...all necessary measures should be taken to ensure that no prisoner injuries or unnatural deaths occur”.

- Two successive State Coroners have suggested that attention be given to various aspects of prison accommodation in twenty five separate inquests held between 1994 and 2009 (Coroner of South Australia 1994; 1995; 1996; 1997; 1998; 1999; 2000; 2000a; 2000b; 2000c; 2003; 2003a; 2004; 2004a; 2004b; 2004c; 2005; 2006; 2006a; 2007; 2007a; 2007b; 2008; 2008a, 2009).
- Given that the primary cause of death in prison is suicide by hanging many recommendations related to the design of prisons that may reduce incidence of this occurrence.
- Prior to 2000, many of these recommendations related to the removal of hanging points.
- After 2000, many recommendations suggest the implementation of the Department of Justice, Victoria Safe Cells Technology.

Safe Cell Technology



Photograph: Victorian Department of Justice



Photograph: Victorian Department of Justice

Mobilong Independent Living Units

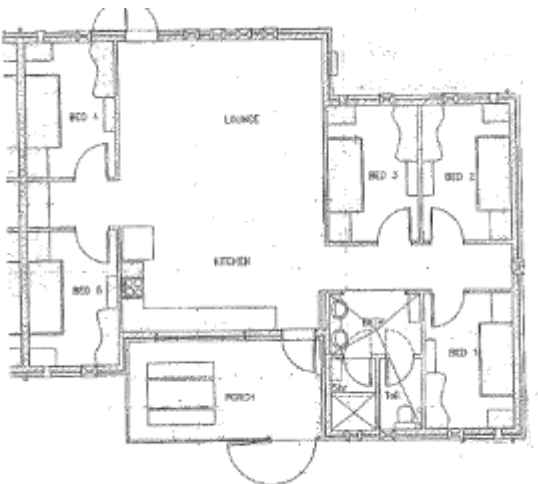


Photograph: Long



Photograph: Long

Mobilong Independent Living Units



Source: Department for Correctional Services (not to scale)

Photograph: Grant

Continued Presence of Hanging Points

...implement an audit system which facilitates regular inspections of all South Australian prisons to identify and eliminate potential hanging points where possible, not only within cells, but also in unsupervised areas and areas without clear camera surveillance.

(State Coroner of South Australia, 2006a).



Photograph: Grant

Improving the quality of South Australian Prison Accommodation

- Prisons in South Australia will continue to go through cycles of neglect and reform without a system of standards and monitoring.
- A minimum standard for prison accommodation needs to be clearly articulated in a set of standards and linked to legislation.
- There needs to be consideration of new developments (such as the Safe Cell Technology) being included in such standards.
- Prison environments should be have a regular audit and monitoring program.

One Possible Model of Reform?

Thank you



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