REPORT ON POLICE WATCHHOUSES

IN QUEENSLAND

AUGUST 1996

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ISBN 0–7242–7118–X

Printed by GOPRINT, Brisbane.

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Dear Sirs

In accordance with section 26 of the *Criminal Justice Act 1989*, the Commission hereby furnishes to each of you its 'Report on Police Watchhouses in Queensland'.

Yours faithfully

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FOREWORD

Under the *Criminal Justice Act 1989* the Criminal Justice Commission (CJC) has a broad statutory responsibility to monitor the operation of the criminal justice system and, if necessary, initiate appropriate reforms.

In the *Criminal Justice System Monitor*, released in August 1995, the CJC reported that overcrowding in the prison system had resulted in prisoners being held in police watchhouses for extended periods and had placed significant strains on these facilities. In addition, the CJC was aware, from complaints made to it by prisoners and from submissions made by various groups and individuals, that conditions in some watchhouses were not up to acceptable standards. The CJC therefore decided to initiate a research project on watchhouses in order to: gain a better understanding of the dimensions of the problems of overcrowding, lengthy stays and inadequate conditions; establish why these problems had arisen; and, identify possible solutions. This report presents the results of that research.

A key theme in the report is that the problems which have arisen in relation to watchhouses cannot be resolved by individual criminal justice agencies acting in isolation of each other. The June 1996 *Report of the Queensland Commission of Audit* and, more recently, the *Report on the Review of the Queensland Police Service*, have also stressed the importance of a coordinated approach to the development and implementation of criminal justice policies. The CJC hopes that the release of this report, as well as helping to address the particular problems which arise in relation to police watchhouses, will add to the impetus to develop appropriate coordinating mechanisms within the criminal justice system.

F J CLAIR
Chairperson

ACKNOWLEDGEMENTS

Many individuals and groups have assisted the CJC in the preparation of this report. In particular, the CJC wishes to acknowledge the contribution of the following:

- The members of the Brisbane and North Queensland Watchhouse Register Groups who acted as advisors to the CJC in the preparation of this report: (Ms Margo Couldrey, Queensland Anti-Discrimination Commission; Ms Laurie Cullinan, Prisoners' Legal Service; Mr Ian Dearden, Queensland Council for Civil Liberties; Ms Helen Gadsden, Catholic Prison Ministry; Major Bruce Buckmaster, Salvation Army; Mr Dennis Young, Drug-Arm Australia; Chief Superintendent Cliff Crawford; Mr Peter Russo; Mr Peter Severin, QCSC; Mr Howard Posner, Legal Aid Office (Qld); Mr Noel Blair, Murri Watch Committee; Mr Merv Bainbridge, Queensland Police Union of Employees; Mr Jim Gibney, Cairns Community Legal Centre; Ms Valerie Otto, Far North Queensland Families and Prisoners Support Inc.; Mr Martin Grandelis, Lotus Glen Correctional Centre; Senior Sergeant Brendan Keleher, Cairns Police Station; Ms Daisy Caltabiano, Aboriginal Co-ordinating Council; Mr Philip Bovey; Ms Judy Andrews; Mr Ray Rhodes; Ms Kass Gardiner; Superintendent Colin McCallum; Mr John Magoffin; Mr Alan Carter, Protective Service and Juvenile Justice Division, Department of Families, Youth and Community Care; Ms Rosemary Anderson, Queensland Anti-Discrimination Commission; Mr Joseph Reser, James Cook University; Mr Ben Clarke, Tharpuntoo Legal Service; Ms Lexie Young, Bama Healing; Ms Elizabeth Lajos; and Mr Steve Wettenhal). The CJC bears sole responsibility for the findings, interpretations and recommendations contained in this report, but is grateful for the advice and assistance provided.

- Inspector Bob Dallow and staff at the Brisbane City Watchhouse, QPS officers at the other major watchhouses examined in this report, Chief Superintendent David Jefferies, Chief Superintendent Peter Freestone, Senior Sergeant Wayne Preston and Senior Sergeant Craig Fraser.

- The Parliamentary Commissioner for Administrative Investigations (Ombudsman).

- Mr Neville Cullen and Dr Harvey Whiteford of Queensland Health and Dr John Lynch, the Chief Government Medical Officer.

This project was undertaken by the CJC's Research and Coordination Division. The report was written by Susan Johnson (who also acted as Project Manager), Mark Pathe and Mary Burgess, with valuable research assistance being provided by Yiah Chan and Nola Pearce. Tracey Stenzel was responsible for desktop publishing. The contributions of all those involved in the project are greatly appreciated.

DAVID BRERETON
Director
Research and Co-ordination

CONTENTS

ABBREVIATIONS

AGCC	Arthur Gorrie Correctional Centre
Audit Report	*Report of the Queensland Commission of Audit: Operating Budget Outlook*
BCWH	Brisbane City Watchhouse
CJC	Criminal Justice Commission
CJIIS	Criminal Justice Information Integration Strategy
GMO	Government Medical Officer
Ombudsman	Parliamentary Commissioner for Administrative Investigations
OPM	Operational Procedures Manual (QPS)
QCSC	Queensland Corrective Services Commission
QMEC	Queensland Medical Education Centre
QPS	Queensland Police Service
RCIADIC	Royal Commission Into Aboriginal Deaths in Custody

EXECUTIVE SUMMARY

CHAPTER 1 – INTRODUCTION

This report presents the findings and recommendations of the Criminal Justice Commission's (CJC) research project on police watchhouses. The report addresses the linked issues of overcrowding, lengthy stays by prisoners and poor conditions in watchhouses.

Under the *Criminal Justice Act 1989* (s. 21(a)) the CJC has a general statutory responsibility to:

> continually monitor, review, coordinate and, if the Commission considers it necessary, initiate reform of the administration of criminal justice.

The decision to initiate a comprehensive review of problems associated with police watchhouses in Queensland was taken because:

- The CJC, through its general monitoring activities, had identified overcrowding, excessive stays, and the poor conditions in many watchhouses as significant problems for the administration of criminal justice in Queensland (CJC 1995). In addition, in mid 1995 the CJC had received a large number of letters from various organisations urging that research be undertaken into these issues.

- The CJC was satisfied, at the time of commencing the project, that the problems with watchhouses had not been satisfactorily addressed by the then Government and were unlikely to be resolved in the foreseeable future.

- Issues relating to watchhouses have been a significant source of tension between the Queensland Police Service (QPS) and Queensland Corrective Services Commission (QCSC). Under the CJC's project selection criteria, priority is to be given to research focusing on issues or problems which cut across the boundaries and interests of individual criminal justice agencies.

Since work commenced on this project there have been some significant changes in relation to watchhouses. Most notably, in late February 1996 the new Minister for Police and Corrective Services and Minister for Racing, the Honourable T R Cooper MLA, following discussions with the Director-General of the QCSC, directed that QCSC prisoners were not to be held in police watchhouses for any longer than seven days (the Minister's seven-day direction).

As a result of this direction, the problems of overcrowding and lengthy stays by prisoners in watchhouses have diminished for the time being. However, history shows that overcrowding tends to occur in cycles. In addition, the effect of reducing watchhouse overcrowding has been to place further strains on prison capacity. It was therefore considered important to analyse the nature and extent of the problems experienced over the past three years, in order to develop strategies for reducing pressures on watchhouse and prison populations. Further, even though watchhouse overcrowding has been alleviated, there are still many problems with the conditions for prisoners and staff in watchhouses that need to be addressed.

This report is the product of an extensive consultation process. The CJC has had the benefit of input from two project advisory committees, comprising the members of the Brisbane and North Queensland Watchhouse Register Groups. Both the QPS and the QCSC were represented on these committees. The committees met on several occasions and draft copies of the report were circulated to all committee members, and the relevant agencies, for comment. In addition, fourteen written submissions were received from interested individuals and agencies.

Other information sources used in compiling this report included quantitative data obtained from the QPS and QCSC, a detailed written submission from the Parliamentary Commissioner for Administrative Investigations (the Ombudsman) summarising various complaints received by him from prisoners held in watchhouses, data obtained from CJC complaints files relating to watchhouses, interviews of watchhouse mangers, and inspections of watchhouses undertaken by CJC staff.

In reading this report, it is important to be aware of the distinction between QPS and QCSC prisoners:

- *QPS prisoners* are prisoners who have been arrested but not given bail by police and are being held until their first court appearance.

- *QCSC prisoners* are prisoners awaiting transfer to a custodial correctional centre. Those in this category may either be serving time in custody in default of payment of fines, remanded in custody by a court, or sentenced to a term of imprisonment by a court.

The report is current as at June 1996.

CHAPTER 2 – THE EXTENT OF OVERCROWDING IN POLICE WATCHHOUSES

This chapter examines data on prisoner numbers and accommodation capacity for the Brisbane City Watchhouse (BCWH) and 10 other major watchhouses in Queensland. A watchhouse is considered to be overcrowded when the number of prisoners held overnight exceeds the accommodation capacity of the watchhouse, as measured by the number of permanent beds. Comparing prisoner numbers held at any given time with the number of permanent beds available is the simplest way of establishing whether a watchhouse is overcrowded, although this method tends to understate the full extent of overcrowding.

Key findings reported in this chapter are:

- Prior to 1996, overcrowding was experienced at almost all the major watchhouses. The problem was constant and severe at some of the watchhouses, most notably Brisbane, Ipswich and Cairns.

- The number of QPS prisoners held overnight in watchhouses was comparatively low. High QCSC prisoner numbers were the primary reason for the overcrowding which was experienced. There would have been almost no overcrowding in any of the watchhouses but for the presence of QCSC prisoners.

- After February 1996 the problem of overcrowding began to ease at most of the watchhouses, due to the Minister's seven-day direction, and the expansion of the QCSC custodial system capacity in March 1996.

CHAPTER 3 – LENGTH OF STAY BY PRISONERS IN WATCHHOUSES

This chapter examines how long prisoners have been spending in police watchhouses. Lengthy stays contribute significantly to the overcrowding problem, as the number of prisoners in a watchhouse at any one time is affected by both the number of prisoners being admitted and the duration of their stay in the watchhouse. A large number of complaints to the Ombudsman and to the CJC concerned the length of time that prisoners had to spend in unsatisfactory watchhouse conditions.

Examination of QPS data showed that:

- QPS prisoners rarely spend very long in watchhouses. The great majority either receive bail or go to court within one day.

- QCSC prisoners in watchhouses were typically held for much longer, with high numbers held for over a week. Until the issuing of the Minister's seven-day direction, most of the major watchhouses held some prisoners for periods of several weeks.

- Over the period of the study, Brisbane and Cairns Watchhouses frequently held prisoners for the longest times.

QCSC prisoners spent long periods in watchhouses because the QCSC did not accept them, or delayed accepting them, into prisons. The reason for this was overcrowding of the QCSC custodial system.

This chapter also examines trends in prisoner numbers and capacity in the custodial correctional system in order to understand the impact of prison overcrowding on watchhouses. It was found that:

- between 1993 and 1996, the adult prison population increased by almost 70 per cent

- prison accommodation capacity also increased during that time, but is yet to "catch up" with the prison population.

The implementation of the Minister's seven-day direction has, for the time being, largely resolved the overcrowding and length of stay problems in watchhouses, but has added to the problem of overcrowding in the prison system.

CHAPTER 4 – LEGAL AND POLICY CONSIDERATIONS

This chapter examines the public policy implications of the QCSC's practice of not accepting or delaying accepting prisoners from watchhouses into the prison system. It is argued that this practice is undesirable for the following reasons:

- Watchhouses have traditionally been used by police as places for the short term detention of people who have been charged with criminal offences and are waiting to appear before a magistrate. Because watchhouses are designed to be used for short term detention, the standards of facilities and conditions required are, in practice, lower than the minimum standards required of prisons.

- It is neither reasonable nor practical to equip and staff watchhouses so that they can meet the minimum standards required of prisons.

- Police are neither trained nor resourced to act as gaolers. To prepare police to fulfil this function would result in unnecessary duplication of services and expansion of the function of the QPS and the duties and role of police officers.

The chapter considers whether the QPS should hand over the responsibility for managing watchhouses to the QCSC. It is concluded that this would not resolve the overcrowding problem in the prison system, which is the catalyst for watchhouse overcrowding. It is most unlikely that, if watchhouses were managed by the QCSC, prisoners awaiting transfer to a prison would spend any less time in watchhouses, would have better conditions, or would be any more likely to receive their minimum entitlements while so detained.

It is the CJC's position that QCSC prisoners should be transferred to the QCSC custodial system in the shortest time possible. It is argued that, while the Minister's seven-day direction achieved a positive result almost immediately, it would be inappropriate to have to rely on this mechanism over the longer term. Further, the Ministerial direction alone, without other complementary measures, cannot address the underlying policy and legislative issues.

The chapter proposes that the relevant provisions of the *Corrective Services Act 1988* be amended to provide that a person sentenced to a term of imprisonment, or required by law to be detained in custody for a period, be transferred as soon as possible, at the convenience of the police, to a correctional centre. The maximum period of detention of a prisoner in a watchhouse should be three days, except where the watchhouse is located a substantial distance from the nearest watchhouse and there are circumstances which prevent the police from conveniently transferring the detained person to a correctional centre.

It is noted that this amendment will cut off the watchhouse "safety valve" used by the QCSC to relieve the pressure of overcrowding on the prison system. As a consequence, it may exacerbate overcrowding in the prison system.

CHAPTER 5 – STRATEGIES FOR REDUCING OVERCROWDING IN THE SYSTEM

Of necessity, the QCSC's response to the problem of overcrowding in the prison system has focussed primarily on increasing the capacity of the system by constructing new cells, or by doubling up prisoners in existing capacity. The construction of new correctional centres or the extension of existing centres is a long term response to the prison system's accommodation crisis. Doubling up is a short term response which, because of the risk of creating further problems, must also be a temporary measure.

There are various other strategies available to reduce the number of people progressing through the criminal justice system to prison. This chapter focuses mainly on initiatives which can be implemented at various stages of the criminal justice process to reduce the numbers of people in custody or to reduce the length of time people spend in custody. The chapter discusses a wide range of possible strategies, according to the types of prisoners affected by the strategies: warrant, remanded or sentenced prisoners.

The proposals made include that:

- a comprehensive review be undertaken of the system of dealing with fine defaulters, to include consideration of options such as changing the conversion rates for fines, allowing default periods to be served concurrently or granting an amnesty on all or some outstanding warrants
- the Queensland Law Reform Commission's (1993) recommended amendments to the *Bail Act 1980* be implemented
- listing practices in courts in locations in which a prison is not nearby be reviewed to attempt to coordinate the appearances of remanded prisoners who are facing more than one set of charges
- the evaluation of the use of video linking in Brisbane being conducted by the Department of Justice specifically considers the needs of remanded prisoners in more remote areas
- the QCSC consult with representatives of the judiciary on the use of Community Corrections Orders, as part of an attempt to determine whether the increase in the use of imprisonment by the courts is a result of a trend against the use of Community Corrections Orders and/or an increase in the number of breaches of Community Corrections Orders

- the Crime Statistics Unit of the Government Statistician's Office give priority to collecting and publishing detailed sentencing information for Magistrates Courts and higher courts, so that data are available for a review of the sentencing practices of the courts, with a view to determining whether lengthier sentences have been imposed by the courts

- the QCSC include in its published data on the prison population information about the number of administrative transfers and their effect on the prison population

- the Government initiate and publish an analysis of the potential impact on the prison population of the limiting or abolition of remissions prior to any policy change

- information about the outcomes of decisions of Community Corrections Boards be made publicly available.

The recent *Report of the Queensland Commission of Audit: Operating Budget Outlook* (Audit Report) recognised the widespread cause and effect relationships existing among agencies in the criminal justice system, but noted that there is no formal mechanism in place to ensure coordinated approaches to policy advice to Government, research, evaluation of programs, planning for both capital infrastructure and human and other resources, and public information and education. The Audit Report recommended the establishment of a strategic planning committee to ensure coordination between the criminal justice agencies, which would, among other things, take account of the full resource implications of agency decisions, including impacts on other agencies. This recommendation is supported by the CJC. It is proposed that a strategic planning committee be established and that it addresses the problem of prison overcrowding as a priority. It is also proposed that any changes to policy which will impact upon other agencies in the criminal justice system should be accompanied by a public statement of the effect that the changes will have on other agencies and on the number of people in custody.

CHAPTER 6 – PROVISION OF HEALTH AND MEDICAL SERVICES IN WATCHHOUSES

Many prisoners in Queensland watchhouses suffer from health problems. Despite the clear need for medical facilities and services in watchhouses, the level of facilities and services falls far short of what is required. Findings reported in this chapter:

- the extent to which prisoners in watchhouses have access to medical services varies considerably

- some watchhouses do not have access to, or have only limited access to, Government Medical Officer (GMO) services and most do not have access to nursing services

- prisoners are not routinely assessed by health professionals within 24 hours of admission to a watchhouse; police often have to make judgements about how to care for prisoners in their custody

- despite the fact that many prisoners suffer from drug or alcohol addiction or psychological problems, or are suicidal, most watchhouses have no access to specialist services for these prisoners

- watchhouse staff have often been unable to prevent, or control, the spread of contagious diseases

- key recommendations of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) (1991) relating to health care for watchhouse prisoners are not being realised in many locations

- recommendations from other work undertaken in Queensland following RCIADIC (1991) are yet to be implemented.

A crucial step in ameliorating many of the problems identified will be to implement the recommendation made in Chapter 4 to amend the *Corrective Services Act*, which would ensure prompt transfer of QCSC prisoners to prison.

It is proposed that QPS and Queensland Health jointly develop a strategy for the provision of medical services to prisoners in watchhouses that includes:

- GMO's to be available to all 24 hour watchhouses on a daily or as needed basis

- appropriately trained nursing staff to be available in all 24 hour watchhouses on a regular basis

- a system for the safe provision of medication to be implemented in all 24 hour watchhouses

- specified facilities for medical care to be provided in all 24 hour watchhouses.

It is also proposed that a protocol be established between the QPS and Psychiatric Services, Queensland Health, to enable watchhouse staff to directly access psychiatric services for prisoners, in defined circumstances. The Government will need to urgently provide adequate funds to the QPS and Queensland Health to enable these agencies to implement the above by December 1996.

CHAPTER 7 – CONDITIONS IN POLICE WATCHHOUSES

This chapter focuses on problems arising from conditions in watchhouses. Several problem areas were identified in many of watchhouses, including climatic conditions, lighting, hygiene, clothing, bedding and cleaning of cells. While some of the problems identified may not seem particularly serious in isolation, overcrowding and lengthy stays clearly exacerbate the problems. In an overcrowded watchhouse, where many prisoners have been held for several days and some for several weeks, prisoners face a number of stresses, including threats of violence, noise from other prisoners, frustration at waiting for transfer to prison, increased chances of catching disease, and withdrawal from drugs or alcohol. The ability of prisoners to cope with these stresses is diminished because of the poor conditions in which they are held.

Some of the poor conditions will be alleviated by decreased prisoner numbers and shorter stays in watchhouses. Others can only be improved by:

- improved management practices in watchhouses, which in many instances may require greater resourcing of watchhouses

- refurbishment or replacement of watchhouse facilities.

A number of specific practices are nominated for improvement, to become consistent with "best practice". The convening of annual Watchhouse Managers' Workshops by the QPS for the past two years has contributed to the development of "best practice" initiatives and more consistency in conditions across watchhouses. The Watchhouse Managers' Workshop should continue to receive a high level of support from the QPS.

It appears that, for many years, only limited resources were allocated for upgrading or replacing watchhouses. Since RCIADIC (1991), the QPS has expended considerable funds on refurbishment to implement the recommendations of the Royal Commission, such as the "hang proofing" of cells. In addition, a number of new watchhouses have been constructed across the State. However, significantly more resources will need to be expended if watchhouses are to brought up to a satisfactory standard for even short term stays by prisoners. The QPS recognise that many watchhouse facilities are in urgent need of improvement and the Service has a five-year program of upgrade and replacement. The QPS should be provided with increased funding to enable it to accelerate the replacement and refurbishment of watchhouses throughout the State, especially the 24 hour watchhouses.

CHAPTER 8 – CONDITIONS FOR STAFF IN POLICE WATCHHOUSES

The focus of this chapter is on the demands placed on watchhouse staff, and on their working conditions. The chapter outlines the difficulties associated with managing prisoners, which are exacerbated by the fact that until recently many prisoners have been in the watchhouse for a long time in overcrowded conditions.

One of the most significant demands placed on staff is the need to minimise the risk of self-harm by prisoners. In order to minimise this risk, watchhouse staff have tended to deny access to anything that could be considered potentially harmful. While other risk factors have been addressed by modifications to facilities or amendments to procedural guidelines, there is still a great need for caution and vigilance on the part of staff. One of the beneficial results of the approach taken by police is that there has been a marked decrease in the number of deaths in police custody in recent years. Any relaxation of this approach may increase the risk of death or injury in custody.

This chapter notes that staff at the watchhouse have very limited options for dealing with disruptive prisoners. The need for discipline should decrease significantly when the problems of overcrowding and lengthy stays are addressed. When the need does arise, "problem" prisoners can be best dealt with by segregation.

The work environment for staff leaves much to be desired in many watchhouses. The acceleration of the watchhouse refurbishment and replacement program recommended in Chapter 7 should improve the physical working environment of watchhouse staff.

The QPS has been attempting to enhance the professionalism and status of watchhouse staff, and appears to be placing more emphasis on selecting staff according to their personal suitability for the role. A number of possible strategies for further enhancing the status of watchhouse staff are suggested, including:

- providing improved training for staff
- providing for special pay loadings for senior staff in charge of large watchhouses
- expanding the role and function of senior watchhouse staff in accordance with the recommendation, from the CJC report *A Review of Police Powers Volume IV* (1994), that there be a designated position of Custody Officer.

LIST OF RECOMMENDATIONS

Recommendation 4.1 – Responsibility for Watchhouse Management (p. 41)

The CJC recommends that the QPS should retain responsibility for the management of watchhouses.

Recommendation 4.2 – Amendment to Section 32 *Corrective Services Act 1988* (p. 42)

The CJC recommends that section 32 of the *Corrective Services Act 1988* be amended to provide that:

- the QCSC is the criminal justice agency responsible for accommodating people sentenced to a term of imprisonment or required by law to be detained in custody for a period

- a person sentenced to a term of imprisonment or required by law to be detained in custody for a period shall be transferred as soon as possible, at the convenience of the police, to a correctional centre, but in any case shall not be detained in a watchhouse for more than a period of three days after the commencement of such sentence or period of detention, except in the circumstances set out below

- where a watchhouse is located a substantial distance from the nearest correctional centre and there are circumstances which prevent the police from conveniently transferring the detained person to a correctional centre (such as the unavailability of police officers to transfer the detained person to a correctional centre, or a short adjournment which makes the transfer of the person to a correctional centre and back to the court impractical), the person may be detained in a watchhouse for a period longer than three days.

Recommendation 4.3 – Monitoring the Exceptions to the Three Day Rule (p. 42)

The CJC recommends that:

- where police detain a person in a watchhouse for more than three days, they must record in the custody index the reasons for the person being detained beyond that time

- the use of the exception to the three day rule should be monitored to determine whether the legislative provisions need to be tightened further to minimise the periods of time prisoners spend in watchhouses.

Recommendation 5.1 – Review of Options for Fine Defaulters (p. 51)

The CJC recommends that the Government conduct a comprehensive review of the manner in which the criminal justice system deals with fine defaulters and that the review consider, among other things, the following proposals:

- a review of the conversion rate for fines
- allowance for default periods to be served concurrently
- availability of Fine Option Orders on Saturdays
- an amnesty on some or all outstanding warrants
- the installation of EFTPOS facilities in watchhouses

- the cancellation of drivers' licences as an alternative to imprisonment
- the use of civil debt recovery procedures
- restricting the courts' authority to impose in default imprisonment in the first instance.

Recommendation 5.2 – Amendments to the *Bail Act 1980* (p. 51)

The CJC recommends that the amendments to the *Bail Act 1980* recommended by the Queensland Law Reform Commission (1993) be implemented.

Recommendation 5.3 – Review of Court Listing Practices (p. 52)

The CJC recommends that courts in areas in which the prison is not nearby review their listing practices to ascertain if they can coordinate the appearances of each remanded prisoner who is facing more than one set of charges.

Recommendation 5.4 – Use of Video Linking Facilities (p. 52)

The CJC recommends that the evaluation of the video linking in Brisbane being conducted by the Department of Justice specifically consider the needs of remanded prisoners in more remote areas.

Recommendation 5.5 – Consultation on the Use of Community Corrections Orders (p. 54)

The CJC recommends that the QCSC consult with representatives of the judiciary on the use of Community Corrections Orders to determine what action, if any, is required to address the concerns of the judiciary.

Recommendation 5.6 – Publication of Sentencing Information (p. 54)

The CJC recommends that the Crime Statistics Unit of the Government Statistician's Office give priority to collecting and publishing detailed sentencing information for Magistrates Courts and higher courts.

Recommendation 5.7 – Effect of Administrative Transfers on Prison Population (p. 56)

The CJC recommends that the QCSC include in its published data on the prison population information about the number of administrative transfers and their effect on the prison population.

Recommendation 5.8 – Impact of Abolition of Remissions (p. 57)

Prior to implementing any policy to abolish or limit the use of remissions the Government should undertake and publish an analysis of the likely impact of such a policy on the prison population.

Recommendation 5.9 – Publication of Outcomes of Community Corrections Boards Decisions (p. 58)

The CJC recommends that information about the decisions of Community Corrections Boards be publicly available, including:

- the number and types of applications considered and determined
- the number and types of applications granted and refused
- the number and types of orders suspended or cancelled.

Recommendation 5.10 – Establishment of a Strategic Planning Committee (p. 59)

The CJC recommends that recommendation 13.1 of the *Report of the Queensland Commission of Audit: Operating Budget Outlook, June 1996* – that a strategic planning committee be established to coordinate policy advice, research and planning among criminal justice agencies – be implemented. One of the priorities of the committee should be to address the problem of prison overcrowding.

Recommendation 5.11 – Publication of Impact Statements (p. 60)

The CJC recommends that, pending the establishment of the strategic planning committee, any changes to policy which will impact upon other agencies in the criminal justice system be accompanied by a public statement of the effect that the changes will have on other agencies and on the number of people in custody.

Recommendation 6.1 – Provision of Medical Services (p. 75)

The CJC recommends that QPS and Queensland Health jointly develop a strategy for the provision of medical services to prisoners in watchhouses that includes:

- the availability of Government Medical Officers to all 24 hour watchhouses on a daily basis
- the availability of appropriately trained nursing staff to all 24 hour watchhouses on a regular basis (the required number of shifts or calls per day may vary from watchhouse to watchhouse) (QMEC recommendation 7.8.1)
- a system for the safe provision of medication to be implemented in all 24 hour watchhouses (QMEC recommendation 7.8.2)
- minimal facilities for medical care to be provided in all 24 hour watchhouses including a separate room with a couch, desk, locked cupboard, phone, and basic equipment including that required for resuscitation (QMEC recommendation 7.8.3).

Recommendation 6.2 – Provision of Psychiatric Services (p. 76)

The CJC recommends that a protocol be established between the QPS and Psychiatric Services, Queensland Health to enable watchhouse staff to directly access psychiatric services for prisoners in defined circumstances.

Recommendation 6.3 – Funding for Improved Medical Services (p. 76)

The CJC recommends that the Government urgently provide adequate funds to the QPS and Queensland Health to enable these agencies to implement the above recommendations by December 1996.

Recommendation 7.1 – Improved Watchhouse Management Practices (p. 89)

The CJC recommends that:

- Wherever practicable, watchhouse staff leave corridor lights on and turn cell lights off at night.
- Each morning watchhouse staff monitor who is to appear in court that day and allow those prisoners to have first access to showers and to shave, where it is safe to allow the prisoner access to a razor.
- Hygiene packs be provided to all prisoners who are held in the watchhouse overnight or for more than twelve hours. The QCSC should provide these packs to QCSC prisoners.
- Watchhouse staff allow prisoners to have access to a clean set of clothes – preferably their own clothes supplied by friends or relatives – if they are to appear before the court. If prisoners are to be held for longer than three days, prisoners should be provided with "prison browns".
- If prisoners are to be denied sheets for safety reasons, the mattresses and blankets be cleaned after each prisoner has used them. All mattresses should have covers to enable them to be cleaned.
- The QPS review the meal allowance in order to establish whether it is adequate to attract outside contractors.
- The QPS make it clear to watchhouse staff that they are to provide meals to all prisoners. It is acceptable that prisoners be allowed to receive *additional* food from friends, relatives or others if it is not a security risk, and also to pay for extra food if they wish.
- Prisoners in the watchhouse should be able to make telephone calls to their legal representatives and receive visits from their legal representatives. Prisoners who are held in the watchhouse for longer than three days should be entitled to make a daily telephone call to, and receive weekly visits from, a family member or friend. If prisoners are to be kept in watchhouses for more than three days, watchhouses will have to be fitted out, where necessary, with secure non-contact visiting facilities.
- Prisoners who have been in the watchhouse for more than three days should be given supervised access to writing materials.

Recommendation 7.2 – Watchhouse Managers' Workshop (p. 90)

The CJC recommends that the Watchhouse Managers' Workshop continue to receive a high level of support from the QPS.

Recommendation 7.3 – Accelerated Replacement and Refurbishment of Watchhouses (p. 91)

The CJC recommends that the QPS be provided with increased funding to enable the Service to accelerate the replacement and refurbishment of watchhouses throughout the State, especially the 24 hour watchhouses.

Recommendation 7.4 – Consultation in Watchhouse Planning (p. 92)

The CJC recommends that the QPS use appropriate consultative mechanisms in planning the replacement of watchhouses.

Recommendation 8.1 – Enhancing the Status of Watchhouse Staff (p. 97)

The CJC recommends that the QPS develop and implement strategies for enhancing the status of watchhouse staff.

CHAPTER 1
INTRODUCTION

This report presents the findings and recommendations of the Criminal Justice Commission's (CJC) research project on police watchhouses. The report addresses the linked issues of overcrowding, lengthy stays by prisoners and poor conditions in watchhouses. The recommendations are aimed at ensuring that:

- the risk of overcrowding in watchhouses is minimised
- the broader problem of overcrowding of the custodial system is addressed
- conditions for prisoners and staff in watchhouses are improved.

This introductory chapter explains why the CJC initiated this project, describes the methodology and consultation process which were employed, provides a brief overview of watchhouses and outlines the structure of the report.

BACKGROUND TO THIS REPORT

A number of major inquiries and reviews in recent years have focussed attention on police watchhouses. The most significant of these was the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) which, in its report of 1991, made several recommendations regarding the operation of watchhouses. In 1993, the Public Sector Management Commission produced a report, *Review of the Queensland Police Service*, which also made recommendations addressing problems with watchhouses (1993a). In accordance with one of those recommendations, an Inter-Departmental Working Group on Watchhouse Detention was formed to address the recognised deficiencies of watchhouses. The CJC was later invited to join this group. The group prepared a draft Cabinet Briefing Paper and in August 1994 submitted it to the then Minister for Police and Minister for Corrective Services, the Honourable P Braddy MLA. To the CJC's knowledge, the Briefing Paper was not taken to Cabinet before the change of government in February 1996.

Despite the recommendations of the RCIADIC and other reviews, and the subsequent action taken by the Queensland Police Service (QPS) and other criminal justice agencies, police watchhouses have experienced substantial overcrowding and related problems over the past three years. Newspaper articles show that watchhouses frequently have been an issue of public concern since mid 1993. Media reports have highlighted overcrowding, poor conditions experienced by prisoners and several incidents such as escapes and assaults on other prisoners and on watchhouse staff. At different times, two Supreme Court judges made statements that were critical of the overcrowded conditions in the watchhouses. Over the past three years, several organisations also wrote letters to relevant Government agencies, expressing concern at problems in watchhouses. For example, the Legal Aid Office wrote to the previous Minister for Police and Corrective Services, the Commissioner of Police and the Director-General of the Queensland Corrective Services Commission (QCSC) seven times between late 1992 and late 1995 regarding watchhouse conditions and limited access for legal visits.

Under the *Criminal Justice Act 1989* (s. 21(a)) the CJC has a general statutory responsibility to:

> continually monitor, review, coordinate and, if the Commission considers it necessary, initiate reform of the administration of criminal justice.

In late 1995, the CJC decided to initiate a comprehensive review of problems associated with police watchhouses in Queensland. This decision was taken on the following grounds:

- The CJC, through its general monitoring activities, had identified overcrowding, excessive stays, and the poor conditions in many watchhouses as significant problems for the administration of criminal justice in Queensland (CJC 1995). In addition, in mid 1995 the CJC had received a large number of letters from various organisations urging that research be undertaken into these issues.

- The CJC was satisfied, at the time of commencing the project, that the problems with watchhouses had not been satisfactorily addressed by the then Government and were unlikely to be resolved in the foreseeable future.

- Issues relating to watchhouses have been a significant source of tension between the QPS and the QCSC. Under the CJC's project selection criteria, priority is to be given to research focusing on issues or problems which cut across the boundaries and interests of individual criminal justice agencies. The CJC, because of its statutory independence, is not bound to any one criminal justice agency and so can apply a broader perspective to many issues. Moreover, under the *Criminal Justice Act* the CJC has an obligation to work on issues requiring the coordination of the activities of other agencies.

The initial objectives of the project were to:

- document the conditions in which prisoners were held in Queensland police watchhouses, the numbers of prisoners held compared with the accommodation capacity of watchhouses and the length of time that prisoners were in custody

- identify the factors leading to overcrowding and long stays by prisoners

- develop proposals for improving the situation in watchhouses.

Since work commenced on this project there have been some significant changes in relation to watchhouses. Most notably, after the Mundingburra by-election in February 1996 there was a change of government in Queensland. The new Minister for Police and Corrective Services and Minister for Racing, the Honourable T R Cooper MLA, following discussions with the Director-General of the QCSC, directed in late February 1996 that QCSC prisoners were not to be held in police watchhouses for any longer than seven days ("the Minister's seven-day direction").

As a result of the Minister's seven-day direction, the problems of overcrowding and lengthy stays by prisoners in watchhouses have diminished for the time being. However, history shows that overcrowding tends to occur in cycles. In addition, the effect of reducing watchhouse overcrowding has been to place further strains on prison capacity. For these reasons, it was considered important to analyse the nature and extent of the problems experienced over the past three years, in order to develop strategies for reducing pressures on watchhouse and prison populations. Further, even though watchhouse overcrowding has been alleviated, there are still many problems with the conditions for prisoners and staff in watchhouses that need to be addressed.

DATA SOURCES

Information for this project was gathered from a number of sources, including:

- submissions from interested individuals and agencies, including a submission from the Parliamentary Commissioner for Administrative Investigations (the Ombudsman) detailing various complaints received by him from prisoners held in watchhouses
- Watchhouse Register Groups
- a review of CJC files
- QPS data
- QCSC data
- interviews of watchhouse managers
- inspections of watchhouses by CJC staff.

SUBMISSIONS FROM INTERESTED INDIVIDUALS AND AGENCIES

At the commencement of the project the CJC wrote to interested individuals and agencies and invited them to make submissions. The standard letter sent outlined the reasons for the project, listed the questions that would be addressed and requested any information or advice that may assist the project. The individuals and agencies invited to make submissions are listed in Appendix 1.

The Ombudsman had been investigating numerous complaints concerning conditions in watchhouses from 1991 onwards. The results of those investigations were provided to the CJC for use in this report. Other individuals and agencies who provided written submissions are listed in Appendix 2.

WATCHHOUSE REGISTER GROUPS

At the commencement of the project we were advised that Queensland's two Watchhouse Register Groups[1] – one of which is located in Brisbane, the other in North Queensland – were to examine watchhouse issues. These groups include representatives from the Queensland Anti-Discrimination Commission, the Prisoners' Legal Service, QCSC, QPS, the Queensland Council for Civil Liberties, Drug-Arm, the Legal Aid Office, the Catholic Prison Ministry and legal practitioners. Following a meeting with the Brisbane group it was decided that the most effective way to achieve the desired outcomes was for the CJC to continue the project and have the two groups act as advisory groups to the project.

The advisory process involved a number of meetings at which issues were raised and discussed, preliminary findings were considered and possible solutions to identified problems were canvassed. In addition, drafts of chapters of this report were provided to the Watchhouse Register Groups and other interested parties for comment.

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1 In April 1993 the then Race Discrimination Commissioner, Ms Irene Moss, in her report *Mornington – A Report by the Federal Race Discrimination Commissioner*, recommended that a register be kept of conditions in watchhouses in Aboriginal and Torres Strait Islander communities in Queensland. In September 1994, the Acting Anti-Discrimination Commissioner took the initiative to draw relevant agencies together to form the Watchhouse Register Groups.

REVIEW OF CJC FILES

The Complaints Section of the CJC receives complaints of suspected misconduct by members of the QPS. Working from complaints files summaries, we identified approximately 60 complaints between 1991 and 1996 which raised issues relating to watchhouse conditions. In addition, we considered information from notifications to the CJC by the QPS of suicide attempts in watchhouses. There were approximately 80 such notifications, of which 50 were considered in more detail for this project.

QPS DATA AND DOCUMENTATION

In order to compare trends across a range of watchhouses throughout Queensland, we selected the BCWH and the next 10 busiest watchhouses in Queensland, as determined by the numbers of prisoners held pending transfer to a correctional centre. The watchhouses were identified from a three month sample (in late 1995) of prisoner numbers data provided by the QPS. These data were obtained from Daily Movement Sheets, which are regularly prepared by all watchhouses and collated by staff at BCWH. The watchhouses examined were Beenleigh, BCWH, Cairns, Holland Park, Ipswich, Maroochydore, Mt Isa, Rockhampton, Southport, Toowoomba and Townsville.

The data collected by the QPS in relation to watchhouse prisoners is designed primarily to meet the needs of the QPS, and did not fully meet the requirements of our study. Therefore, we decided to undertake an in-depth study of overcrowding at the largest and busiest watchhouse, the BCWH. For this study, the primary source of data was the watchhouse records, in particular the watchhouse charge books. The month of August 1995 was chosen for the detailed study, because this is the month in which the triennial national census of watchhouse populations is undertaken.

Other QPS documentation was also examined, including reports on audits, reviews and other projects.

QCSC DATA

QCSC provided the CJC with data on the occupancy and capacity of prisons since 1988 to show the extent of overcrowding in the prison system.

INTERVIEW SURVEY OF THE WATCHHOUSE MANAGERS

A survey of the watchhouse managers at the watchhouses referred to above was undertaken during March 1996. Some of the interviews were conducted face to face, with the remainder being conducted over the telephone. The topics covered included the impact of overcrowding, conditions for prisoners, health and medical services and management issues. Respondents to the interview survey were given the opportunity to provide additional information at a meeting of the QPS Watchhouse Managers' Workshop held in Brisbane in June 1996.

Appendix 3 contains a table developed from the results of the interview survey, which summarises key features of the 11 watchhouses.

In addition, interviews were conducted with senior police whose responsibilities include watchhouse operations.

INSPECTIONS OF WATCHHOUSES

CJC research officers visited several watchhouses throughout Queensland, prior to and during the project, to inspect conditions and document them for this project.

POLICE WATCHHOUSES: AN OVERVIEW

In order to place this report in context, it is necessary to describe briefly the purpose of police watchhouses. Watchhouses or "lock-ups" are usually attached to police stations. They are not prisons but secure places for holding prisoners for short term stays pending court appearance or transfer to a prison. There are currently 197 police watchhouses in Queensland. These range in size from the larger watchhouses which operate on a 24 hour basis, such as the Brisbane City Watchhouse (BCWH), which has a capacity of 40 permanent beds, to small rural lock-ups attached to the local police station, which only occasionally hold a prisoner and then only for short periods.[2] Some of the watchhouses are new and have been built to the latest design standards. Others are very old, including some over 100 years, and their design, facilities and state of repair vary considerably. Some, such as the BCWH, were not originally built as watchhouses, but have been modified for the purpose.

The cells that hold prisoners overnight have broadly similar features in most watchhouses. Single and double cells have one or two permanent beds respectively, a toilet and a basin or water fountain. Space is quite limited, as a typical single cell is about 2.4 m by 2.4 m. The larger watchhouses feature a range of other cells used for different purposes, such as the following:

- exercise yards, which allow prisoners some space to move about
- bulk or holding cells, used to hold several prisoners for short periods, for example, while they are processed by police
- "drunks tanks", used to hold prisoners under the influence of alcohol or some other substance
- padded cells, used to hold prisoners at risk of harming themselves.

Prisoners in police watchhouses fall into two broad categories:

- Prisoners who have been arrested, but not given bail by police. These prisoners will be held until their first court appearance. This report refers to this type of watchhouse prisoner as "QPS prisoners".
- Prisoners awaiting transfer to a custodial correctional centre.[3] These prisoners may be either:
    - serving time in custody in default of payment of fines

2 Where a prisoner is to be detained in custody for 24 hours or more, he or she is usually transferred to the nearest 24 hour watchhouse.

3 In this report, a custodial correctional centre is also referred to as a prison or gaol.

* remanded in custody by a court

* sentenced to a term of imprisonment by a court.

This report refers to prisoners awaiting transfer to a custodial correctional centre as "QCSC prisoners".[4]

As a matter of practice, QCSC prisoners will spend some time in a watchhouse before transfer to prison. The relevant legislative provision is section 32 of the *Corrective Services Act 1988*, is the legislative provision which regulates where a person sentenced to imprisonment or detained in custody should be held. It states, in part:

> **Where persons to be detained in custody.** (1) Subject to this Act, the Criminal Code, the *Juvenile Justice Act 1992* and the *Mental Health Act 1974*, a person sentenced to a term of imprisonment or required by law to be detained in custody for a period shall be detained for the term or period in a prison.
> (2) Where the term of imprisonment or period of detention does not exceed 31 days, the person may be detained for that term or period in a police gaol.
> (3) A person whose term of imprisonment or period of detention exceeds 31 days may be detained in a police gaol until he can be conveniently conveyed to a prison . . .

The BCWH is the only watchhouse that has completely separate sections for QPS and QCSC prisoners. These are known as "Level One", where QPS prisoners are processed and held, if refused bail, prior to going to court; and "Level Two", which holds QCSC prisoners awaiting transfer to a correctional centre. All other watchhouses hold both QPS and QCSC prisoners in the same cell area. Some larger watchhouses have cells that usually are set aside for different types of prisoners, such as males, juveniles or females.

Watchhouse managers are required to notify the QCSC as soon as practicable, but within 72 hours, of all QCSC prisoners entering into police custody (QPS Operational Procedures Manual, para. 16.20.1). In practice, staff at BCWH collate lists of QCSC prisoners held in all South-East Queensland watchhouses and communicate these daily (Monday to Friday) to the QCSC. In other parts of Queensland, watchhouse managers communicate directly with QCSC staff at the prisons when they are holding QCSC prisoners. The QCSC then notifies the QPS of which prisoners, if any, it will accept each day.

REPORT STRUCTURE

This report comprises two parts. Part A addresses the key questions: what was the extent and cause of the problems of overcrowding and lengthy stays by prisoners in watchhouses? and, what can be done to alleviate these problems in future? These issues are addressed according to the following structure:

- Chapter 2 describes the problem of watchhouse overcrowding in Queensland and identifies the extent to which the use of watchhouses to hold prisoners awaiting transfer to prison has contributed to the problem.

- Chapter 3 examines data on the length of time prisoners remain in watchhouses prior to being accepted by correctional centres. The characteristics of the prisoners held for the longest times are also described.

4 On occasions prisoners in QCSC custody who are transported from a correctional centre to court are also held in watchhouses for short periods. These prisoners are included in the QCSC prisoner number data although they represent less than five per cent of the QCSC prisoners.

- Chapter 4 examines the public policy implications of the QCSC delaying the acceptance of prisoners into prison. Possible approaches to resolving this situation are considered, and specific legislative amendments proposed.

- Chapter 5 describes the strategies employed by the QCSC to reduce overcrowding in the custodial system. A number of possible additional strategies are canvassed and a whole of system approach advocated.

Part B of the report focuses on watchhouse conditions and considers what should be done to rectify these problems. The report deals with these issues according to the following structure:

- Chapter 6 discusses the shortcomings of the health and medical services provided to prisoners in watchhouses. Actions that have been taken or need to taken to bring these services up to acceptable standards are outlined.

- Chapter 7 describes the conditions experienced by watchhouse prisoners and proposes a number of ways to resolve the problems identified.

- Chapter 8 provides a brief description of the difficulties faced by police staffing watchhouses and outlines what may be done to assist watchhouse staff to carry out their important role.

The report also contains a reference list and several appendices, including a table summarising the key features of 11 major watchhouses and more detailed data on overcrowding and lengthy stays.

Wherever possible, the report is current as at June 1996.

PART A
OVERCROWDING AND LENGTHY STAYS IN WATCHHOUSES

CHAPTER 2
THE EXTENT OF OVERCROWDING IN POLICE WATCHHOUSES

INTRODUCTION

As noted in Chapter 1, this review was prompted by widespread concerns about overcrowding in police watchhouses over the past few years. This chapter examines data on prisoner numbers and the accommodation capacity at selected watchhouses. The following questions are addressed:

- what is meant by "overcrowding"?
- what has been the extent of the problem of overcrowding of watchhouses in Queensland and to what extent has the problem been ameliorated by recent initiatives?
- to what extent has overcrowding been due to watchhouses being used to hold prisoners awaiting transfer to a custodial correctional centre?
- which categories of QCSC prisoner have contributed most to the overcrowding problem?

WHAT IS MEANT BY "OVERCROWDING"?

A watchhouse is considered to be overcrowded when the number of prisoners held overnight exceeds the accommodation capacity of the watchhouse, as measured by the number of permanent beds.

When the number of prisoners to be held overnight exceeds accommodation capacity, police watchhouse staff typically have to place extra mattresses on the floor of cells, to "double-up" prisoners. The space available in cells usually means that those with one permanent bed (single cells) accommodate two and sometimes three prisoners if there is extreme overcrowding, and cells with two permanent beds (double cells) accommodate three and sometimes four prisoners. Beyond that, extra mattresses have to be placed in the other available secure space, such as exercise yards, "drunks tanks" or holding cells. Doubling up in the single and double cells is usually the option preferred by police, as most of these cells have been made "suicide-proof" following the RCIADIC (1991).

Comparing prisoner numbers held at any given time with the number of permanent beds available is the simplest way of establishing whether a watchhouse is overcrowded. However, overcrowding can occur before the point where prisoner numbers exceed accommodation capacity, when there are prisoners being held who, for their safety and welfare, should or must be kept segregated from other prisoners. Paragraph 16.12 of the QPS Operational Procedures Manual (OPM) identifies certain categories of prisoners who should be segregated from others.[5] These include:

- female prisoners (to be kept separate from males)
- juvenile prisoners (to be kept separate from adults)

5 Under paragraph 16.12 of the OPM untried prisoners are not required to be kept separate from sentenced prisoners in the watchhouse. However, international standards include this as a criteria for segregation.

- prisoners who are violent
- "protection" status prisoners, who are considered by police to warrant segregation for their safety (these typically include various types of "sex offenders", informants and witnesses)
- prisoners with the more serious types of contagious diseases.

Whenever these types of prisoners are in custody, the accommodation situation becomes more complex, and doubling or tripling up is likely to be required even when prisoner numbers do not exceed total capacity. For example, the watchhouse manager at Cairns reported that one day in February 1996 there were 36 prisoners held in the watchhouse, which had a capacity of 35 permanent beds. However, three of the prisoners were juveniles, three were females and the remaining 30 prisoners were males. These 30 males had to be accommodated in the male section of the watchhouse which had a capacity of only 18 permanent beds. According to police, these circumstances have been quite common and have required police to spend what are often considerable amounts of time supervising the movement of prisoners within the watchhouse throughout the day as other prisoners are admitted, transferred or released, and allowing prisoners to shower, have visits, make phone calls and so on.

WHAT HAS BEEN THE EXTENT OF OVERCROWDING OF WATCHHOUSES?

INFORMATION SOURCES AND METHODOLOGY

A count of the numbers of QCSC prisoners held overnight in watchhouses has been made on a weekly basis by the QPS since late 1993. However, the data available on the numbers of QPS prisoners held overnight in watchhouses are more restricted.[6] Collection of data about QPS prisoner numbers only commenced in March 1995, and then only at watchhouses in South-East Queensland. The QPS data have been used to compare the number of prisoners with the capacity of each watchhouse in order to determine the extent of overcrowding.

Ideally, data on the numbers of prisoners in the various categories and the different types of cells (and number of permanent beds) available in each watchhouse should also be examined, to show more accurately the extent of overcrowding. However, it has not been possible to undertake these comparisons, as either the data available were too limited, or it was too difficult to determine how prisoners should be categorised; for example, a protection status prisoner may have an infectious disease, which would mean he should be segregated from both "mainstream" prisoners and other protection prisoners. Because we have only utilised data on total prisoner numbers and overall watchhouse capacity, it is likely that the following analysis understates the extent of overcrowding.

Where the information was available, we examined the data on both QPS and QCSC prisoner numbers to determine the relative contribution of each group to the total watchhouse population. This enabled us to determine the extent to which overcrowding could be attributed to watchhouses being used to hold prisoners awaiting transfer to a correctional centre, as opposed to being due to large numbers of QPS prisoners being held in watchhouses.

6 As discussed in Chapter 1, QPS prisoners are those people arrested by police and denied bail who are awaiting their first appearance before the court. QCSC prisoners are those who have been arrested on a Warrant of Commitment, remanded in custody or sentenced to imprisonment by a court.

In the following discussion we first examine the extent of overcrowding at BCWH, which is the largest watchhouse in the State. The BCWH has a unique set-up whereby QPS and QCSC prisoners are accommodated on two separate levels, each with different capacity. We then examine the extent of overcrowding at the six other major South-East Queensland watchhouses from March 1995 to June 1996. These watchhouses were selected because they recorded the number of both QPS and QCSC prisoners held over this period. Finally, we look at trends in QCSC prisoner numbers at 10 of the major watchhouses in Queensland from January 1994 to June 1996.

BRISBANE CITY WATCHHOUSE

BRISBANE CITY WATCHHOUSE LEVEL ONE

As described in Chapter 1, QPS prisoners are held in Level One of the BCWH which has 10 permanent beds. Figure 2.1 shows the number of QPS prisoners per permanent bed in Level One at 6.00 a.m. on the last Monday of the month from March 1995 to June 1996.

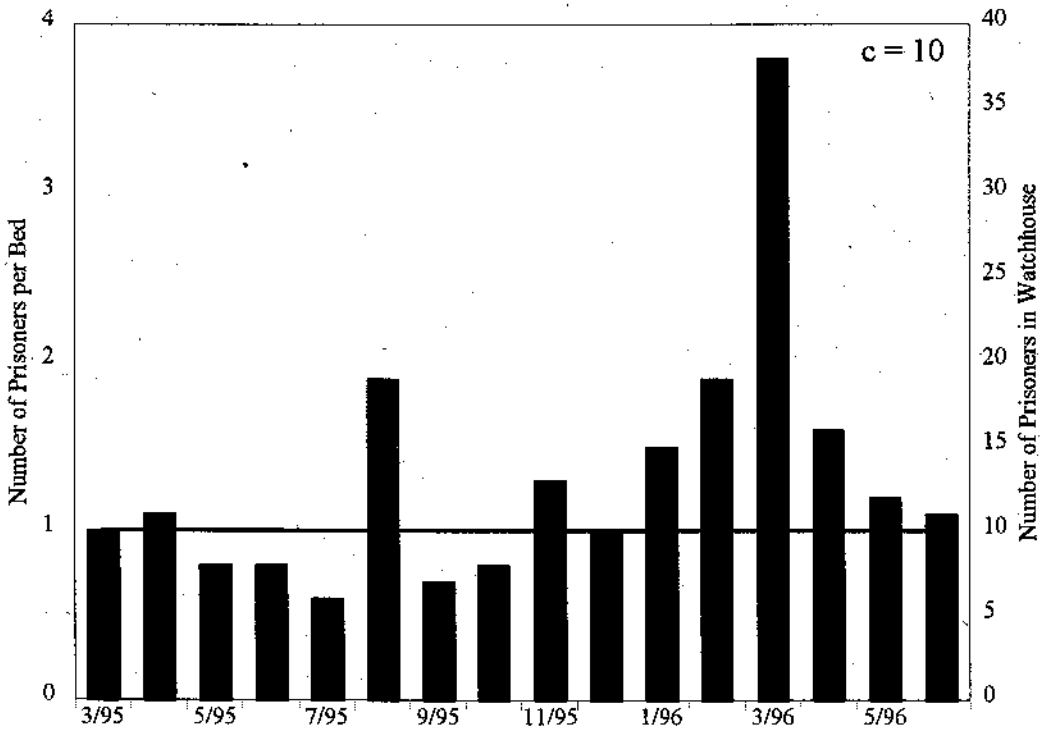


FIGURE 2.1 – NUMBER OF PRISONERS PER PERMANENT BED ON LEVEL ONE OF BCWH, LAST MONDAY OF THE MONTH (MARCH 1995 – JUNE 1996)

Source: QPS Daily Movement Sheets.

Notes:

1. Data from the Daily Movement Sheets were in terms of whole days. When converting to number of prisoners per bed, figures have been rounded to the first decimal place.
2. c = number of permanent beds.
3. Horizontal line shows the point at which capacity is reached.

The Level One population in March 1996 was unusually high because the prisoners held on Level One on that day included QCSC prisoners. Air-conditioning was being installed in Level Two of the BCWH during that month so QCSC prisoners were being held on Level One during the day and were counted in the prisoner numbers at 6.00 a.m.[7] Excluding March 1996, Level One was overcrowded on 50 per cent of the dates studied.

As will become apparent from the following discussion of overcrowding on Level Two, the BCWH would have had ample accommodation for all QPS prisoners if Level Two had not been holding large numbers of QCSC prisoners.

BRISBANE CITY WATCHHOUSE LEVEL TWO

BCWH Level Two accommodates QCSC prisoners awaiting transfer to a prison. Until January 1996, Level Two had a capacity of 34 permanent beds. After the installation of an air-conditioning unit in February and March 1996, the capacity dropped to 30 permanent beds. Figures 2.2A and 2.2B show the number of QCSC prisoners per permanent bed held on Level Two BCWH at 6.00 a.m. on the last Monday of the month from January 1994 to June 1996. The data in Figure 2.2B are shown separately because the permanent bed capacity changed for those months.

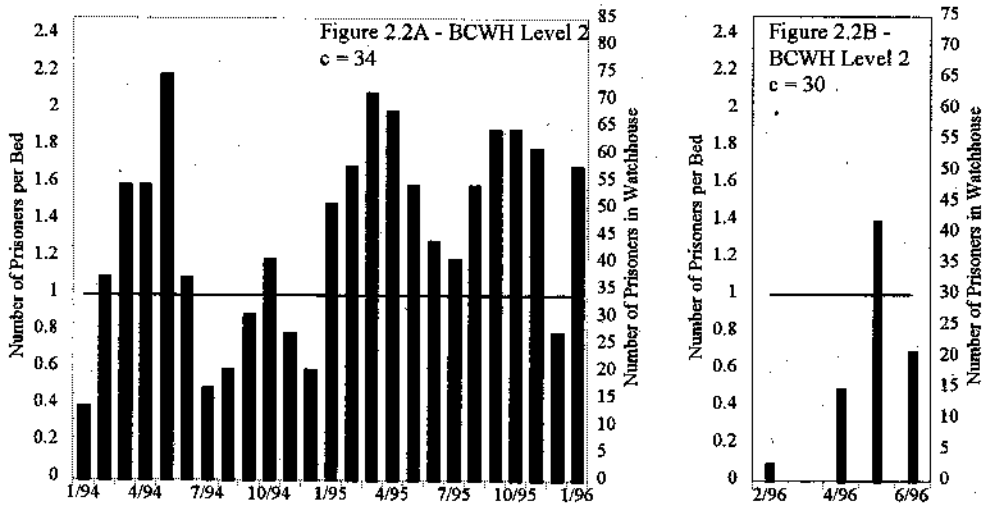


FIGURE 2.2A AND 2.2B – NUMBER OF QCSC PRISONERS PER PERMANENT BED ON LEVEL TWO OF BCWH, LAST MONDAY OF THE MONTH (JANUARY 1994 – JUNE 1996)

Source: QPS Daily Movement Sheets.

Notes:

1. Data from the Daily Movement Sheets were in terms of whole days. When converting to number of prisoners per bed, figures have been rounded to the first decimal place.
2. c = number of permanent beds.
3. Horizontal line shows the point at which capacity is reached.

7 The QCSC prisoners were moved to specially secured cells on Level Two to sleep at night.

Key points to note are:

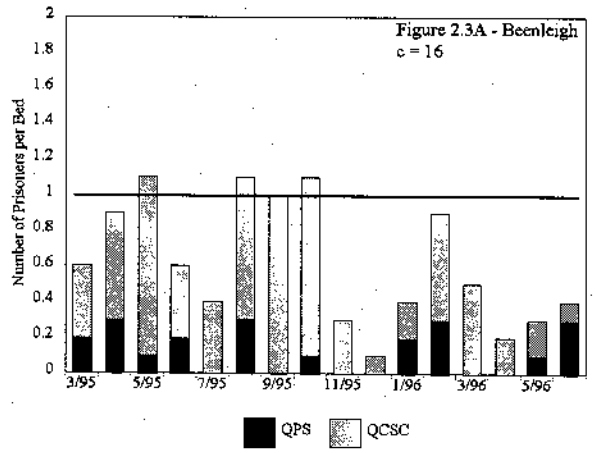
- BCWH Level Two experienced constant and severe overcrowding from February 1994 to January 1996, exceeding one prisoner per permanent bed on 75 per cent of the dates studied.
- The overcrowding was at its worst in May 1994, March 1995 and April 1995, when there were two or more prisoners per permanent bed on Level Two.
- Excluding the abnormal months of February and March 1996 (when air-conditioning was being installed) and December 1995 (when QCSC were able to accommodate more prisoners as they released other prisoners in time for Christmas), April 1996 was the first time in 15 months that the number of prisoners did not exceed capacity.
- In May 1996 the number of prisoners per permanent bed was 1.4 but by June 1996 the number decreased to 0.6.

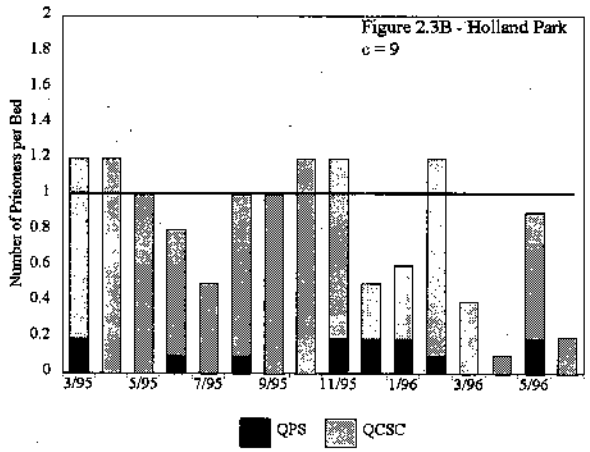
As will be discussed later, the reduction in prisoner numbers since March 1996 has largely been a result of the Minister's seven-day direction limiting the time QCSC prisoners are to spend in watchhouses. Another factor was an expansion of the QCSC custodial system capacity in March 1996.[8]

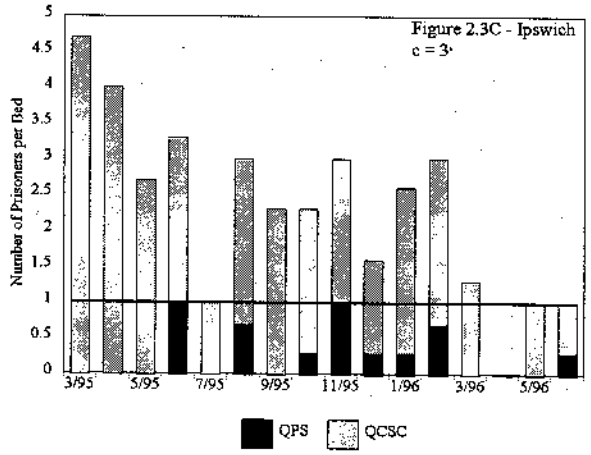
OVERCROWDING IN OTHER SOUTH-EAST QUEENSLAND WATCHHOUSES

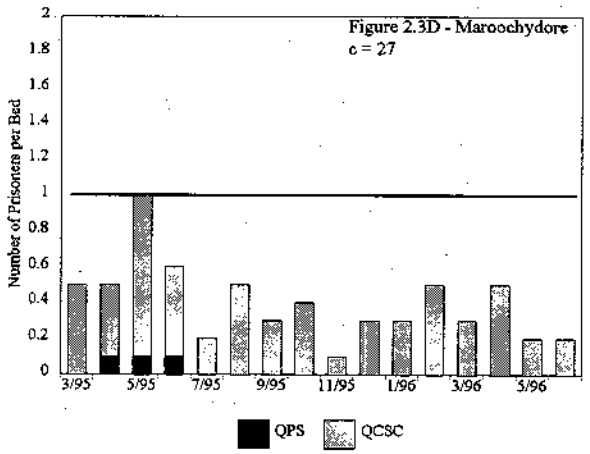
Figures 2.3A to 2.3F show the number of QPS and QCSC prisoners per permanent bed at each of the six busiest watchhouses in South-East Queensland, other than the BCWH. The numbers were taken at 6.00 a.m. on the last Monday of the month, for the period March 1995 to June 1996.

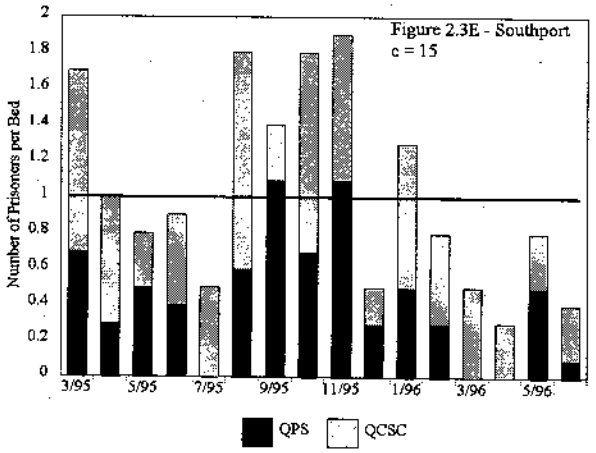
8 In March 1996, 96 new protection cells became available for use in South-East Queensland.

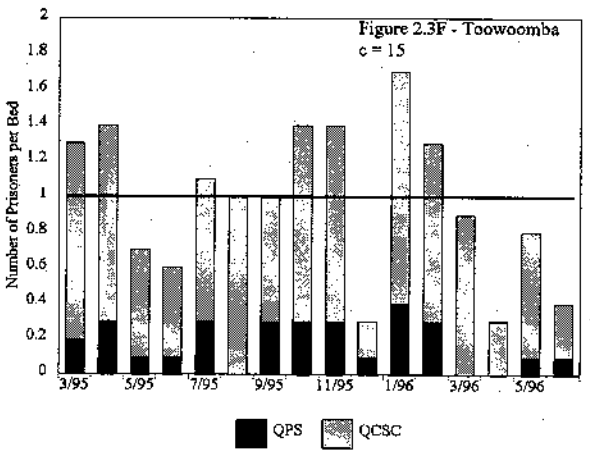












FIGURES 2.3A – 2.3F – NUMBER OF QPS AND QCSC PRISONERS PER PERMANENT BED IN SIX SOUTH-EAST QUEENSLAND WATCHHOUSES, LAST MONDAY OF THE MONTH (MARCH 1995 – JUNE 1996)

Source: QPS Daily Movement Sheets.

Notes:

1. Data from the Daily Movement Sheets were in terms of whole days. When converting to number of prisoners per bed, figures have been rounded to the first decimal place.
2. c = number of permanent beds.
3. Horizontal line shows the point at which capacity is reached.
4. The figure for Ipswich has a different Y axis scale because the extent of overcrowding was much higher than for other watchhouses due to the very low capacity of Ipswich.

The above figures show that:

- Every watchhouse except Maroochydore experienced some overcrowding between March 1995 and May 1996, with the problem being worst in Ipswich and Southport.

- High QCSC prisoner numbers were the primary reason for the overcrowding experienced at these watchhouses. Southport Watchhouse was the only one of the six where the number of QPS prisoners alone exceeded the number of permanent beds. This occurred in September and November 1995.

- The number of QPS prisoners per permanent bed was usually well below 1.0. There were several occasions at most of the watchhouses when no QPS prisoners were held.

QCSC PRISONERS IN WATCHHOUSES: A STATEWIDE PERSPECTIVE

As discussed above, since late 1993 the QPS has collected data on the number of QCSC prisoners held in watchhouses. This information can be used to determine the extent of overcrowding at those watchhouses for those periods when we do not have data on QPS prisoner numbers. For this purpose we have assumed that whenever the number of QCSC prisoners per permanent bed is 0.8 or more the watchhouse is overcrowded. This ratio was derived from our analysis of the six watchhouses where we had data on both QPS and QCSC prisoner numbers. This analysis showed that on nearly every occasion where the QCSC prisoner to permanent bed ratio was 0.8 or more, the total prisoner to permanent bed ratio exceeded 1.0.

In order to gain a broader perspective on the overcrowding problem – both in terms of time frames and the number of watchhouses covered – we examined the data on QCSC prisoner numbers at 10 of the busiest watchhouses (other than BCWH, which was discussed above) from January 1994 to June 1996. The following figures (Figures 2.4A to 2.4J) show the number of QCSC prisoners per permanent bed at each of those 10 watchhouses. The prisoner numbers were taken at 6.00 a.m. on the last Monday of the month. The figures for all watchhouses have a horizontal line at 0.8 prisoners per permanent bed, the level above which we can assume the watchhouses were overcrowded.