REPORT ON POLICE WATCHHOUSES IN QUEENSLAND

AUGUST 1996

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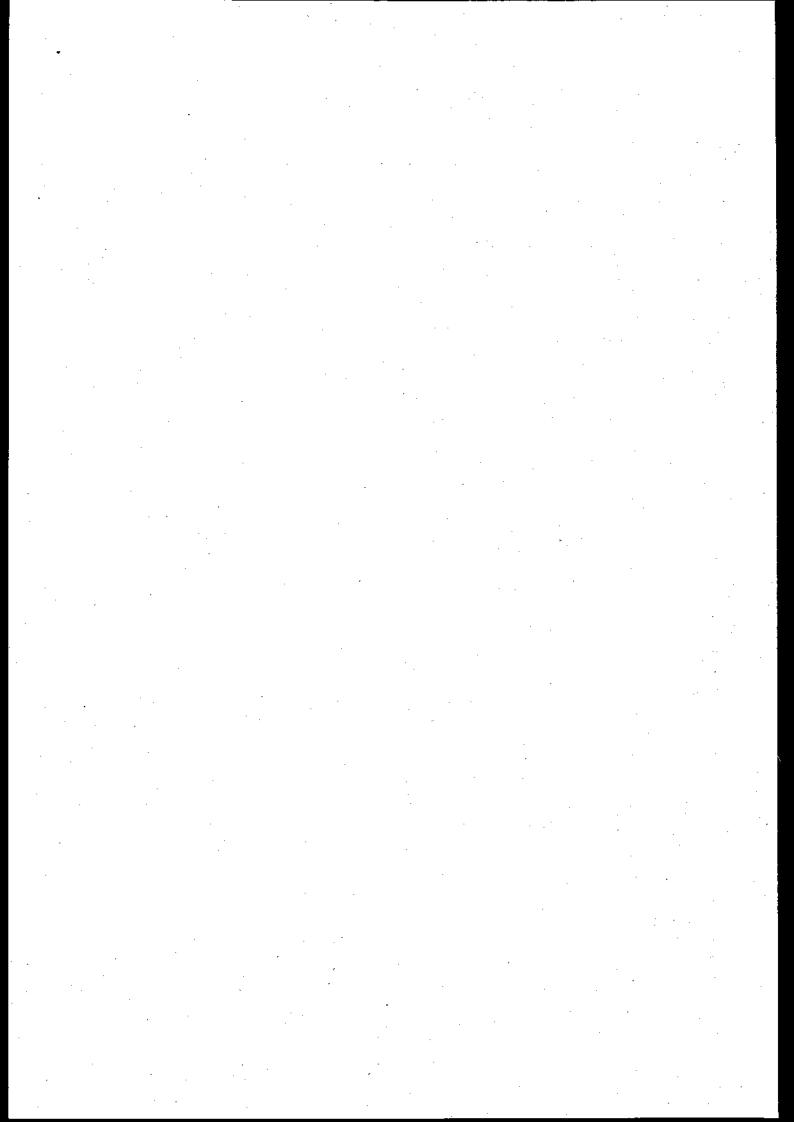
The Honourable Vince Lester MLA Chairman Parliamentary Criminal Justice Committee Parliament House George Street BRISBANE Qld 4000

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

F J CLAIR Chairperson



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

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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 Groups¹ – 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.

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. 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

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.

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.

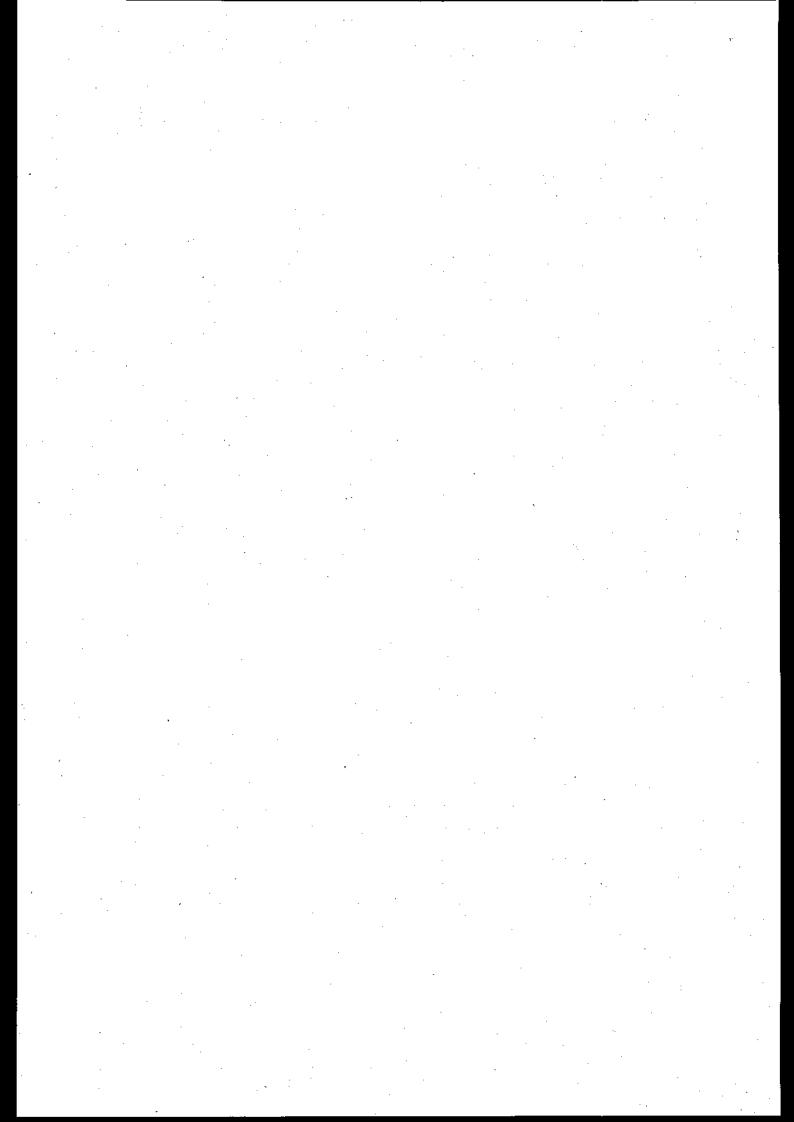
- Chapter 4 examines the public policy implications of the QCSC delaying the acceptance of
 prisoners into prison. Possible approaches to resolving this situation are considered, and specific
 legislative amendments proposed.
- Chapter 5 describes the strategies employed by the QCSC to reduce overcrowding 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:

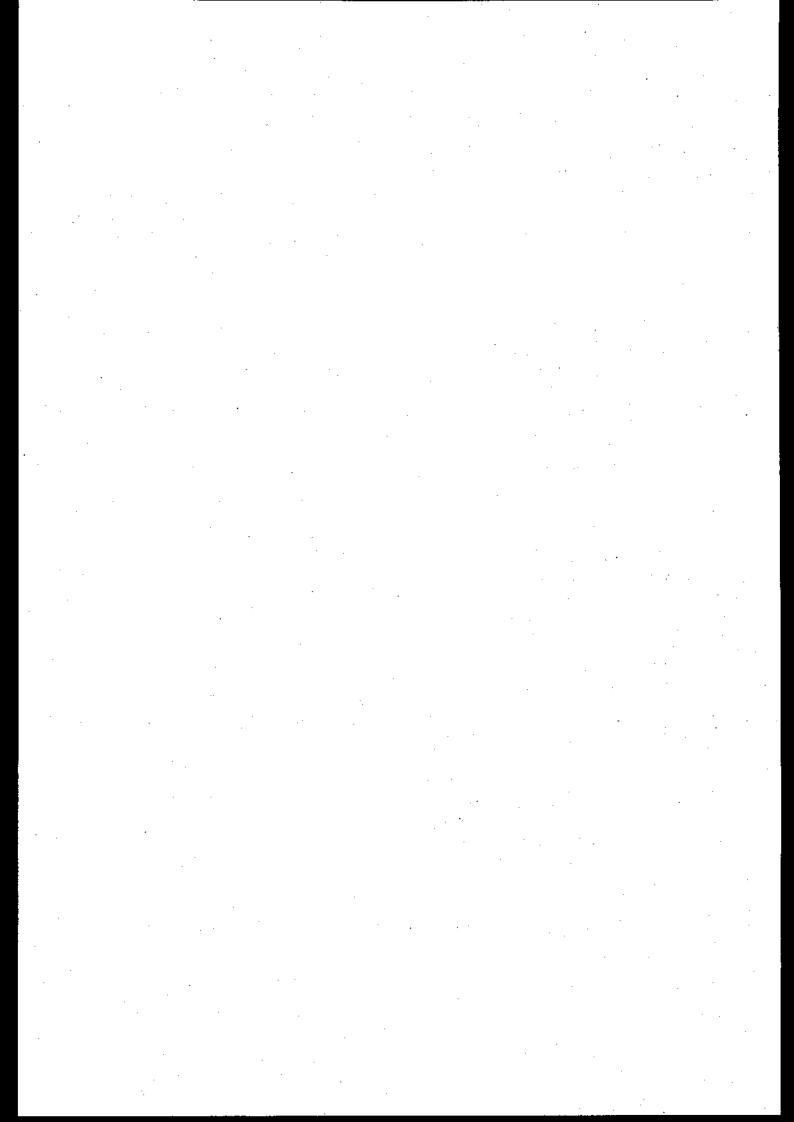
- Chapter 6 discusses the shortcomings of the health and medical services provided to prisoners in watchhouses. Actions that have been taken or need to taken to bring these services up to acceptable standards are outlined.
- Chapter 7 describes the conditions experienced by watchhouse prisoners and proposes 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)

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.

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.

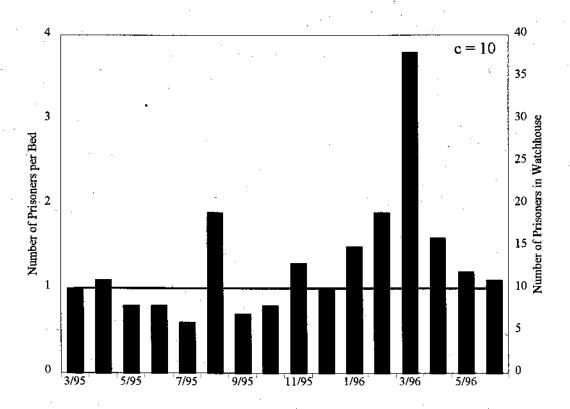


FIGURE 2.1 – NUMBER OF PRISONERS PER PERMANENT BED ON LEVEL ONE OF BCWH, LAST MONDAY OF THE MONTH (MARCH 1995 – JUNE 1996)

Source: QPS Daily Movement Sheets.

Notes:

- 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.

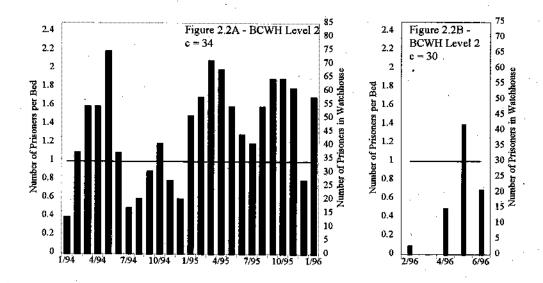


FIGURE 2.2A AND 2.2B – NUMBER OF QCSC PRISONERS PER PERMANENT BED ON LEVEL TWO OF BCWH, LAST MONDAY OF THE MONTH (JANUARY 1994 – JUNE 1996)

Source: QPS Daily Movement Sheets.

Notes:

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.

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:

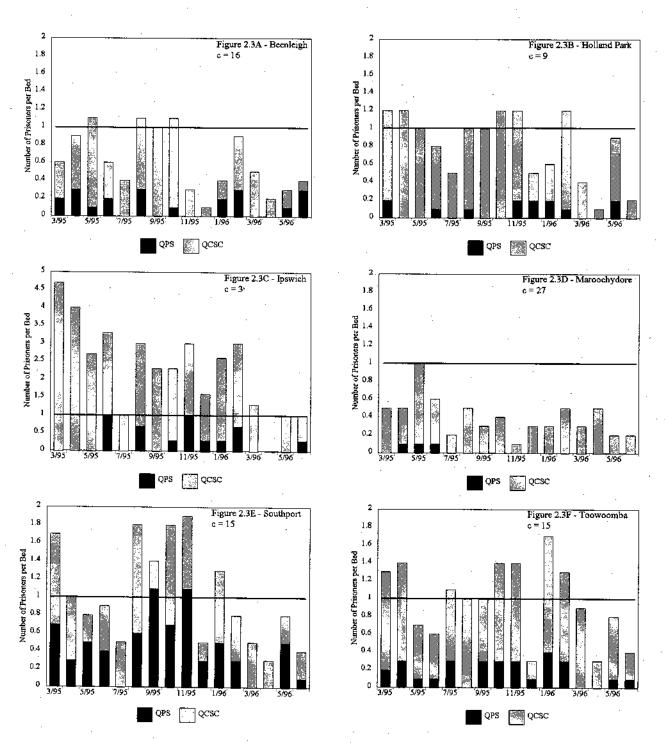
- BCWH Level Two experienced constant and severe overcrowding from February 1994 to January 1996, exceeding one prisoner per permanent bed on 75 per cent of the dates studied.
- The overcrowding was at its worst in May 1994, March 1995 and April 1995, when there were two or more prisoners per permanent 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:

- 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.
- 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.

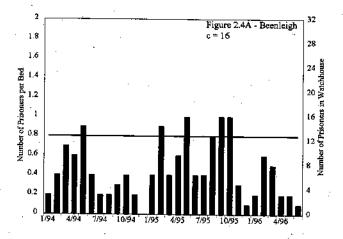
The above figures show that:

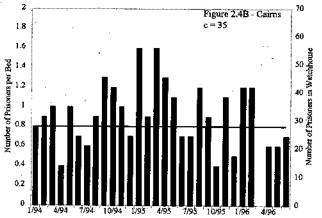
- Every watchhouse except Maroochydore experienced some overcrowding between March 1995 and May 1996, with the problem being worst in Ipswich and Southport.
- High QCSC prisoner numbers were the primary reason for the overcrowding experienced at these
 watchhouses. Southport Watchhouse was the only one 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.

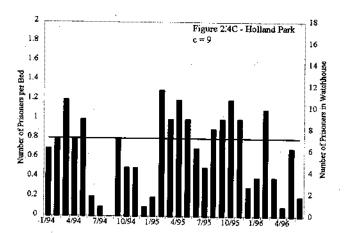
QCSC PRISONERS IN WATCHHOUSES: A STATEWIDE PERSPECTIVE

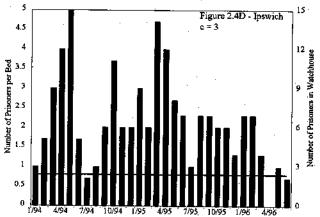
As discussed above, since late 1993 the QPS has collected data on the number of QCSC prisoners held in watchhouses. This information can be used to determine the extent of overcrowding at those watchhouses for those periods when we do not have data on QPS prisoner numbers. For this purpose we have assumed 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.

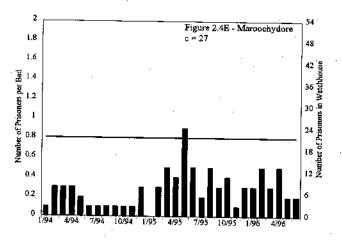
In order to gain a broader perspective on the overcrowding problem – both in terms of time frames and the number of watchhouses covered – we examined the data on QCSC prisoner numbers at 10 of the busiest watchhouses (other than BCWH, which was discussed above) from January 1994 to June 1996. The following 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.

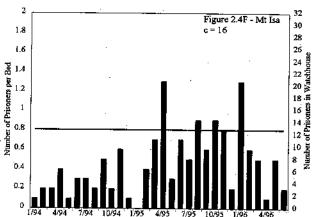


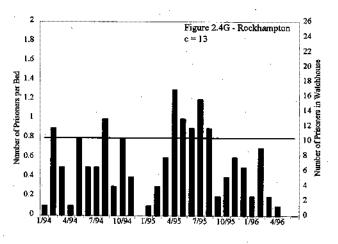


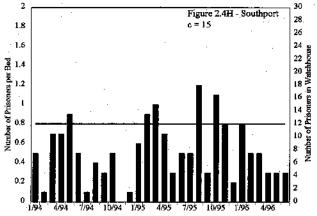


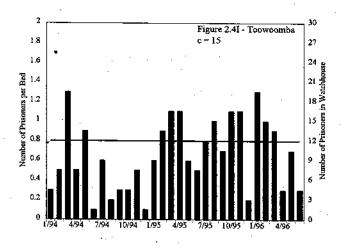


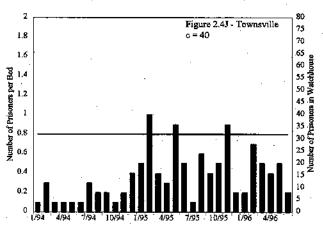












FIGURES 2.4A - 2.4J - NUMBER OF QCSC PRISONERS PER PERMANENT BED IN 10 WATCHHOUSES, LAST MONDAY OF THE MONTH (JANUARY 1994 – JUNE 1996)

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. 4.
 - Data for Cairns 3/96 and Rockhampton 5/96 were unavailable.
- 5. 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.

These figures show that:

- Overcrowding was experienced by all 10 watchhouses during the two and a half year period, with most of these watchhouses experiencing overcrowding on several occasions.
- Ipswich Watchhouse experienced constant and severe overcrowding throughout 1994, 1995 and early 1996. (Note that Ipswich has a very low accommodation capacity, so it does not have to be holding many prisoners in order for this problem to arise.)

- Cairns Watchhouse experienced overcrowding regularly over the period, exceeding the 0.8 level on 59 per cent of the occasions examined.
- Overcrowding occurred most frequently during 1995.
- 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.

For ease of presentation all figures presented in this chapter show prisoner numbers on only one day of each month. To check that overcrowding was also a problem on other days of the month, we examined prisoner numbers on a daily basis for a sample period of one month. The period chosen was August 1995, at the BCWH Level Two. Appendix 4 shows that on all but six dates in the month there were more prisoners held than permanent beds available. On this basis we are satisfied that the data presented here are indicative of the extent of overcrowding during the whole month.

STATEWIDE TRENDS IN WATCHHOUSE PRISONER NUMBERS

So far the focus of this chapter has been on prisoner numbers in individual watchhouses. In order to examine trends across the State as a whole, we also aggregated the number of prisoners held in the 11 busiest watchhouses (BCWH and the 10 watchhouses shown in Figures 2.4A - 2.4J). Figure 2.5 below shows the total number of QCSC prisoners held at these watchhouses at 6.00 a.m. on the last Monday of the month, from January 1994 to June 1996.

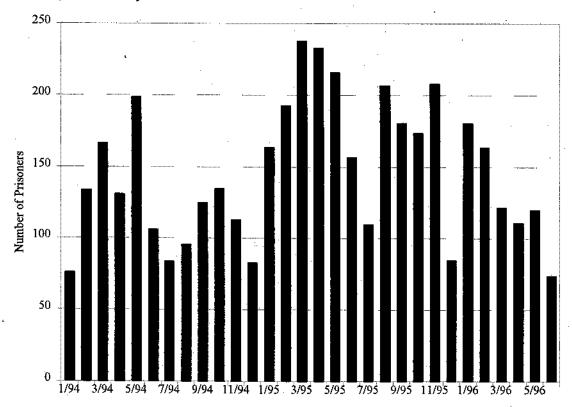


FIGURE 2.5 – Number of QCSC Prisoners Held in the 11 Major Queensland Watchhouses, Last Monday of the Month (January 1994 – June 1996)

Source: QPS Daily Movement Sheets.

The figure shows that:

- There were substantial month to month fluctuations in watchhouse prisoner numbers Statewide, ranging from 76 in January 1994 to 239 in March 1995.
- There were clearly discernible seasonal variations, with the lowest numbers being recorded in July and December of each year. This may be explained by two factors: (a) these periods correspond with the court vacations; and (b) the QCSC's practice is to release before Christmas those prisoners who are almost due for release from prison, thereby allowing more beds to become available in the QCSC custodial system.
- By comparing the peak periods of March, April and May for 1994, 1995 and 1996, it can be seen that there was a marked decline in watchhouse prisoner numbers after February 1996. This confirms the earlier finding about overcrowding easing after this time.

CATEGORIES OF QCSC PRISONERS HELD IN WATCHHOUSES

The QCSC prisoners held in watchhouses fall into three categories:

- Prisoners remanded in custody by the court. From court these prisoners are returned to a
 watchhouse, pending transfer to a correctional centre.
- Prisoners who have been arrested pursuant to a warrant, usually a Warrant of Commitment (issued
 to apprehend people who have defaulted on the payment of a fine). These prisoners are held in
 a watchhouse pending transfer to a correctional facility, unless they satisfy the warrant first (for
 example; by paying the fine, obtaining a Fine Option Order⁹, or serving the default period).
- Prisoners who have been sentenced to a period of imprisonment by the court and who are awaiting transfer to a correctional facility.

To determine the proportion of prisoners in each category who are processed through the watchhouse, we examined the watchhouse register for BCWH Level Two for the month of August 1995 (Figure 2.6). This analysis found that of the QCSC prisoners admitted to Level Two:

- 61 per cent had been arrested on Warrants of Commitment
- 17 per cent were remand prisoners
- the remaining 22 per cent had been sentenced by a court to a period of imprisonment.

⁹ Fine Option Orders are those in which a fine is imposed by the court and the offender elects to do community service in lieu of payment of the fine.

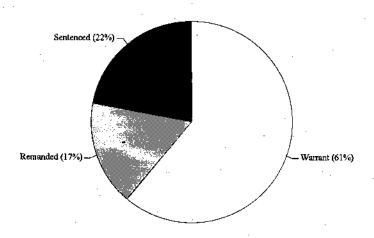


FIGURE 2.6 – CATEGORIES OF QCSC PRISONERS ADMITTED TO LEVEL TWO OF THE BCWH IN AUGUST 1995

Source: BCWH Level Two Charge Books.

Note: n = 268.

The above figure is based on the "flow" of various categories of QCSC prisoners through the watchhouse. As discussed in Chapter 3, the turnover of warrant prisoners is higher than for the other categories of prisoners. The data from the 11 major watchhouses for the period January 1994 to June 1996 show that, on average, warrant prisoners represented about 30 per cent of the watchhouse population on any given day, compared with remand prisoners who made up 29 per cent of the daily population and sentenced prisoners who constituted an average of 37 per cent.¹⁰

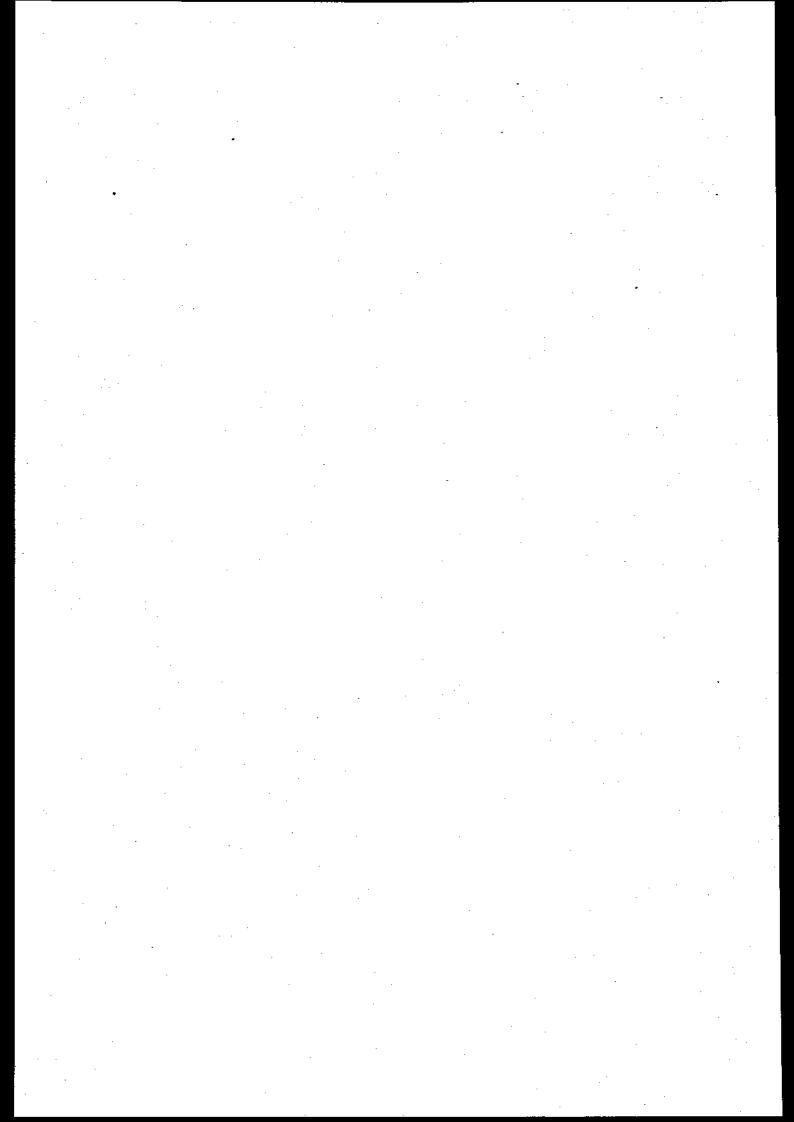
CONCLUSION

Key findings reported in this chapter are as follows:

- Overcrowding of watchhouses can be attributed primarily to watchhouses being used to hold prisoners awaiting transfer to a correctional centre.
- Overcrowding was experienced by all the busier watchhouses across the State to varying extents between January 1994 and June 1996. The problem at some watchhouses was at times severe, and was persistent at many of the watchhouses over the two and a half year period examined.
- The overcrowding resulted in many prisoners doubling up and sleeping on mattresses on the floor of watchhouse cells.

¹⁰ Most of the remaining prisoners had been brought from a custodial correctional centre to the watchhouse, pending a further court appearance.

There has recently been a substantial reduction in the numbers of QCSC prisoners being held in watchhouses throughout the State as a result of the Minister's seven-day direction in February 1996, coupled with a recent expansion in the QCSC's accommodation capacity.



CHAPTER 3 LENGTH OF STAY BY PRISONERS IN WATCHHOUSES

Introduction

This chapter investigates 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 a function both of the number of prisoners being admitted and the duration of their stay in the watchhouse. In addition, 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. What may be acceptable conditions for a stay of a few hours to a couple of days may be quite unacceptable if prisoners are being held in watchhouses for several days or weeks.

This chapter first presents data on the time spent by QPS and QCSC prisoners in various watchhouses across the State over the last two and a half years. The chapter then examines the characteristics of the prisoners who were in for longer periods, in order to identify the reasons for these people spending such long periods in watchhouses. The chapter concludes with a broader analysis of recent trends in prison population and capacity.

LENGTH OF TIME SPENT BY QPS PRISONERS IN THE WATCHHOUSE

Once the police arrest a person, they are obliged to take that person before a court as soon as practicable, unless the person is granted bail. This means that the longest period a police prisoner should spend in a watchhouse before going to court is usually about two days if the person is arrested early on a weekend, or three days if there is a public holiday.

The most detailed data we have on the length of time spent in watchhouses by QPS prisoners comes from our study of the BCWH in August 1995.

Table 3.1 below shows that 98 per cent of QPS prisoners processed through Level One of BCWH were held there less than 24 hours. There were only three prisoners who were in for over two days: for periods of 48.2 hours, 48.3 hours and 50 hours respectively.

The average amount of time QPS prisoners spent in the watchhouse, prior to being granted bail or being taken before the court, was 4.4 hours.

TABLE 3.1 – LENGTH OF STAY FOR ALL QPS PRISONERS PROCESSED THROUGH LEVEL ONE OF THE BCWH (AUGUST 1995)

BCWH (Level One)	Up to 1 day	Between 1 and 2 days	Over 2 days
No. of QPS prisoners	1,154	18	3

Source: BCWH Charge Books.

Note: There were 150 prisoners for whom there was insufficient information to calculate length of stay.

The length of time spent in watchhouses by QPS prisoners in other centres throughout Queensland which have a permanent Magistrates Court is similar to that for prisoners in the BCWH. In some of the more remote centres QPS prisoners not granted bail may spend a little longer in the watchhouse while the police arrange for a court to convene. However, none of the submissions to this review referred to problems with the length of time spent by QPS prisoners in watchhouses.

LENGTH OF TIME SPENT BY QCSC PRISONERS IN WATCHHOUSES

QPS prisoners, once remanded in custody, or sentenced to a period of imprisonment by the court, should be detained in a prison. Prisoners arrested on Warrants of Commitment should also be detained in a prison. However, as outlined in the previous chapter, over the last few years many QCSC prisoners have been detained in police watchhouses pending transfer to a prison.

In order to determine the length of time spent in watchhouses by QCSC prisoners, we examined data on prisoners held in the 11 major watchhouses on the last Monday of the month for January 1994 to June 1996 to determine:

- the number of days that the longest serving prisoner had been held in each watchhouse on that date
- the number of QCSC prisoners who had been in those watchhouses for more than two weeks, for more than one week and for a week or less.

Table 3.2 shows, on a Statewide basis, the length of time that the longest serving prisoner had been in a watchhouse on the last Monday of the month from January 1994 to June 1996. The table also identifies the watchhouse holding the prisoner.

TABLE 3.2 – NUMBER OF DAYS SPENT IN A WATCHHOUSE BY THE LONGEST SERVING QCSC PRISONER, LAST MONDAY OF THE MONTH (JANUARY 1994 – JUNE 1996)

Month	No. of days	Watchhouse	Month	No. of days	Watchhouse	Month	No. of days	Watchhouse
1/94	32	Cairns	11/94	41	BCWH	9/95	19	Townsville
2/94	53	Cairns	12/94	22	Cairns	10/95	26	Mt Isa
3/94	56	Cairns	1/95	34	Townsville	11/95	46	BCWH
4/94	52	Cairns	2/95	41	Toowoomba	12/95	28	BCWH, T'wmba
5/94	50	Cairns	3/95	47	BCWH, T'wmba	. 1/96	50	BCWH
6/94	47	Cairns	4/95	. 53	BCWH	2/96	18	Cairns
7/94	13	Mt Isa	5/95	39	Cairns	3/96	18	Holland Park
8/94	25	BCWH, Cairns	6/95	32	Townsville	4/96	27	Townsville
9/94	29	BCWH	7/95	28	Rockhampton	5/96	14	Townsville
10/94	28	BCWH	8/95	32	Maroochydore	6/96	9	BCWH, Cairns

Source: QPS Daily Movement Sheets.

Key points to note are:

 The longest time that a prisoner had been held in a watchhouse on the dates studied was 56 days (Cairns, March 1994) followed by 53 days (Cairns, February 1994 and BCWH, April 1995).

- BCWH and the Cairns Watchhouse, and to a lesser extent Townsville Watchhouse, frequently have held prisoners for the longest times. However, the problem of long stays has not been limited to the larger watchhouses. On some occasions smaller watchhouses, such as Mt Isa, Toowoomba and Maroochydore, have held the longest serving prisoners.
- The time spent in a watchhouse by the longest serving prisoner in May and June 1996 was the lowest of the two and a half year period examined, although it was still in excess of the Minister's seven-day direction.

Table 3.3 below provides a detailed breakdown for each of the 11 watchhouses which we examined. The table shows that by June 1996 there were only two watchhouses which had held a prisoner for more than seven days. In both cases, the maximum stay was nine days. This compares favourably with April 1995, when all of the watchhouses held at least one prisoner who had been detained for 20 days or more.

TABLE 3.3 – NUMBER OF DAYS THE LONGEST-SERVING QCSC PRISONER HAD BEEN IN THE WATCHHOUSE, LAST MONDAY OF THE MONTH (JANUARY 1994 – JUNE 1996)

•	B'leigh	BCWH	Cairns	H.Park	Ipswich	M'dore	Mt. Isa	R'ton	S'port	T'wmba	T'ville
1/94	23	18	. 32	28	23	10		11	26	11	
2/94	14	26	53	14	14	24	11	17	12	13	· 12
3/94	26	26	56	26	14	20	11	11	21	29	
4/94	28	40	52	19	19	20			20	27	<i>y</i>
5/94	18	26	50	15	25	19	17	10	22	24	<i>"</i>
6/94	12	29	47	10	11			15	- 11 .		
7/94		9	12			* +	13				1 2 .
8/94		25	25	n.a.		12		11	15		(4) (6) (8)
9/94	18	29	19		14		****	15	28	28	19
10/94	, 8	28	20	13	19	13]4.	***	12	10	n. a .
11/94		20	14		20		41		n.a.	12	13
12/94	n.a.	16	22	10	14	18		ה.מ.	12	12	16
1/95	3 ,	25	25		12	n.a.	n.a.		11	12	34
2/95	25	25	' 8	12	11	8	11.	13	20	41	26
3/95		47	18	12		33	11	13	15	47	18
4/95	28	53	36	22	22	39	25	22	25	20	27
5/95	14	15	39	11	12	10		20	11	14	34
6/95	8	10	16	8	11	8	20	29		10	32
7/95		21	n.a.			14	23	28	13	10	2002 T
8/95	18	28	19	- 8		32	14	n,a.	12	8	19.
9/95	13	14	18	13	9	13	200		11	17	19
10/95	. 8	18	. 11	. 15	8	18	26	11	14	17	n.a.
11/95	9	46	21.	33	Ϊl		19	11 -	12	28	21
12/95	3::::	28	7 119		3/3///3	18		14	18	28	11
1/96		50	28	4	7	1.00	22	14	8	41	12
2/96	15	1.5	18	14	6	13	11	. 14	15 .	11	17
3/96		8	. л.а.	1.8	\$ 5	12			14	8	8
4/96	4	13	X7		3 (10 (3)	Z. ///			8		27
5/95	4	8	8					D.S.			14
6/96	\$2.04 · ·	9	9	644	3 :	77,000					**************************************

Notes:

- 1. Shading denotes stays of seven days or less.
- 2. 'n.a.' means not available.
- 3. Data from the Daily Movement Sheets were in terms of whole days.

The data in Tables 3.2 and 3.3 show only the number of days the longest held prisoner had been in the watchhouse on a particular Monday each month. This could underestimate the length of stay of the longest serving inmate by up to a month (i.e. if the prisoner was released or transferred just before the Monday of the next month).

Anecdotal information from watchhouse managers and details from CJC complaints files reveal that some prisoners spent much longer periods in the watchhouse than our data shows. For example, one complaint to the CJC concerned a prisoner who had spent 75 days in the BCWH. (That prisoner was an epileptic, who reportedly had a number of seizures while in the watchhouse, and was at one stage transferred to the Secure Unit at the Princess Alexandra Hospital. The prisoner had commenced serving a long sentence for sex offences, and was a "protected" prisoner in the watchhouse.) Another CJC file, relating to a notification of attempted suicide, revealed that a man had been in the Cairns Watchhouse for nine weeks and four days prior to his trial. The trial had resulted in a hung jury and the prisoner had been informed that he would have to spend another two weeks in the watchhouse before his retrial. Watchhouse managers reported that Beenleigh had held a prisoner for 58 days, Toowoomba for 55 days and Maroochydore for up to six weeks.

In order to determine whether or not the problem of lengthy stays was isolated to one or two prisoners or was more widespread, we also looked at the number of prisoners who were in each watchhouse for up to one week, between eight and 14 days and 15 days or more. Again, these data are for the last Monday of the month for the period from January 1994 to June 1996. A breakdown for each watchhouse is contained in Appendix 5.

Figure 3.1 shows the total number of prisoners in the 11 watchhouses studied who had been there for more than a week. The figure also shows how many of those prisoners had been in the watchhouse for more than two weeks. The data have been grouped into weekly periods for ease of presentation. The selection of one week periods should not be taken to suggest that a week is an acceptable period to spend in a watchhouse. As noted elsewhere in this report, the CJC believes that prisoners should not spend more than three days in a watchhouse.

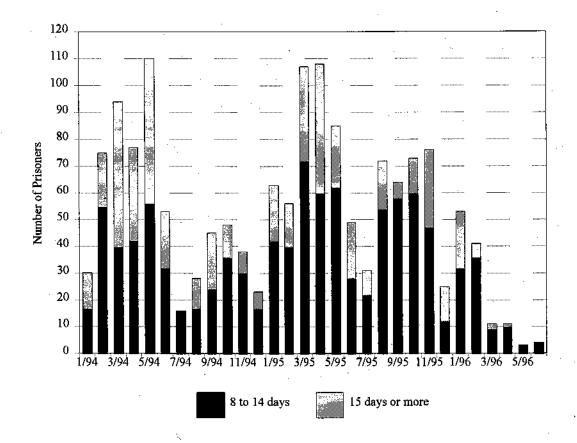


FIGURE 3.1 – Number of QCSC Prisoners Held in the 11 Major Watchhouses for More than a Week, Last Monday of the Month (January 1994 – June 1996)

Source: QPS Daily Movement Sheets.

Notes:

Data from the Daily Movement Sheets were in terms of whole days.

Data for Cairns 3/96 and Rockhampton 5/96 were unavailable.

Key points to note from the graph are:

- The problem of lengthy stays was at its worst in May 1994, when 110 prisoners had been held in
 watchhouses for more than a week. About half of those prisoners had been held for more than two
 weeks. The situation was also very bad in March and April 1995, when more than 100 prisoners
 had been detained for more than a week.
- Overall, the periods during which the greatest number of prisoners spent more than a week in the
 watchhouses May 1994, March 1995 and April 1995 corresponded with the periods of peak
 overcrowding shown in figures in Chapter 2.
- By March and April 1996, the number of prisoners being held in a watchhouse for more than a
 week had dropped to 11. Only one or two prisoners had been in the watchhouse for more than two
 weeks (in Holland Park Watchhouse in March and Townsville Watchhouse in April). By May and
 June 1996 only three or four prisoners had been held for more than a week.

WHICH GROUPS SPEND THE MOST TIME IN WATCHHOUSES?

Around 50 per cent of the remanded and sentenced prisoners who were in Level Two of BCWH in August 1995 were held for more than seven days compared to only 18 per cent of warrant prisoners. Warrant prisoners generally spend less time in the watchhouse because they can be released after paying the fine or obtaining a Fine Option Order or both. On the other hand, sentenced prisoners can only be transferred to the prison, as is the case with remanded prisoners (unless they can successfully apply for bail). The average amount of time spent in the watchhouse by prisoners eventually transferred to a prison was 8.85 days.

Of the prisoners eventually transferred to a prison from the BCWH in August 1995, protected prisoners had spent the longest periods in the watchhouse. Watchhouse managers in other South-East Queensland watchhouses agreed that protected prisoners were particularly difficult to transfer due to a shortage of protection cells in South-East Queensland prisons.

In the case of the Cairns Watchhouse, on the other hand, it was not the protected prisoners who had the longest periods of stay. Members of the North Queensland Watchhouse Register Group reported that the prisoners spending the longest period in the Cairns Watchhouse were those who faced numerous court appearances. Rather than return a prisoner to the Lotus Glen Correctional Centre (near Mareeba) after appearing in court, the practice of the Cairns Watchhouse was to hold the prisoner in the watchhouse if he or she had a further court appearance listed within the next two weeks. This resulted in some prisoners with numerous charges and court appearances being held in the watchhouse for many weeks, or even months, if the time between each appearance was not more than two weeks. The Cairns Watchhouse manager has advised that, since the Minister's seven-day direction, this practice has ceased.

The QPS data on prisoner numbers showed that, in general, female prisoners did not remain in watchhouses for very long. Female prisoners typically spent less than one day in police custody. However, there were some occasions when a female prisoner was held for a much longer period. One example was in Cairns Watchhouse, where newspaper reports claimed that a female prisoner had been held for 60 days in early 1995. This situation attracted a protest outside the watchhouse, after which the prisoner was transferred to a correctional centre.

Watchhouse managers in South-East Queensland commented in June 1996 that it was becoming more difficult to have female QCSC prisoners transferred promptly, as the Brisbane Women's Correctional Centre was operating over capacity.

A number of the submissions to this project expressed concern at the detention of children in watchhouses. An examination of BCWH Level One data for the period 27 July 1995 to 3 October 1995 showed that a total of 98 juveniles were admitted to Level One during that period. Of these, 79 were male and 19 female, and the youngest prisoner was aged 12 years and nine months. All but two of the juvenile prisoners (98%) were released in under two hours. Of the others, one was held for five hours, the other for 9.5 hours.

The detention of juveniles in watchhouses has not been reported as a serious problem. However, on occasions where there is not a youth detention centre in a town, a juvenile who is remanded in custody may be held in a watchhouse until arrangements can be made for his or her transfer to the nearest youth detention facility. Similarly, a juvenile who is transferred from a detention centre for court appearances may be held in a watchhouse until completion of his or her court appearances. For example, in March 1996 two juveniles were held in the Cairns Watchhouse for several days for a number of court appearances within a week. The Minister for Families, Youth and Community Care intervened to have both flown to the Cleveland Detention Centre in Townsville (the nearest youth detention facility). This situation is

¹¹ See Appendix 6 for a more detailed breakdown.

clearly far from ideal, but because of the small number of youth detention facilities in this State, there is no simple resolution for this issue.

PRISON POPULATION AND PRISON CAPACITY TRENDS IN QUEENSLAND

Watchhouse managers across the State unanimously agreed that prisoners were spending so long in watchhouses because they were not being accepted into QCSC facilities.¹² The primary reason why the QCSC has not been accepting, or has delayed accepting into prisons, prisoners held in watchhouses is overcrowding in the State's prison system. Data on the extent of this problem are presented below.

The trend in the total number of adult prisoners in QCSC custodial facilities (the "prison population") is shown in Figure 3.2 below. The graph shows that the prison population in Queensland declined from mid 1989 until late 1992. Beginning in early 1993 the prison population began to rise and has continued to do so at a significant rate. Between early 1993 and mid 1996 the total number of prisoners in the QCSC custodial system had increased by 68 per cent.¹³

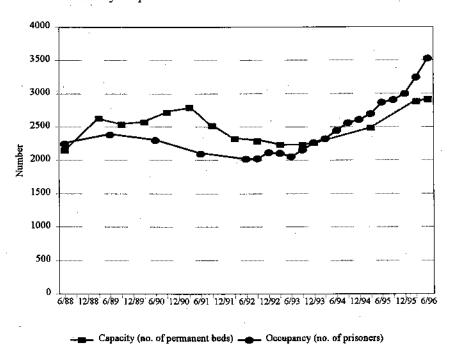


FIGURE 3.2 – CAPACITY AND OCCUPANCY TRENDS IN QUEENSLAND CUSTODIAL CORRECTIONAL CENTRES (JUNE 1988 – JUNE 1996)

Source: Based on data provided by the QCSC.

Notes:

 These figures do not include prisoners on the Western Outreach Camp program, those in the Princess Alexandra Hospital Secure Unit or OPS watchhouses.

Capacities do not include the additions to capacity caused by doubling up.

3. Both lines only show trend lines; short term fluctuations between points are not included.

¹² As noted in Chapter 1, the QCSC notifies QPS of which prisoners the QCSC will accept into correctional centres and when.

¹³ It should be noted that the percentage change in the prison population is affected by the time period selected for analysis. Prisoner numbers can fluctuate significantly over a relatively short period of time. For example, the population in custody in Queensland can vary by as much as dozens of prisoners from day to day. The percentage figure given was calculated using an average for the prison population for the first six months of 1993 (2,087) as the start point, and an average for the middle three months in 1996 (3,516) as the end point, giving an increase of 68 per cent.

The trend in the accommodation capacity of the QCSC custodial correctional system provides a measure of the QCSC's response to changes in the prison population. This capacity is measured by the number of permanent beds in custodial correctional centres.

Figure 3.2 shows that between late 1988 and early 1991 the capacity of the system expanded by approximately 640 permanent beds, an increase of almost 30 per cent. This expansion included the opening of three new correctional centres.¹⁴ Between early 1991 and early 1993 the capacity of the system decreased by almost 560 permanent beds, almost to pre-1988 capacity levels. In this period two correctional centres were closed, including the inadequate, old "Boggo Road", and a new centre opened.¹⁵

Between early 1993 and mid 1996, capacity increased again by 679 permanent beds (approximately 30%) to its highest level since the commencement of operations of the QCSC in late 1988. This increase was due to the building of extra accommodation at various centres and the purchase of a centre from the Department of Family Services. Further, in mid 1994, the previous Minister for Corrective Services announced the commencement of doubling up of prisoners in cells across the State's custodial system. As at 2 July 1996, approximately 1,200 prisoners were accommodated in 600 cells under doubling up arrangements (see the discussion in Chapter 5 concerning the possible consequences of doubling up). This accounts for the occupancy exceeding capacity by 600 prisoners in June 1996.

Figure 3.2 shows that the prison system reached capacity by December 1993 and has since been operating beyond capacity (i.e. is overcrowded). The extent of overcrowding in the prisons increased quite markedly in the first half of 1996 notwithstanding an increase in the number of permanent beds available. The increase in overcrowding coincided with the Minister's seven-day direction that prisoners be transferred from watchhouses to prisons. This is a strong indication that the problem of overcrowding has shifted from the watchhouse to the prison system.

In summary, in the early days of the operation of the QCSC the capacity of the custodial correctional system increased while, at the same time, the prison population decreased. From early 1991 the capacity of the system began to decrease. After the prison population began to increase in early 1993, the QCSC responded by increasing the capacity of the system. However, the capacity of the custodial system, on a one-prisoner-per-permanent-bed basis, is yet to "catch up" with the prison population. Further, it appears that the QCSC's main contingency strategy of doubling up will have to continue for some time into the future.

CONCLUSION

Key findings from the data presented in this chapter are as follows:

- The great majority of QPS prisoners are released from the watchhouse in under one day.
- Lengthy stays by QCSC prisoners in police watchhouses were a constant problem from January 1994 until the issuing of the Minister's seven-day direction in February 1996.

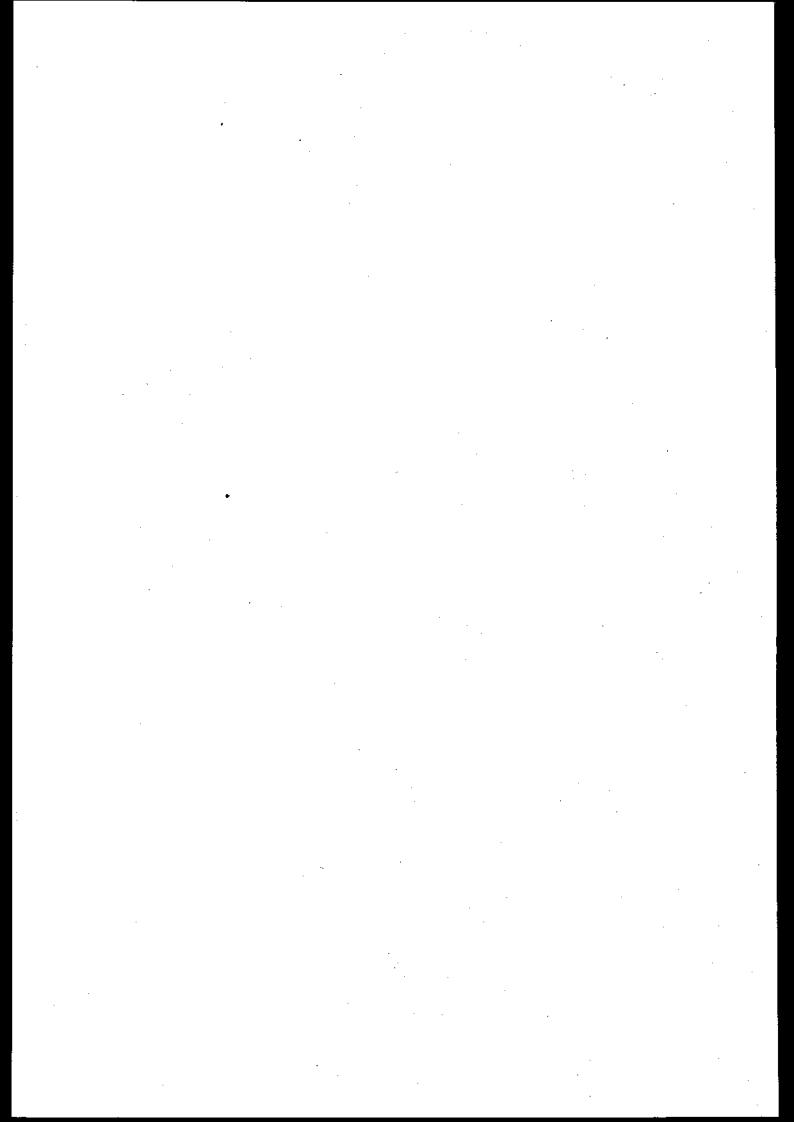
¹⁴ These are the Sir David Longland and Borallon Correctional Centres near Brisbane, and the Lotus Glen Correctional Centre near Marceba.

¹⁵ This is the Arthur Gorrie Correctional Centre at Wacol.

[&]quot;Doubling up" means accommodating prisoners two to a cell. Note that this use of the term doubling up differs from that used in Chapter 2. In Chapter 2, the term included the practice of accommodating two or three prisoners in a cell with one permanent bed and three or four prisoners in a cell with two permanent beds.

¹⁷ Based on information received from the QCSC on 8 August 1996.

- All 11 watchhouses studied have held QCSC prisoners for more than a week. Often prisoners were being held for more than two weeks. There were also numerous cases of prisoners being held for much longer periods, with one prisoner held for nine and a half weeks.
- All of the prisoners held in the watchhouse for lengthy periods were awaiting transfer to a prison.
 The QCSC was not accepting, or delayed accepting, prisoners from watchhouses because of overcrowding in the State's prison system.
- Between early 1993 and mid 1996, the adult prison population increased by 68 per cent. Prison
 accommodation capacity also increased during that time but is yet to "catch up" with the prison
 population.
- The Minister's seven-day direction resulted in a marked improvement in the length of time that QCSC prisoners were being held in watchhouses, with most prisoners being transferred to a prison within seven days. The implementation of the direction has largely resolved the overcrowding and length of stay problems in watchhouses for the time being, but has added to overcrowding in the prison system.



CHAPTER 4 LEGAL AND POLICY CONSIDERATIONS

INTRODUCTION

As described in the previous chapters, over recent years serious problems have developed with overcrowding and prisoners being detained for long periods in watchhouses throughout the State. These problems have been almost entirely a consequence of large numbers of QCSC prisoners (i.e. prisoners who are remanded in custody, sentenced to a term of imprisonment or arrested on warrants for unpaid fines) being held for long periods in watchhouses. This has occurred because the QCSC has either not accepted, or has delayed accepting, QCSC prisoners into the prison system because of that system's own overcrowding problems.

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, focusing particularly on:

- the function of watchhouses
- conditions in watchhouses and minimum standards for the treatment of prisoners
- the role of police.

The chapter then considers possible approaches to resolving this situation, including whether:

- the QCSC should assume responsibility for the management of watchhouses
- watchhouses should be improved so that they comply with the minimum standards for the treatment of prisoners required of prisons
- reliance on Ministerial directions can achieve a satisfactory resolution in the long term.

The chapter concludes that the most appropriate course of action is to amend the provisions of the Corrective Services Act which have permitted the QCSC to adopt its current practice. In reaching this conclusion, the chapter examines the provisions of the Corrective Services Act which regulate the admission of people to prisons in Queensland and identifies problems with the operation of those provisions.

Public Policy Considerations

The CJC is satisfied that it is inappropriate for watchhouses to be used to hold QCSC prisoners except in very limited circumstances. In reaching this position, the CJC has taken account of the following policy considerations.

THE FUNCTION OF WATCHHOUSES

As described in Chapter 1, 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. To serve this purpose, watchhouses traditionally have been constructed as part of police

stations. As police stations are commonly located in commercial or residential areas where land is at a premium, watchhouses were generally designed to provide only the minimum space and amenities necessary to meet the short term needs of detainees.

This limited function of watchhouses was recognised in section 13 of the *Prisons Act 1890* which was an early version of section 32 of the *Corrective Services Act 1988*. Section 13 permitted the use of some lock-ups and watchhouses, certified by the Comptroller-General of Prisons as 'fit' for the purpose of detaining sentenced prisoners. These watchhouses were designated as "police gaols". The wording of this provision suggests that lock-ups and watchhouses were not generally considered to be suitable places for the detention of sentenced prisoners, even for short periods of time. Those that were certified 'fit' were only permitted to be used to detain prisoners whose sentences did not exceed 30 days. All other sentenced prisoners were only permitted to remain in a police gaol until they could be 'conveyed to prison'.

CONDITIONS IN WATCHHOUSES

As will be discussed further in Part B of this report, it is because watchhouses are designed as short term places of detention that the standards of facilities and conditions for detainees required are, in practice, lower than the minimum standards required in prisons. Conditions which might be considered acceptable on a short term basis for people in police custody awaiting a court appearance may not meet the minimum standards required for facilities with the primary function of accommodating prisoners on a longer term basis (see following discussion on 'international standards').

The Corrective Services Act and the Corrective Services Regulations 1989 make provision for various prison conditions and entitlements for prisoners. For example, section 37 of the Act states:

37. Accommodation. As far as is practicable there shall be provided in every prison separate accommodation for each prisoner to a standard approved by the Commission.

Prisoners also are entitled to telephone calls (Regulation 12), to visits (Regulations 16–18) and to send and receive mail (Regulations 7–11). There are no comparable legislative provisions or regulations defining conditions in watchhouses and the entitlements of people detained in them. Requirements to provide minimum conditions and entitlements such as single cell accommodation, telephone calls, visits, exercise and work would be expected to increase with the period of detention.

The QCSC's use of watchhouses as a "safety valve" when prisons become overcrowded involves two competing public policy issues: the maintenance of the standard of single cell accommodation in the State's gaols against the detention of QCSC prisoners for long periods in watchhouse conditions. It is appropriate that the QCSC aspires to a standard of single cell accommodation for every prisoner in its custody. However, it is against public policy for people to be detained for long periods in overcrowded watchhouses (sometimes with up to three or four prisoners to a cell) in conditions which do not meet the international minimum standards for the treatment of prisoners.

¹⁸ The Prisons Act 1890 was repealed and replaced by the Prisons Act 1958 which, in turn, was repealed and replaced by the Corrective Service Act 1988. Section 13 provides that `... no prisoner whose sentence exceeds 30 days shall be confined in a Police Gaol except for such period as may elapse before he can be conveyed to prison'.

For example, the United Nations Standard Minimum Rules for the Treatment of Prisoners 19 require that:

- remand prisoners be kept separate from convicted prisoners (Rule 8(b))
- where accommodation is in individual cells, each prisoner occupy a cell by him or herself (Rule 9(1))
- accommodation be constructed to enable access to natural light and fresh air (Rule 11(a))
- prisoners receive at least one hour of exercise in the open air daily (Rule 21(1))
- prisoners be provided with information, among other things, about methods of making complaints and have the opportunity to make complaints and speak directly to the Inspector of the facility (Rules 35 and 36(2))
- prisoners be allowed to communicate with their family and friends by correspondence and visits (Rule 37)
- inspectors be appointed to ensure that facilities used for the detention of prisoners are administered in accordance with the law (Rule 55).

The United Nations Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment also requires that:

• a prisoner have the right to be visited by and communicate with his or her legal counsel in full confidentiality (*Principle 18*, clauses 3 and 4).

It is neither reasonable nor practical to equip and staff watchhouses so that they can meet the minimum standards and conditions required of prisons.²⁰ Watchhouses should not be used as prisons as this is not their function. It is therefore not appropriate that the QCSC's accommodation ideal of one prisoner per cell should be given priority over the rights of people who are detained in watchhouses and denied their minimum entitlements as prisoners. The practice of leaving prisoners in watchhouses to serve their sentences or periods of detention (or part thereof) amounts to a breach of these minimum standards and principles.

THE ROLE OF POLICE AND CORRECTIONS

A number of criminal justice organisations have responsibility for the management and operation of the various stages of the criminal justice process. In Queensland, as in the other States and Territories of Australia, the various criminal justice organisations have reasonably discrete areas of operation. The police fulfil a number of roles in the criminal justice system. Among other duties, the police are responsible for keeping public order, investigating criminal offences and arresting and charging suspects and bringing them before the courts. The courts are responsible for the administration of the prosecution process – granting bail and ensuring that defendants are given a fair trial and that proper appeal processes are available. The prison system is responsible for the custody and care of people who, after investigation by the police, charging and/or trial, are detained in custody or sentenced to a term of imprisonment.

¹⁹ The Rules set minimum conditions which are accepted to be good general principle and practice in the treatment of prisoners. The United Nations Economic and Social Council, when approving the Rules, recommended that governments give favourable consideration to adopting them and applying them in the administration of their penal and correctional institutions.

²⁰ Part B describes in detail the conditions in watchhouses.

The specialised nature of corrections is recognised by the delegation of responsibility for the security and management of prisons and the safe custody and welfare of prisoners to a discrete organisation independent of the police and courts. The administration of prisons is a complex and extremely costly operation. Modern correctional centres are designed to minimise these costs, accommodating prisoners and providing them with their minimum entitlements such as work, visits and education in the safest, most secure environment that can be achieved. This is the primary responsibility and focus of the QCSC.

To train and equip the police also 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.

OPTIONS CONSIDERED

During its research and investigation of this issue, the CJC received various suggestions from individuals and agencies about how the problems of overcrowding, long stays and poor conditions in watchhouses might be addressed. Two options proposed deserve specific attention. These were that:

- the QCSC should take over the management of watchhouses
- watchhouses should be upgraded to meet minimum standards for the treatment of prisoners.

SHOULD THE QCSC MANAGE WATCHHOUSES?

A number of submissions to the CJC suggested that the present problems with conditions in watchhouses and the treatment of watchhouse prisoners could be overcome by giving responsibility for the management of watchhouses to the QCSC.

The CJC does not believe that this proposal would resolve the problems currently associated with watchhouses, such as overcrowding, poor conditions and denial of entitlements. These problems are a consequence of overcrowding in the prison system and the QCSC's practice of not accepting, or delaying accepting, prisoners from watchhouses into the prison system. Transferring management of watchhouses to the QCSC would not alleviate the overcrowding problem in the State prison system. Accordingly, there is no basis for believing that prisoners awaiting transfer to a prison in watchhouses managed by the QCSC will spend any less time in watchhouses, will have better conditions, or will be any more likely to receive their minimum entitlements. In fact, handing responsibility for watchhouses to the QCSC would tend to reinforce the view that it is appropriate to use watchhouses as extensions of the prison system.

In summary, the CJC believes that the QPS should retain responsibility for operating watchhouses. The proposal that the QCSC assume responsibility for watchhouses fails to recognise the function of watchhouses as short term places of detention for people in police custody waiting to appear before a court. The CJC supports the position that the police should not be acting as gaolers, but if watchhouses were used only in accordance with their real purpose police would not be required to perform this function.

SHOULD WATCHHOUSES BE UPGRADED TO MEET MINIMUM STANDARDS FOR THE TREATMENT OF PRISONERS?

As acknowledged in Chapter 7 of this report, certain improvements are required to be made to some watchhouses for them to meet even minimum standards for these types of facilities. However, for the reasons referred to above, the CJC is firmly of the view that it is preferable to transfer sentenced, remanded

and warrant prisoners to correctional centres within a very short time of their sentence, remand or arrest, rather than to upgrade watchhouses to deliver the level and range of services and facilities available at correctional centres. Upgrading would be prohibitively expensive in terms of capital costs. In addition, the costs of providing and training additional staff to deliver the full range of services and activities required would be impossible to justify, given the function of watchhouses as short term places of detention.

RESOLVING THE PROBLEM

There are two possible ways of ensuring that watchhouses are not used to hold QCSC prisoners, except in very limited circumstances:

- by issuing a Ministerial direction, as has been done by the current Minister for Police and Corrective Services and Minister for Racing
- amending the provisions of the *Corrective Services Act* regulating the admission of persons to the prison system.

MINISTERIAL DIRECTIONS

As discussed in preceding chapters, in February 1996 the Minister for Police and Corrective Services and Minister for Racing directed that no prisoner was to spend more than seven days in a watchhouse.

While the Minister's seven-day direction achieved a positive result almost immediately, it would be inappropriate to rely on this mechanism over the longer term. Ministerial directions can change with the Minister: they are not law. The Minister's seven-day direction made in February 1996 could be revoked at any time by a later Minister for Corrective Services, thereby permitting the problems of watchhouse overcrowding and lengthy stays to resurface. The varying approaches which might be taken by different Ministers in this portfolio is illustrated by the fact that, although the watchhouse problem was a constant under the previous Government, the then Minister for Police and Minister for Corrective Services did not use a Ministerial direction to deal with the situation. Further, the Ministerial direction alone, without other complementary measures, cannot address the underlying policy and legislative issues.

The Minister's seven-day direction of February 1996 was a valuable initial response to the problem of the inappropriate use of watchhouses, but it should be followed by a more substantial and permanent remedy. The CJC views the next step as the amendment of the relevant provisions of the *Corrective Services Act* 1988.

LEGISLATIVE AMENDMENT

SECTION 32 OF THE CORRECTIVE SERVICES ACT 1988

The problems resulting from QCSC prisoners being held in watchhouses raise questions about which criminal justice organisation has, or should have, responsibility for prisoners who have been remanded in custody, sentenced to a term of imprisonment or arrested on warrants for unpaid fines and are awaiting transfer to a prison.

Section 32 of the *Corrective Services Act* regulates the admission of persons to prisons in Queensland.²¹ This section clearly nominates the QCSC as the organisation responsible for sentenced prisoners and other people detained in custody, by providing that, as a general rule, these prisoners 'shall' be detained for the term in a prison. However, in an attempt to control the growing problem of overcrowding in prisons, the QCSC has, until recently, relied on the exceptions in subsections (2) and (3) to leave large numbers of prisoners in watchhouses for extended periods.

Section 32(1) of the Corrective Services Act is concerned with where a person 'sentenced to a term of imprisonment or required by law to be detained in custody' should be detained. The section provides that such a person shall be detained in a prison. Accordingly, this section defines a duty or function of the QCSC; the organisation responsible under the Corrective Services Act for the 'security and management of prisons and community corrections centres and the safe custody and welfare of prisoners' (section 13(1)).

The legislation recognises that it will not always be possible for the QPS and QCSC to comply with the obligation imposed under section 32(1). Sections 32(2) and (3) therefore provide exceptions to the obligation imposed by section 32(1).

Section 32(2) allows a prisoner whose term of imprisonment or period of detention does not exceed 31 days to remain in a police gaol for that term or period. The section appears to provide a "blanket" exception which may be applied by the QCSC in the case of prisoners serving a sentence of imprisonment or period of detention not exceeding 31 days. The section does not limit its operation to "exceptional circumstances".

On the other hand, section 32(3), which provides that prisoners whose term of imprisonment or period of detention exceeds 31 days may be detained in a police gaol, is qualified by the words 'until the person can be conveniently conveyed to a prison'. The use of the word 'until' tends to suggest that prisoners should be transferred to a prison as soon as possible.

An examination of the historical development of this provision supports the above interpretation. The equivalent provision in the *Prisons Act 1890* stated that:

... no prisoner whose sentence exceeds 30 days shall be confined in a Police Gaol except for such period as may elapse before he can be conveyed to prison.

These words clearly indicate that such prisoners were only to remain in a watchhouse for the minimum period necessary until they could be transferred to a prison.

The meaning of the words 'conveniently conveyed' in section 32(3) is also not entirely clear. The words raise the question: at which organisation's convenience is this, the QPS's or the QCSC's?

The QCSC has argued that the provision is ambiguous and that it could just as easily be referring to the convenience of the QCSC, in terms of the prison system's administrative or capacity demands. However, for the reasons stated below the CJC prefers the view that the provision is concerned with the convenience of the QPS.

²¹ See p. 6 for relevant text of section 32 Corrective Services Act.

Section 19(1) and (2) of the *Prisons Act 1958* (the legislation repealed by the *Corrective Services Act*) was the forerunner to section 32 of the *Corrective Services Act*. This provision also used the words 'conveniently conveyed'. However, the *Prisons Act 1958* also included section 21 entitled 'Committal and conveyance to prison' which made specific provision for police officers to 'convey' prisoners from court to prison. Section 21(2) of the *Prisons Act 1958* provided:

Any member of the Police Force or other person acting under the order of any justice of the peace, having power to commit a prisoner to prison, may convey the prisoner to or from a prison.

This suggests that the use of the words 'conveniently conveyed' in section 19 of the *Prisons Act 1958* was a reference to section 21(2) and was primarily concerned with the convenience of the police. There is no provision corresponding to section 21(2) of the *Prisons Act 1958* in the later *Corrective Services Act*, even though section 32(3) of the latter Act retained the words 'conveniently conveyed'.

PRACTICAL CONSEQUENCES OF THE PROBLEMS WITH SECTION 32

At the present time in Queensland, few, if any, prisoners are being dealt with in accordance with the general rule in section 32. Even though section 32(1) directs that 'persons 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' [emphasis added], all people ordered by the courts to be detained in custody are going first into police custody, and are spending anything from a few hours to many weeks in watchhouses before being transferred to a prison. Accordingly, compliance by the QCSC with the general principle in section 32(1) is currently the exception rather than the rule.

AMENDMENT OF SECTION 32 OF THE CORRECTIVE SERVICES ACT

The CJC is of the view that section 32 of the Corrective Services Act should 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 unless there are exceptional
 circumstances.

The CJC recognises that there is need for an exception to the general rule where the watchhouse is located a substantial distance – say 200 kilometres – from the nearest prison. For example, because of the location of the watchhouse and the staffing arrangements of the police station, there may not be a police officer immediately available to undertake the transfer. Another situation which might constitute an exception to the rule would be where a prisoner is given a short remand and the remoteness of the watchhouse means that to transfer the prisoner to the nearest gaol would not be practical in view of the prisoner's next court appearance. Clearly, the police will have to exercise a level of discretion in these matters by recognising the policy basis of the general rule, but also weighing up day-to-day administrative and roster demands.

RECOMMENDATION 4.1 – RESPONSIBILITY FOR WATCHHOUSE MANAGEMENT

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

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.

The above recommendation should minimise the use of the exceptions to the rule that QCSC prisoners are to be detained in prisons. However, it is important to monitor the use of these exceptions in order to be satisfied that the amendments have the required effect. This can only be done if records are kept of circumstances in which the exceptions are employed. Accordingly, where a person is not transferred within the three day period it is appropriate that the reasons be documented in the custody index maintained by police to record details of persons in custody.

RECOMMENDATION 4.3 – MONITORING THE EXCEPTIONS TO THE THREE DAY RULE

The CJC recommends that:

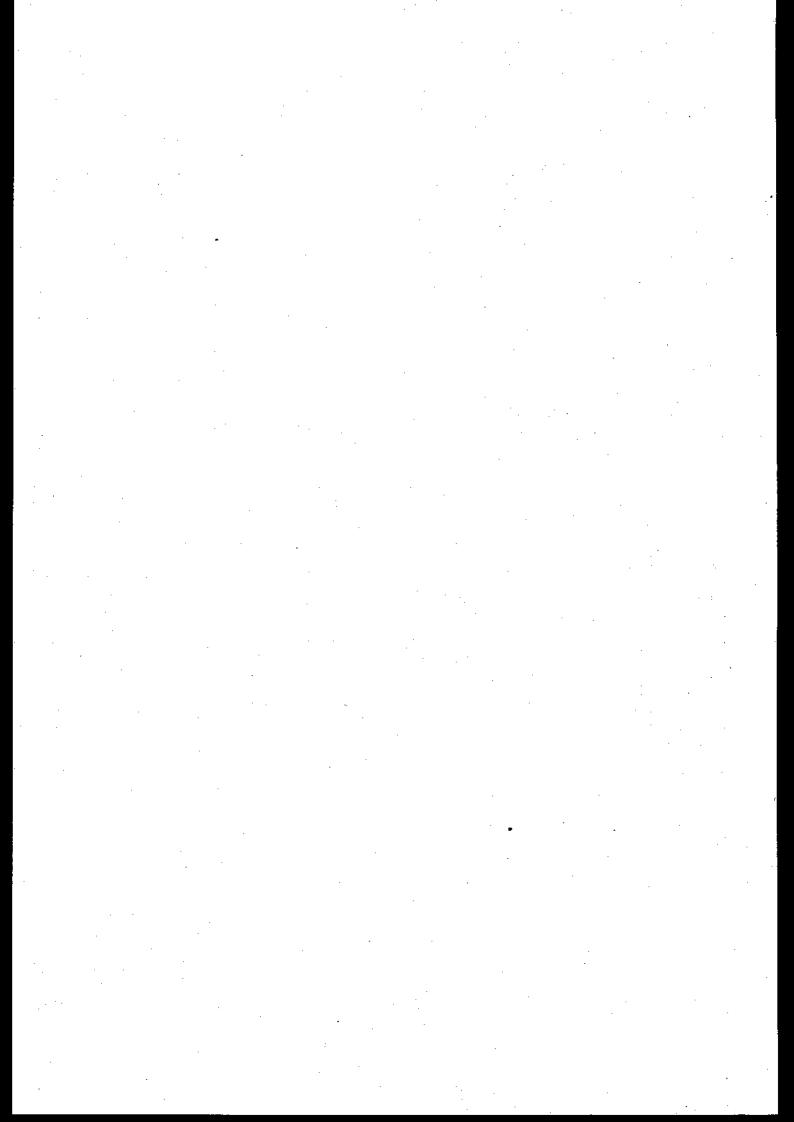
- where police detain a person in a watchhouse for more than three days, they must record in the custody index the reasons for the person being detained beyond that time
- the use of the exception to the three day rule should be monitored to determine whether the legislative provisions need to be tightened further to minimise the periods of time prisoners spend in watchhouses.

The recommendations in this chapter will cut off the "safety valve" used until recently by the QCSC to relieve the pressure of overcrowding on the prison system. As a consequence, the proposals will have an impact on the prison population and, as has been seen already, are likely to exacerbate overcrowding in the prison system. The next chapter examines factors influencing prisoner numbers and considers some strategies for reducing overcrowding in the prison system in Queensland.

CONCLUSION

The main conclusions of this chapter are as follows:

- Police watchhouses should only be used for the short term detention of people awaiting a court appearance.
- It would be prohibitively expensive to upgrade and staff watchhouses to the minimum standards required for holding prisoners for longer periods.
- The QPS should not hand over responsibility for managing watchhouses to the QCSC. This option would not resolve the problems of overcrowding and poor conditions. Furthermore, handing responsibility for watchhouses to the QCSC would tend to reinforce the view that watchhouses can be used as extensions of the prison system.
- The Minister's seven-day direction was a valuable initial response to the problems of watchhouse overcrowding and extended stays, but Ministerial directions are not law and are vulnerable to being revoked at any time.
- The Corrective Services Act should be amended to limit the length of time that QCSC prisoners can be held in watchhouses.



CHAPTER 5 STRATEGIES FOR REDUCING OVERCROWDING IN THE PRISON SYSTEM

Introduction

This chapter examines the response of the QCSC to overcrowding in the prison system. The chapter then examines a number of alternative strategies, focusing on short and medium term initiatives which can either:

- reduce the number of people detained in custody; or
- reduce the length of time spent in custody.

The strategies are discussed according to the category of prisoner towards which the strategy is directed; for example, warrant, remanded or sentenced prisoners. The chapter makes a number of recommendations designed to reduce the number of people in custody.

The chapter concludes by advocating a whole of system approach to the management and administration of the criminal justice system which recognises the interdependent nature of the system's various component parts.

QCSC RESPONSES TO THE PROBLEM OF OVERCROWDING

The QCSC, through its Director-General, has argued for a whole of Government and whole of community approach to addressing the social factors which lead to increased crime and, ultimately, to overcrowding of prisons (see, for example, the QCSC's 1994/95 *Annual Report*). However, of necessity the practical focus of the QCSC has been primarily on increasing the capacity of the prison system. This increase has been achieved by two means:

- constructing new correctional centres or additional facilities in existing centres
- doubling up.

The construction of new correctional centres or the extension of existing centres is a long term response to overcrowding in the State's gaols. Construction of a correctional centre takes between two and three years from the preliminary planning stages to completion. Because of the lead times involved in the planning and construction of correctional centres, the QCSC must undertake long term planning for capital works.²² However, in the meantime the QCSC has had to resort to doubling up as a short term measure for dealing with the prison system's accommodation crisis.

While doubling up seems to be the obvious short term method of increasing QCSC capacity and relieving the system's accommodation problems, this practice has the potential to introduce a whole new set of problems for the correctional system. Doubling up means the accommodation of two prisoners in one cell. Prison cells are relatively small. Also, the size of the cell becomes more of an issue the longer that a

²² This long term planning may involve the use of models for predicting changes in the prison population. The CJC recognises that a reliable model for making such predictions is yet to be developed.

prisoner is required to spend in it. The period of time that prisoners spend in their cells each day depends upon their security classifications and on the management practices of particular correctional centres. Prisons are stressful and threatening places. It is obvious that confining people in these institutions together in small spaces for periods of time increases the potential for conflict. This, in turn, may result in:

- more injuries to prisoners requiring medical attention with the attendant costs
- more civil claims for damages by prisoners against the QCSC for injuries suffered as a consequence of conflictual incidents
- more prisoners seeking to be classified as protected to avoid further conflict with other prisoners, resulting in overcrowding in protection facilities.

As noted in Chapter 4, section 37 of the Corrective Services Act requires the QCSC 'as far as is practicable' to provide separate accommodation for each prisoner. While doubling up as a short term response to overcrowding in the prison system does not breach this provision, the QCSC can only use this response as a temporary measure.

ALTERNATIVE STRATEGIES: CRIME PREVENTION AND DIVERSIONARY PROGRAMS

There are various other strategies available to reduce the number of people progressing through the criminal justice system to prison. As recognised by the QCSC, at the very "front end", crime prevention programs are important because they focus on reducing the number of people offending and the number of offences they commit. At the point of entry into the criminal justice process, diversionary programs contribute by diverting young or first offenders from the system. A detailed discussion of these types of initiatives is beyond the scope of this report. However, the CJC acknowledges the importance of these programs and continues to assist the QPS to develop and evaluate crime prevention initiatives. The CJC also recognises that agencies other than the QPS play an important part in the development of other crime prevention strategies, such as:

- Queensland Health, which is responsible for developing and funding drug education, detoxification and rehabilitation programs and safety action projects to reduce violence in and around licensed premises
- the Department of Families, Youth and Community Care, which has responsibility for initiatives for youth; for example, the Youth and Community Combined Action Initiative
- community organisations which operate programs ranging from engaging unemployed youth in theatre and the arts to assisting people released from prison to find employment.

Effective crime prevention and diversionary programs are potentially cost-effective because they can lower criminal justice system costs by reducing the number of people charged with offences and sentenced to community supervision or to terms of imprisonment. There are also other benefits which flow from a reduction in crime, such as reductions in conflict and fear of victimisation in the community and in the loss and damage suffered by victims.

ALTERNATIVE STRATEGIES: SHORT AND MEDIUM TERM INITIATIVES

Throughout this review, people made numerous practical suggestions about ways to decrease the custodial population. These suggestions fall into two categories:

- strategies to reduce the number of people detained in custody
- strategies to reduce the length of time spent in custody in the watchhouse or in prison.

The discussion of the various proposals has been approached according to the types of prisoners affected by the proposed initiatives: warrant, remanded or sentenced prisoners.

WARRANT PRISONERS

One of the more significant findings of this review has been that a large number of prisoners held in watchhouses and prisons have been arrested on Warrants of Commitment, mostly for non-payment of fines.

The data presented in Chapter 3 show that many fine defaulters are released from custody after a day or two by paying their fines or obtaining a Fine Option Order or both. However, there continue to be a core of prisoners who either do not want to apply for a Fine Option Order or who are refused a Fine Option Order by the court. These prisoners will serve their default period in the watchhouse or in the prison. On any given day in 1996, the State's prisons hold about 150 fine defaulters. In addition, the State's 11 major watchhouses were holding an average of 36 fine defaulters.²³

In a 1993 research paper, the QCSC noted that for the preceding 10 years, the proportion of fine defaulters to total prison admissions was consistently around 30 per cent, despite the introduction of Fine Option Orders (Oxley-Edmonds 1993, p. 1). While these figures might give the impression that the non-payment of fines and the subsequent gaoling of fine defaulters is a large and growing problem for the Queensland criminal justice system, this is not the case. The number of people who are fined, do not pay, and are subsequently gaoled constitute only about one per cent of the total number of people who are fined each year (Queensland Government 1990, p. 7). As at 17 June 1996, there were 262,000 outstanding Warrants of Commitment in the QPS Warrant Bureau. With the increasing use of Self-Enforcing Ticketable Offence Notices and the introduction of speed and red light cameras the number of outstanding warrants is likely to grow. The introduction by the QPS of computerised warrant systems is likely to result in an increase in the number of executed warrants because police will have immediate access to warrants information. Most of these prisoners will spend some time in a watchhouse and a proportion of them will go on to spend time in a prison.

PROPOSED STRATEGIES FOR DEALING WITH FINE DEFAULTERS

Because of the increasing number of people entering the State's watchhouses and prisons, it is important that the Government looks closely at developing an alternative system of dealing with fine defaulters. Some submissions to this review proposed ways of dealing with fine defaulters to minimise the amount of time they spend in custody. The CJC is not in a position to make specific recommendations about fine defaulters in this report as the issues are very complex. However, some possible options are outlined briefly below.

²³ This figure represents the average number of warrant prisoners held in these watchhouses on the last Monday of March and April 1996, after the Minister's seven-day direction had taken effect.

REVIEW THE CONVERSION RATE FOR FINES

When a fine is imposed upon a person, the court also makes an order stating the number of days' imprisonment to be served by the offender if he or she does not pay the fine. Under section 182A (see also section 185) of the *Penalties and Sentences Act 1992*, the term of the default period of imprisonment must 'satisfy the justice of the case' but cannot exceed 14 days imprisonment for each penalty unit. (A penalty unit currently equals \$75.) In practice, the courts generally impose default imprisonment periods that are around three to four days per \$100 worth of fines.²⁴ This equates to service of the time at a rate of between \$25 - \$33 for each day in custody.

An offender who is granted a Fine Option Order will be ordered to serve a number of hours community service in lieu of payment of the fine. The maximum number of hours community service to be performed is 10 hours per penalty unit (section 69 of the *Penalties and Sentences Act*). The community service ordered under Fine Option Orders is generally around 10 hours of community service per \$75 fined, the maximum imposed by the legislation. This equates to \$7.50 per hour of community service.

Table 5.1 below compares the conversion rates for fines in Queensland with those in some other States:

TABLE 5.1 – INTERSTATE COMPARISON OF CONVERSION RATES FOR FINES (1995)

State	Community Service	Imprisonment \$25.00-\$33.00 per day		
Queensland	\$7.50 per hour			
Victoria	\$20.00 per hour	\$100.00 per day		
New South Wales	\$15.00 per hour	\$100.00 per day		
South Australia	\$100.00 per 8 hours (which equates to \$12.50 per hour)	\$50.00 per day		
Tasmania	\$100 per 7 hours (which equates to \$14.28 per hour)	\$100.00 per day		

Source

Information for jurisdictions other than Queensland and NSW was gathered by ACT Attorney-General's Office in March 1995 and provided to the CJC in 1996. NSW information was published in 'Fine Default: Enforcing Fine Payment', NSW Bureau of Crime Statistics and Research, August 1995.

As Table 5.1 shows, the conversion rate in Queensland compares unfavourably with all of the other States for which information was available.

Some submissions to this review have suggested that because of the low conversion rates for community service, people are opting to serve their default period in prison. For those people and for others who are not granted Fine Option Orders, the period spent in custody may well be higher than would be the case if they were in another State. If the conversion rates in Queensland were the same as, for example, New South Wales, the length of time fine defaulters spend in custody may be reduced, with a consequent reduction in the number of fine defaulters in custody on any given day. However, some people expressed concern that an increase in the conversion rate might result in the courts increasing fines. If this did result, any benefits gained by the change may be countered by the higher fines.

²⁴ The QCSC Fine Defaulters Update, March 1994, found this to be the average sentence in default of payment for fine defaulters in prison at that time. More recent discussions with Magistrates confirm this is still the case.

The effect on fine defaulter behaviour of changes to the conversion rate is difficult to determine and the issues are too complex to canvass fully here. However, the CJC considers that the rates should be reviewed as part of an overall review of ways of dealing with fine defaulters.

ALLOW FOR DEFAULT PERIODS TO BE SERVED CONCURRENTLY

The Penalties and Sentences Act provides that default periods of imprisonment for non-payment of fines are to be served cumulatively on any other period of imprisonment being served by the offender (section 182A and 185); that is, after the expiration of any other sentence of imprisonment. Prior to the introduction of that legislation, offenders with a number of outstanding warrants, once arrested on one warrant or sentenced to a term of imprisonment, could call in all their warrants and serve their time concurrently.

The requirement that sentences be served cumulatively has resulted in warrant prisoners spending longer periods in custody. One way to reduce the number of warrant prisoners in the system would be to amend the *Penalties and Sentences Act* to provide for default periods of imprisonment to be served concurrently. However, the Queensland National Liberal Coalition Policy on Restitution, Compensation, Fines and Community Service Orders supports the current position, although the policy also proposes giving courts the option of cancelling fine defaulters' drivers' licences for an appropriate period. There may be sound policy reasons for not allowing default periods of imprisonment to be served concurrently, but this issue needs to be examined in the context of an overall review of ways of dealing with fine defaulters.

AVAILABILITY OF FINE OPTION ORDERS ON SATURDAYS

Some members of the Watchhouse Register Group advised that there were difficulties in prisoners applying for, and being granted, Fine Option Orders on a Saturday in the Brisbane Central Magistrates Court. There were two reasons for this:

- the unavailability of Community Correctional Officers who are needed to assess whether the prisoner is a suitable candidate for community service
- the unavailability of the court file needed to process the case, in cases where the warrant under which the prisoner is arrested was issued from another Magistrates Court.

The first problem may be overcome by rostering a Community Correctional Officer to be available at the court on a Saturday morning to assess prisoners. However, it may be more difficult, in the short term, to make arrangements to enable records from other courts to be available to the Brisbane Central Magistrates Court on a Saturday morning. Developing options to enable fine defaulters to apply for Fine Option Orders on a Saturday would reduce the number of people in watchhouses over the weekend, although such initiatives would be unlikely to affect the prison population.

AMNESTY ON OUTSTANDING WARRANTS

A number of submissions to this review proposed various types of amnesty on the payment of the amount nominated in outstanding warrants in order to reduce the number of such warrants and consequently reduce the strain on the custodial system. The extent and form of any proposed amnesty varied among the submissions but included:

- an amnesty on all outstanding warrants
- an amnesty on all warrants that are more than ten years old²⁵
- an offer to all people with outstanding warrants that if they pay the amount originally fined, they
 will not be pursued for the costs of enforcement.

The CJC is not in a position to estimate the amount of revenue that would be foregone if any of the above proposals were implemented. However, the proposals should be considered, in the light of further information on the cost of enforcing outstanding warrants compared with the estimated revenue foregone if enforcement of the warrants were not pursued.

INSTALLATION OF EFTPOS FACILITIES IN WATCHHOUSES

For a number of years senior police have been asking for the installation of an automatic fund transfer facility in the BCWH. Police in the Cairns Watchhouse introduced an electronic funds transfer (EFTPOS) facility in December 1995 which can be used by prisoners and/or their families and friends to enable fast payments of fines. Information concerning the extent to which this facility has been used by warrant prisoners was not available for this report. More recently the BCWH has introduced an EFTPOS facility. In June 1996, the first month of its operation at BCWH, 38 warrant prisoners paid fines totalling over \$11,000 using this facility.

It is unlikely that the introduction of EFTPOS facilities will substantially reduce the watchhouse population. Most people who have the money to pay their fines arrange for payment to be made within a day or so of their arrest, without the use of EFTPOS. For the people spending long periods in the watchhouse or who are transferred to prison, the availability of EFTPOS is unlikely to make a difference because those people either do not have the money, or do not wish to pay the fine. However, the CJC will continue to monitor the use of the facility in the BCWH because it may well reduce the numbers of warrant prisoners staying overnight in the State's watchhouses. Although this will not have a significant impact on the overall prison population, it will reduce demands on watchhouse staff.

OTHER OPTIONS FOR FINE DEFAULTERS

The options for dealing with fine defaulters discussed above are certainly not exhaustive. As noted earlier in this chapter, the Queensland National Liberal Coalition Policy on Restitution, Compensation, Fines and Community Service Orders proposes giving courts the ability to cancel the driver's licence of a fine defaulter, as an alternative to imprisonment. A submission to this review suggested that civil debt recovery mechanisms should be considered as an option for fine defaulters. An example is the garnishing of wages. Another proposal was that legislation should be amended so that courts impose Community Service Orders in default of payment in the first instance rather than in default imprisonment orders (which

²⁵ It is current QPS policy to destroy Warrants of Commitment which are over 10 years old, subject to an assessment of the amount of the fines and the seriousness of the crime involved. This option is available under the Disposal of Unexecuted Warrants Act 1985.

may or may not be converted to community service). The submission proposed that imprisonment should only be imposed after a review by the court. These and numerous other options should be considered as part of a comprehensive review of the way in which fine defaulters are dealt with by the criminal justice system.

RECOMMENDATION 5.1 - REVIEW OF OPTIONS FOR FINE DEFAULTERS

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.

REMANDED PRISONERS

As noted in Chapter 2, remanded prisoners make up nearly 30 per cent of the QCSC prisoners in watchhouses. These prisoners fall into two categories:

- prisoners arrested for designated serious offences in respect of which the Magistrates Court is not empowered to grant bail (see section 13 of the *Bail Act 1980*)
- prisoners who have been refused bail by the courts and who are held in a watchhouse pending further appearances before the court.

The Queensland Law Reform Commission (1993) has conducted an extensive review of the *Bail Act* and made numerous recommendations designed to improve the operation of the bail system. Many of the recommendations were aimed at ensuring that defendants were granted bail at the earliest opportunity. These recommendations, if implemented, are likely to reduce the number of remanded prisoners held in watchhouses by, among other things, providing mechanisms by which remandees can be considered for bail at an earlier stage and extending the powers of magistrates to grant bail. (It is possible that the recommendations might reduce the number of remanded prisoners in prisons, but the effect is likely to be very small.)

RECOMMENDATION 5.2 – AMENDMENTS TO THE BAIL ACT 1980

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

Prisoners who have been refused bail by a court present particular problems at watchhouses which are some distance from a prison. For example, as noted in Chapter 3, remanded prisoners had been held in Cairns Watchhouse for lengthy periods because they had a series of court appearances with only a few days between each appearance.

Some members of the Watchhouse Register Groups suggested that the length of time spent in the watchhouse could be reduced if the court listing practices were modified to enable a prisoner to have all his or her appearances listed within a short period of time. The prisoner could then be returned to the prison pending any further appearances. The CJC considers that this proposal has merit.

RECOMMENDATION 5.3 – REVIEW OF COURT LISTING PRACTICES

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.

Another initiative that may solve the problem of remanded prisoners spending time in the watchhouses is the proposal for video-linking the courts with the prisons. The aim is to reduce the need for prisoners to be brought to court. A secondary effect of such a measure is that it will reduce the number of prisoners held in watchhouses. The Department of Justice has recently introduced a video conferencing link between the courts and the Arthur Gorrie Correctional Centre (AGCC). The video link is mandatory for bail and remand applications and may be used, with the consent of the parties, for pleas of guilty. Consideration is being given to the introduction of video linking for other types of court appearances.²⁶ The video linking initiative is to be evaluated by the Department of Justice.

RECOMMENDATION 5.4 – USE OF VIDEO LINKING FACILITIES

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.

SENTENCED PRISONERS

The number of people sentenced to periods of imprisonment can be affected by changes in policy or practice at various stages of the process. Those parts of the system that have the most direct effect on prisoner numbers are:

- the courts, as the sentencing authority
- the QCSC and the Community Corrections Boards, as the bodies responsible for determining the release of prisoners.

In a less direct manner, the activities of the police may impact upon the number of people sentenced to periods of imprisonment. Although some people have suggested that an increase in the number of police results in an increase in the number of people arrested and sentenced to imprisonment, this view is a little too simplistic. A greater police presence "on the streets" is most likely to result in an increase in the number of minor and street offences that are detected, such as minor drug offences. Few of these offenders

²⁶ See the Court (Video Link) Amendment Act 1996.

are sentenced to periods of imprisonment. However, if the increased police activity targeted offenders responsible for particular types of serious offences, this may well affect the number of people sentenced to imprisonment. Ultimately, this will depend on the attitude of the courts to those particular offences and the relevant sentencing legislation.

THE EFFECT OF THE COURTS' SENTENCING PRACTICES ON PRISONER NUMBERS

The courts may affect prisoner numbers, either by increasing:

- the number of people sentenced to periods of imprisonment; or
- the length of the sentences imposed.

The manner in which the courts exercise their sentencing powers depends upon the sentencing principles embodied in legislation (which is a reflection of Government policy) and the practices and precedents of the courts themselves. Thus the number of prisoners in the prison system can be reduced, or increased, by changing aspects of the legislation or by altering the courts' sentencing practices.

The 1990 amendment to the *Drugs Misuse Act 1986*²⁷, which removed the mandatory life imprisonment penalty for very serious drug offences, is a good example of legislative change affecting the length of sentences of imprisonment imposed by the courts. As a result of the change, many prisoners who had been sentenced to life imprisonment were resentenced to shorter periods of imprisonment.

The effect of changes in court practices and precedents in respect of the length of sentences imposed is difficult to establish due to the fact that information on sentence length is not systematically recorded. However, the Criminal Justice System Monitor (CJC 1995) described an increase from 1989/90 to 1993/94 in the number and proportion of people appearing before the District and Supreme Courts who were sentenced to periods of imprisonment. The growth in appearances resulting in imprisonment was attributable, to some extent, to the increasing number of people being convicted by the higher courts, particularly for serious offences such as armed robbery and major assault. However, some of the increase appears to have been the result of a rise in the proportion of people, within some offence categories, being sentenced to imprisonment. In other words, there is an indication that the courts may have changed their sentencing practices with regard to certain categories of offences.

It has been suggested that the increase in the use of imprisonment by the courts could be a result of a trend against the use of Community Corrections Orders and an increase in the number of breaches of Community Corrections Orders. Some submissions to this review, including from members of the judiciary, commented that some people on Community Corrections Orders, particularly those on probation, are not being adequately supervised because of unmanageable workloads for Community Correctional Officers. The possible effects of inadequate supervision are that:

The courts may be reluctant to issue Community Corrections Orders in respect of some offenders
because they are concerned that the offenders will not be adequately supervised under the order.

If this is the case, then the courts may be sentencing some of those people to periods of
imprisonment instead of making Community Corrections Orders.

²⁷ Drugs Misuse Act Amendment Act, No. 9 of 1990.

²⁸ Community Corrections Orders include such things as probation and parole orders:

There may be an increase in the number of offenders who have breached Community Corrections
Orders such as probation and parole. The courts may then sentence these people to periods of
imprisonment for the breach of the order.

Some submissions proposed that increasing the number of Community Correctional Officers would result in increased supervision of people on Community Corrections Orders which, in turn, would result in more people successfully completing those orders, thus reducing the prison population.

The Public Sector Management Commission (1993b) review of the QCSC found that there had been a significant increase in the workload of Community Correctional Officers and that the judiciary and others were concerned that the standard of supervision in community corrections had declined. The report of the review contained a number of recommendations to address these issues. The CJC is concerned that these problems are still being raised and believes that the QCSC should consult with members of the judiciary about the concerns.²⁹

RECOMMENDATION 5.5 – CONSULTATION ON THE USE OF COMMUNITY CORRECTIONS ORDERS

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.

Many of the submissions to this project argued that the sentencing practices of the courts should be reviewed with a view to determining whether longer sentences are being imposed by the courts. However, in the absence of a process for the systematic collection and publication of sentencing information, a review of sentencing practices is not possible. Because of the impact of sentencing trends on the criminal justice system, particularly on corrections, there is a need for sentencing information to be regularly collected and published.

The Crime Statistics Unit of the Government Statistician's Office has done some preliminary work on the collection of more detailed sentencing information. Completing this project should be a priority for the unit.

RECOMMENDATION 5.6 – PUBLICATION OF SENTENCING INFORMATION

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.

²⁹ The QCSC refutes the suggestion that Community Correctional Officers have unmanageable work loads, although a submission is currently before the Government for increased resources for Community Corrections. Further, the QCSC argues that the increases in the number of offenders who have breached Community Corrections Orders has occurred because of improved surveillance of these orders by Community Correctional Officers.

EFFECT OF CORRECTIONS POLICY AND PRACTICE

At the final stage of the criminal justice process, namely following imprisonment, there are two authorities whose decisions may affect the prison population:

- the QCSC as the agency responsible for the management and care of prisoners
- Community Corrections Boards (or parole boards) which make decisions regarding the release of prisoners on supervised release programs including release to work, home detention and parole.

QCSC DECISIONS

Under the Corrective Services Act the QCSC has authority to make three types of administrative decisions which might directly or indirectly affect the prison population:

- the classification of prisoners according to their security risk (under section 130(d) of the Corrective Services Act)
- the administrative transfer of prisoners to the Western Outreach Camp program and to community corrections hostels (under section 69 of the Corrective Services Act)
- the granting of remissions on sentence (under Regulations 21-25 of the Corrective Services Regulations).

Classification of Prisoners

Under its legislation, the QCSC has the authority to develop classification systems for prisoners 'for the purpose of accommodation, security or for any other purpose' (section 130(d)). The classification system in use by the QCSC classifies prisoners on at least two bases:

- according to the security risk that they pose to the system; for example, in terms of escape, the
 physical threat that such prisoners may pose to staff and other prisoners and other similar security
 considerations.
- according to whether they are at risk of injury from other prisoners and require protection.

A prisoner's security classification will, to a large degree, determine where in the prison system he or she will be accommodated. Certain correctional centres are designed and operated to accommodate prisoners of particular classifications. For example, the AGCC and the Sir David Longland Correctional Centre are facilities used primarily for "high" security prisoners while Numinbah Correctional Centre, which is a prison farm, is used to accommodate "low" and "open" security prisoners.

In addition to these security considerations, the QCSC must make appropriate accommodation arrangements for prisoners requiring protection from other prisoners within its custodial correctional centres. This consideration complicates the QCSC's management and accommodation responsibilities and can result in placement and overcrowding problems in pockets of the system. If prisoners of a particular classification exceed the capacity of the accommodation allocated for that classification, overcrowding can result. For example, as was observed in Chapter 3, a shortage of protection cells in the prison system in South-East Queensland contributed to overcrowding in watchhouses in that region.

Administrative Transfers

The QCSC is committed to a policy of graduated supervised release of prisoners back into the community. As part of this program, the QCSC uses what are commonly called "section 69 transfers" to transfer prisoners, using an administrative process, from the custodial correctional system into a supervised release program under the control of the community corrections arm of the QCSC.³⁰ The most common of these transfers are transfers to the Western Outreach Camp program (which may accommodate up to 200 prisoners at any one time) and to community correctional centres or hostels (generally involving much smaller numbers of prisoners).

Once these transfers are effected, the prisoners no longer form part of the prison population, either in the physical sense or for QCSC statistical purposes. Accordingly, these transfers affect the number of prisoners in the system at any one time and can, to a limited extent, assist to reduce overcrowding in the prison system.

These transfers may involve the movement of a substantial number of prisoners out of the custodial correctional system over a reasonably short period of time. For example, when the scheme was first introduced, it would have had the effect of a one-off decrease in the prison population over a short period of time. It is important when such programs are introduced, or later transfers occur, that their effect on the prison population is not misinterpreted as a downward trend in prisoner numbers, or does not mask an upward trend. Information about the introduction of programs which might have an effect on the prison population, and some estimate of the extent of that effect, could be provided by the QCSC with its published data on the prison population to minimise the risk of other agencies misreading, or failing to identify, trends.

RECOMMENDATION 5.7 – EFFECT OF ADMINISTRATIVE TRANSFERS ON PRISON POPULATION

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.

Remissions

The QCSC has the power to grant remission of up to one-third of a prisoner's sentence where the prisoner has been of good conduct and industry (Regulation 21). Remissions have a long history of use within the British and Australian prison systems as a means of maintaining discipline in prisons by providing an incentive for prisoners to be of good conduct.

The granting of remissions to prisoners, or conversely, the abolition of the remission system can have a significant effect on the prison population. The abolition of remissions in New South Wales in 1989³¹ provides a recent example of the consequences for the prison population of such a change of corrections policy. A study by the New South Wales Department of Corrective Services (Gorta & Eyland 1990) found that the average "real time" served by prisoners sentenced after the introduction of the Sentencing Act 1989 was 20.5 per cent longer than that for prisoners discharged from custody before the Act was passed (in Johnston & Spears 1996, p. 21). The recent report by the Judicial Commission of New South Wales (1996) found that between 1988/89 and 1993/94 the daily average New South Wales full time prison population rose by 47.4 per cent and that this increase was due to the longer "real time" spent in custody

³⁰ The release of prisoners on parole, home detention and release to work by Community Corrections Boards is the other part of this program.
Community Corrections Boards are discussed later in this chapter.

³¹ The Sentencing Act 1989 (NSW) which came into effect 25 September 1989.

(Johnston & Spears 1996, p. 4). The study concluded that the abolition of remissions was one of a number of policy changes which caused the prison population to increase.

In its Policy on Serious and Violent Offenders, the Queensland National Liberal Coalition has stated that:

... serious violent offenders will serve at least 80 per cent of the sentence before being eligible for release on parole. Remissions will be abolished and these prisoners will not be eligible for work release, day release or other release programmes.

The Coalition policy also proposes that drug traffickers be treated similarly. The QCSC has likewise publicly stated its support for the abolition of remissions generally, in accordance with QCSC policy to encourage the supervised release of prisoners on orders such as release to work, home detention and parole.

Implementation of the Government's policy, even in stages (as was indicated in Parliament by the Minister for Police and Corrective Services and Minister for Racing³²), will have the effect of increasing the prison population over and above any increases which might occur as a consequence of population increases or other changes in criminal justice system policy or procedures. If the increases in the prison population are of the magnitude of those which occurred in the New South Wales system following the abolition of remissions, they could have dramatic consequences for the ability of the system to provide adequate accommodation and to cope with the increased overcrowding which would almost certainly result. The CJC believes that an analysis should be undertaken and published of the likely impact of the abolition of remission on the prison population:

RECOMMENDATION 5.8 - IMPACT OF ABOLITION OF REMISSIONS

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.

COMMUNITY CORRECTIONS BOARDS³³

Community Corrections Boards are the authorities that hear and determine applications by prisoners for release to work, home detention and parole. As a consequence, their decisions affect the prison population. While these Boards operate independently of the QCSC and of Government, changes in the relevant legislation or guidelines for the operation of Community Corrections Boards can also have consequences for the prison population. Changes in the Boards' decision-making processes or procedures will have similar effects.

Submissions to this review identified a need to investigate:

- whether Community Corrections Boards are granting fewer release orders than in the past, and if so, why
- the cancellation of orders by Community Corrections Boards and the reasons for the cancellation.

³² Queensland Legislative Assembly 1996, Weekly Hansard, No. 6, 23-25 July 1996, pp. 1978-1979.

³³ The Corrective Services Act establishes the Queensland Community Corrections Board which deals with applications from prisoners whose sentences exceed five years, and a number of Regional Community Corrections Boards which deal with applications from prisoners whose sentences do not exceed five years.

Under section 141 of the Corrective Services Act the Queensland Community Corrections Board is required to report annually to the Minister on the operation of the Act with respect to parole and on the activities of the Community Corrections Boards. In addition, the Board is required to provide the following information on the number of persons:

- released on parole during that year
- returned to prison during that year on cancellation or suspension of parole
- declared habitual criminals who were released on parole during that year.

The Annual Reports of the Queensland Community Corrections Board are not published.

The CJC considers that the following additional data would render a more complete account of the operations of the Community Corrections Boards and the effect of their decision-making processes on the prison population:

- 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.

If data about the outcomes of decisions of Community Corrections Boards were publicly available, a review of the processes for granting early release by way of release to work, home detention and parole could be undertaken. In view of the potential of the decisions of these Boards to affect the period of time that prisoners spend in custody, and thereby on the prison population, it is essential that these data are available.

RECOMMENDATION 5.9 – PUBLICATION OF OUTCOMES OF COMMUNITY CORRECTIONS BOARDS DECISIONS

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.

THE NEED FOR A SYSTEM-WIDE APPROACH

This chapter has not canvassed fully the complex relationships among the criminal justice agencies, but has sought to give a broad picture of how changes in one part of the criminal justice system can impact on other parts of the system. In particular, the chapter has described how certain factors can influence prison and watchhouse overcrowding and proposed some practical strategies for addressing the problem.

In June 1996 the 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
- public information and education.

The material presented in this and the previous chapters illustrates the need for such a coordinated approach, particularly in respect of infrastructure planning. The Audit Report recommended that:

A strategic planning committee should be convened, by an appropriate central agency, to ensure that the criminal justice agencies co-ordinate policy advice, research, evaluation and planning. Other human service delivery agencies (outside the criminal justice system) and community agencies should be involved as appropriate. The coordinated planning process should:

- take account of the full resource implications of agency decisions, importantly including impacts on other agencies; and
- develop output and performance measures for the criminal justice system as a whole.

The CJC endorses the Audit Report's recommendation and supports the establishment of a strategic planning committee. If that committee is established, many of the issues raised in this chapter could be referred to the committee for consideration. The committee could coordinate the development of crime prevention strategies and diversionary programs to reduce the number of people entering our criminal justice system. Furthermore, that committee could provide a coordinated response to the increasing strains being placed on the prison system by considering the various strategies outlined in this chapter to reduce the prison population. In particular, the proposed committee could coordinate the recommended system-wide review of ways of dealing with fine defaulters.

In 1995 the Criminal Justice Information Integration Strategy (CJIIS) Steering Committee was established to, among other things, oversee the improvement of data flows between different parts of the criminal justice system. The CJIIS Steering Committee consists of representatives of the Government Statistician's Office, QPS, QCSC, the Department of Justice, the Department of Families, Youth and Community Care and the CJC. The establishment and operation of the CJIIS Steering Committee provides a useful model for the proposed strategic planning committee.

RECOMMENDATION 5.10 - ESTABLISHMENT OF A STRATEGIC PLANNING COMMITTEE

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.

Pending the establishment of a strategic planning committee to assess the impact of agency decisions on other agencies, there should be a process in place whereby other agencies, including community organisations, are informed of the impact of proposed policy changes on the criminal justice system. Accordingly, the CJC recommends that any such changes to policy 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 5.11 – PUBLICATION OF IMPACT STATEMENTS

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.

CONCLUSION

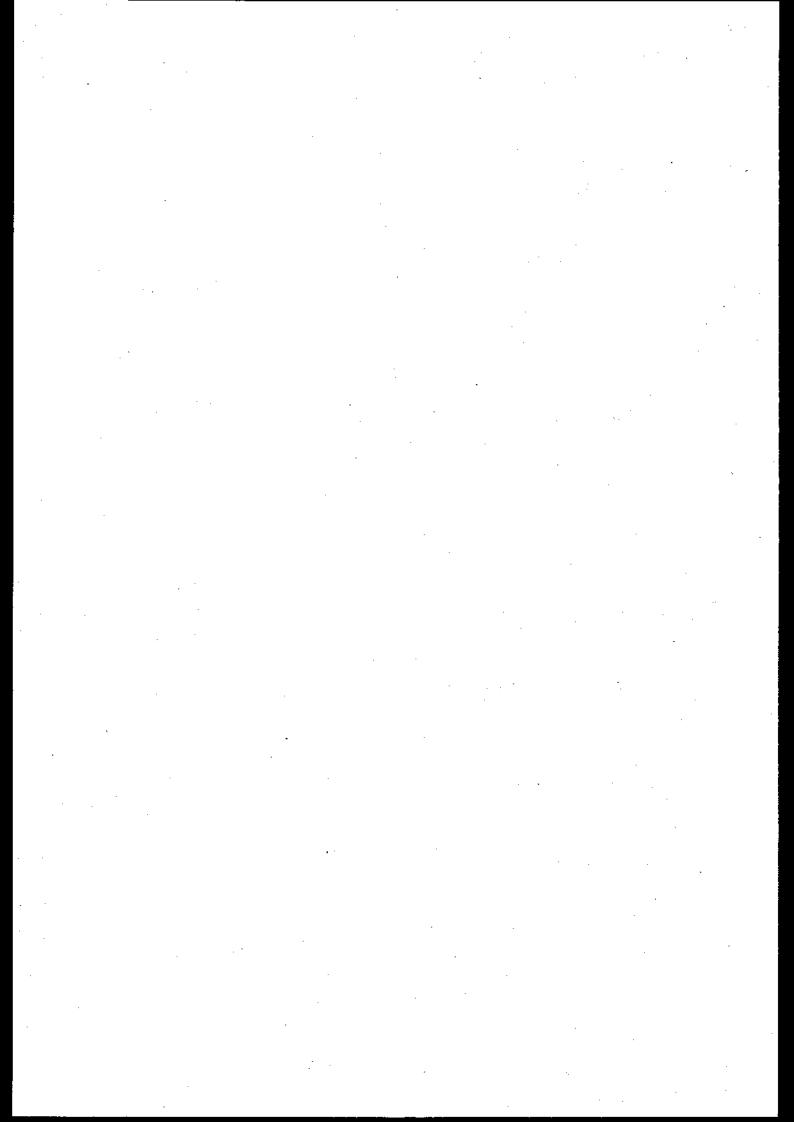
This chapter has noted that the QCSC has responded to overcrowding in the prison system by expanding capacity and doubling up in existing cells. A number of alternative strategies, designed to reduce the number of prisoners in the prison system, have been described and further work recommended in a number of areas, including:

- the conduct of a comprehensive review of ways of dealing with fine defaulters
- consultation between QCSC and the judiciary on the use of Community Corrections Orders
- an improved system for the collection and publication of sentencing information
- the publication by the QCSC of information about the number of administrative transfers and their effect on the prison population
- an analysis of the likely impact of the abolition or limitation of the system of remissions on the prison population
- the publication of information about the decisions of Community Corrections Boards.

Throughout the chapter, we have described the effect of changes in various parts of the criminal justice system on the prison population and identified the need for a system-wide approach to the problem of prison overcrowding. The proposed approach includes:

- the establishment of a strategic planning committee
- improved dissemination of information about the effect of policy changes by criminal justice agencies.

PART B CONDITIONS IN WATCHHOUSES



CHAPTER 6 PROVISION OF HEALTH AND MEDICAL SERVICES IN WATCHHOUSES

Introduction

Many prisoners in Queensland watchhouses suffer from health problems. One doctor, in a submission to the CJC, estimated that 80 to 90 per cent of individuals incarcerated have alcohol and/or drug problems. The review of the Brisbane Government Medical Office by the Queensland Medical Education Centre (QMEC) reported that Government Medical Officers (GMOs)³⁴ estimated 80 per cent of prisoners in watchhouses are on medication and 50 per cent are drug addicts (1994, p. 26). Our own study of 272 prisoners admitted to Level Two of BCWH in August 1995 (which excludes people picked up for public drunkenness) shows that, at the time of admission, 94 reported suffering from one or more illnesses or injury, including heart disease, epilepsy, hepatitis and diabetes. Fifty-seven prisoners reported, at the time of admission, that they required medication for their condition.

Many prisoners who do not suffer from any health problems at the time of admission will subsequently require medical treatment and or medication while in the watchhouse. These prisoners are detained in a confined area, often with other prisoners who may suffer from an illness or disease. Prisoners in watchhouses are also at their most stressed, having recently been incarcerated and this is exacerbated by denial of access to friends or family, fresh air and daylight and the ability to smoke (QMEC 1994, p. 26). Many will also be suffering from substance withdrawal.

Despite the clear need for medical facilities and services in watchhouses, the information gathered for this report reveals that the level of facilities and services falls far short of what is required. Areas of particular concern drawn to the attention of the CJC during the review were:

- initial medical assessment of prisoners admitted to the watchhouse
- access to medical advice and services for prisoners in the watchhouse, including specialist services such as psychiatrists
- facilities available for use by medical personnel
- procedures for the provision of medication to prisoners in the watchhouse
- control of disease and infection in watchhouses
- training of watchhouse staff and availability of medical equipment.

This chapter documents the problems in each of the above areas and discuss the implications for police staff and prisoners. The chapter then describes what action has been taken or is proposed by QPS and others to address the problems and concludes with recommendations.

Services provided by the Government Medical Office - Brisbane include routine medicals and reviews of Government employees, 24 hour medical services to the BCWH and Holland Park Watchhouse, forensic examination for metropolitan rape and assault cases, court appearances and medico-legal advice. Services are provided for the Brisbane metropolitan area.

Throughout Queensland there is a network of part-time GMOs who are mainly local general practitioners. These officers provide similar services to full-time GMO's but are paid on a fee-for-services basis by the relevant Government department.

INITIAL ASSESSMENT OF PRISONERS

The QPS OPM requires the charging officer, when accepting a prisoner, to assess: whether the prisoner needs medical treatment; whether the prisoner should be confined alone or with others; and the frequency of prisoner inspections. In order to make these assessments, police officers ask a series of questions about the health of the prisoner concerned and record these in the watchhouse book. On the basis of the answers to these questions and physical observation of the prisoner, police make an assessment of whether the prisoner needs medical attention.

Where a prisoner appears unconscious or in need of immediate medical treatment, the OPM (para 16.9.1) states that watchhouse staff should not accept that prisoner into custody. Where the watchhouse manager will not accept the prisoner into the watchhouse, the arresting officers will be advised to take the prisoner to a hospital or other medical centre. This can create further difficulties (see later discussion under 'Access to Medical Advice and Services for Prisoners in the Watchhouse').

Prisoners whose illnesses or injuries are not readily apparent are generally accepted into the watchhouse without any assessment by a qualified medical practitioner at the time of admission. According to one doctor who made a submission to this review, this lack of screening by a health professional places 'at greatest risk . . . individuals with previous medical complaints e.g. diabetes, epilepsy, asthma, heart disease, or psychotic illnesses, and secondly those withdrawing from drugs and alcohol'.

The Ombudsman's submission also pointed out the risks of not having proper assessment of prisoners:

Without proper medical or psychological assessment upon admission to the watchhouse, and in the absence of records, other prisoners and police officers are at risk of exposure to serious disease and psychologically unstable prisoners may be a risk to themselves.

One submission noted that it is not only lack of medical knowledge that poses a barrier to police performing medical screening:

While police currently ask relevant questions they cannot be expected to perform medical screening. Prisoners and Police are often in opposition and screening needs to be performed by a neutral person. Prisoners are unlikely to tell police the truth about their drug or alcohol use or need for detoxification. The new training and custody manual describes Police responsibility in asking questions and getting care and this is an improvement but does not solve the problem.

In some watchhouses there is no regular visiting medical service (see below) and therefore there will be no initial assessment of prisoners by anyone other than the police. In those watchhouses that do receive regular visits from medical practitioners, not all prisoners will receive initial assessment because:

- depending on the time of day when the prisoner is admitted, he or she may not be seen by a medical practitioner until up to 24 hours after admission
- it is up to the police to assess whether the prisoner is in need of medical treatment (OPM para. 16.13) and, where necessary, arrange for the treatment; unless the prisoner appears to police to be in need of treatment, he or she is unlikely to be assessed by the medical practitioner upon admission.

This situation is in contrast to the procedures which apply when prisoners are admitted to a QCSC facility. The RCIADIC noted the difference in procedures and expressed particular concern about those prisoners who are detained in police watchhouses for periods longer than a few days without proper medical assessment:

One matter of particular concern... is the fact that these prisoners are not medically examined as a routine measure as they would be if they had been received at a correctional facility. Thus, in some locations, it is possible that a person could be detained for up to thirty-one days without being medically assessed. Such a state of affairs is completely indefensible. (1991, p. 202)

Many of the QCSC prisoners who have been, and are being, held in police watchhouses throughout Queensland are being denied the initial medical assessment upon entering into custody that would be provided to them if they were taken immediately to a correctional facility. Ideally, QPS prisoners should also be given an assessment upon admission to custody, although it is acknowledged that this will not be possible in many locations and circumstances.

ACCESS TO MEDICAL ADVICE AND SERVICES FOR PRISONERS IN THE WATCHHOUSE

The RCIADIC recognised that it is 'important that police have ready access to medical support agencies and have confidence in calling upon them for assistance at all times' (1991, p. 209). While the OPM recognises the importance of ready access to medical services, and encourages police to use those services (paras 16.13; 16.14), there are practical difficulties in implementing the policy because of the lack of available medical or other health services.

Arrangements for accessing medical services for watchhouse inmates vary across the State. GMOs provide medical services to police prisoners in watchhouses, but do not consider post-court or QCSC prisoners to be traditionally under their care (QMEC 1994, p. 25). Where GMOs are available, they provide medical services to both QPS and QCSC prisoners in watchhouses.

In BCWH the GMO visits daily (but does not assess each prisoner) and is on call. Cairns Watchhouse has a regular daily visit from a doctor Monday to Friday, with the GMO visiting two days a week and the Wuchopperen Medical Services visiting three days a week.

Most of the other watchhouses have access to the services of one or more GMOs, although the accessibility varies among those watchhouses. According to one watchhouse manager, the GMO refuses to attend that watchhouse because the facilities for examining patients are so inadequate. However, the GMO concerned will give advice over the phone and will see prisoners at his surgery. In another case, although a GMO had been appointed in the area, the watchhouse manager reported that 'it is too hard to get the GMO out to the watchhouse'.

Beenleigh and Ipswich Watchhouses do not have any access to a GMO as there is no-one appointed to the position in those areas. According to the Chief GMO, the pay and conditions are insufficient to attract doctors to that role in those locations.

In watchhouses which do not have access to GMO services, or when the GMO is unavailable, police must escort ill prisoners to the local hospital casualty department which, in the case of Beenleigh, is 11 kilometres away. Often two police officers are required to act as escorts. The police officers must then wait with the prisoner in casualty until he or she receives medical attention. This can often take hours.

The Princess Alexandra Hospital Secure Unit, run by QCSC, was established for the purpose of providing a secure environment for QCSC prisoners who require hospital treatment. However, the QMEC recognised problems faced by watchhouse managers in trying to transfer prisoners for medical care to the Secure Unit. According to the review, GMOs also reported difficulty in having prisoners accepted into the Unit and problems caused by prisoners being returned to watchhouses soon after stabilisation (QMEC 1994, p. 27).

The QCSC has advised that QCSC prisoners are supposed to be admitted to the Secure Unit through the AGCC. This has been a problem according to some submissions to the CJC. According to the QCSC negotiations are underway to:

- have AGCC admit sick QCSC prisoners direct from watchhouses
- "fast-track" QCSC prisoners from watchhouses to the Secure Unit, if they need hospital treatment.

In the case of QPS prisoners, and those QCSC prisoners who have no access to, or who have been refused admission to the Secure Unit, police have to endeavour to admit the prisoner to a hospital. If a prisoner is admitted, police must then provide a 24 hour guard.

One submission claimed that the difficulties police face in obtaining medical services may make them reluctant to assess a prisoner as in need of medical treatment:

The current barrier between police assessment of the need for medical care and obtaining that care is too great. Police are hesitant in taking every medical case to a hospital where they have to wait a long time with someone who may want to escape or is aggressive, often only to be sent back to the watchhouse.

Since the beginning of 1995, the Cairns Watchhouse has had daily visits from the Blue Nurses. The nurses' duties include assessment of prisoners considered by police to be in need of further assessment; verification of medication; oversight of the ingestion of methadone; and, taking care of minor medical needs of prisoners such as changing dressings.

The QPS (1995) conducted a qualitative evaluation of the Blue Nurses Program at the Cairns Watchhouse. This study found that the introduction of the program, along with other procedures introduced by police in that watchhouse, noticeably increased the standard of medical care provided.

One other watchhouse has access to telephone advice from nurses, but most watchhouses do not have any nursing services available. All of the watchhouse managers in our survey supported the idea of nursing staff being available at the watchhouse to assist in the health care of prisoners. This concept is being explored by the QPS in a proposal being developed to improve medical services in watchhouses (see below).

ACCESS TO SPECIALIST MEDICAL SERVICES

Watchhouse managers advise that it is common for police to assess that prisoners require specialist medical treatment for drug and/or alcohol withdrawal or psychiatric illness or to deal with prisoners who are a suicide risk.

The CJC receives notification of all suicide attempts by people in police custody. About 80 suicide attempts in watchhouses were reported from 1990 to June 1996. There was evidence on the notification files that:

at least five of the prisoners who attempted suicide were schizophrenic, with one suffering from depression, agoraphobia and obsessive compulsive disorder

- five other prisoners were suffering from drug withdrawal
- two prisoners attempted suicide in order to be transferred to a psychiatric ward of a hospital
- at least three of the prisoners had attempted suicide two or three times while in the watchhouse.

The data collected from Level Two of the BCWH in August 1995 show that six prisoners who entered the watchhouse in that month reported suffering from a psychiatric illness and five others reported suffering from drug or alcohol withdrawal. According to doctors consulted during this project, these figures underestimate the number of prisoners requiring specialist treatment because they are based on self reports to the police. Also, as noted earlier, many prisoners may not report their illness or withdrawal to the police. Seven prisoners were assessed by the police as suicidal at the time of admission to Level Two.

Most watchhouse staff and prisoners have very limited access to specialist services such as psychiatric or drug and alcohol rehabilitation services. According to one submission received by the CJC, while GMOs 'often have forensic medicine skills [they] may not be experienced in detoxification, crisis/suicide intervention and counselling'. Services for prisoners with drug or alcohol addictions or psychiatric conditions, or who display suicidal tendencies, varied in availability among the 11 major watchhouses that we surveyed.

DRUG AND ALCOHOL REHABILITATION SERVICES

As noted earlier in this chapter, various submissions estimated that 50 to 90 per cent of prisoners have drug or alcohol problems. The RCIADIC pointed out the particular risks associated with prisoners suffering alcohol withdrawal: there is a 'significant risk of death associated with the condition (the evidence discloses a mortality rate in the range of 10 to 20 per cent if the condition is left untreated)'. The RCIADIC considered it essential that police be trained to recognize symptoms of the condition and to seek immediate medical attention for those who display them (1991, p. 210).

Appendix 16 of the OPM contains information to assist officers in making assessments of prisoners, including a list of symptoms of people suffering drug or alcohol withdrawal. However, even if the police make an accurate assessment of the prisoner's needs, appropriate medical services may not be available, depending on the watchhouse in which the prisoner is held. Doctors consulted during this project warned that alcohol withdrawal can be a serious clinical/medical concern.

Some of the larger watchhouses have procedures in place to allow prisoners who are drug addicts to continue on the methadone program; other watchhouses have no services available for drug or alcohol addicts. In some watchhouses prisoners who are drug addicts are taken to the hospital where they are prescribed drugs such as Valium and returned to the watchhouse. Services for alcoholics are even more difficult to access. The most that appears to be done for alcoholics is that the GMO will see them and prescribe a sedative or give them "Mylanta".

If the prisoner is in 'a really bad way' sometimes the police will take the person to a hospital where he or she may be admitted. Again, if the prisoner is admitted, the police have to provide a 24 hour guard. Watchhouse managers in a few watchhouses report that prisoners have to 'go cold turkey' as there are no services available.

The Cairns Watchhouse, as well as allowing prisoners to stay on a methadone program, is currently negotiating with the Mobile Alcohol and Drug Unit to provide counselling for prisoners in the watchhouse and help them through the withdrawal process. The negotiations are dependent upon suitable funding arrangements being approved.

PSYCHIATRIC SERVICES

Watchhouse managers viewed the lack of access to a psychiatric service at the watchhouses as a significant problem. Because such psychiatric services are not available within any of the watchhouses, prisoners in need of psychiatric care are, in most cases, taken to the local hospital. Where prisoners are admitted to a psychiatric ward of the hospital, police have to provide a 24 hour guard. In Mt Isa, a hospital psychiatric nurse can do assessments but if a person is in need of psychiatric care he or she has to be taken to Townsville by police plane. In South-East Queensland, prisoners in need of psychiatric care will be admitted to the John Oxley Hospital³⁵ if they meet the criteria for admission: a prisoner must be in custody (for any reason at all) and must have a mental illness which requires treatment in a hospital. The *Mental Health Act 1974* provides that these prisoners, once certified in accordance with sections 31 and 32, must be admitted to John Oxley Hospital, being the security patients' hospital.

Watchhouse staff in South-East Queensland indicated that they experience problems when they are holding a prisoner who appears to be in need of psychiatric care, but does not meet the criteria for admission to the John Oxley Hospital or to a psychiatric ward of a hospital. Of particular concern to the police was the lack of help concerning potential suicide occurrences. Watchhouse managers have complained to the CJC that suicidal people are typically regarded as having a "behavioural problem". According to a community health worker consulted during this review, prisoners who are assessed as suicidal (by police) most often have a personality disorder, and often also are suffering the effects of drug and/or alcohol abuse. Such people may not meet the criteria for admission to a psychiatric hospital and cannot be given a hospital bed, because they are not "regulatable" under the *Mental Health Act*. The Princess Alexandra Hospital Secure Unit is not equipped to provide psychiatric care and will not admit such prisoners for treatment.

The only option for police in such cases is to attempt to have the prisoners transferred to AGCC, where they can receive psychiatric services. However, police complained that AGCC has often been reluctant to receive such prisoners. Doctors have also reported experiencing similar difficulties.

One case referred to the CJC illustrated the difficulties encountered by police dealing with suicidal prisoners in the watchhouse. In that case a prisoner had been arrested for a breach of a Domestic Violence Order and remanded in custody. While in the watchhouse he tried to hang himself, using his jeans tied to the cell door. Work was underway at the time on making the cell doors in the watchhouse in question hang-proof. The police found the prisoner, who was uninjured, and took him to the local hospital where he was assessed by a psychiatrist. The prisoner was found to have no serious mental illness but was considered to be a continuing suicide risk. After return to the watchhouse he was taken to the Secure Unit but refused admission. He was then returned to the watchhouse.

Four days after his initial suicide attempt (and after being sentenced by the court) the prisoner made another suicide attempt, using a torn pillow case, while in the observation cell at the watchhouse. This time the prisoner lost consciousness and was taken to hospital for assessment, the results of which were the same as the earlier assessment. He was again taken to the Secure Unit and refused admission. He was then returned to the watchhouse and was finally transferred to the AGCC that day.

The investigation found no problems with the conduct of staff at the watchhouse. The staff were under considerable stress, particularly after the first attempt when they had a known suicide risk in their care. They made considerable efforts to transfer the prisoner but were unable to obtain a place for him at a hospital or in the prison.

³⁵ According to one doctor, prisoners have been discharged from the John Oxley Hospital to a watchhouse to await prison placement because the prisons were full.

An interview with the prisoner revealed that he was having trouble coping with relationship difficulties. He was being held in a watchhouse where he was refused a cigarette (having been a 50-a-day smoker). Because of these difficulties he decided to commit suicide. The prisoner said 'It's hard here, it's just hard to get access to avenues that might help you when you're so isolated from everything' (transcript of interview with the prisoner).

One watchhouse manager claimed that prisoners may feign mental illness in order to be transferred to prison earlier. This certainly appeared to be the case in one attempted suicide investigated by the CJC. During an interview with the CJC investigator, the prisoner commented that it was widely believed among prisoners that attempting some form of self-harm would expedite transfer to a prison.

Of particular concern to members of the Watchhouse Register Group was the difficulty police face when trying to access psychiatric services in the watchhouse. If a prisoner "plays up" in court, he/she may be remanded in custody pending a psychiatric assessment. However, it is reportedly difficult for police to get a psychiatrist to attend at the watchhouse. GMOs confirmed this difficulty.

While the CJC is of the view that prisoners requiring psychiatric treatment should not be in a watchhouse, there will be occasions, such as those noted above, when police need to be able to access psychiatric services directly. A protocol should be established between the QPS and Psychiatric Services, Queensland Health, to enable police to access psychiatric services for prisoners. It is recognised that police will need guidelines that allow them, after assessing a prisoner, to decide whether to either request the attendance of a GMO to make a further assessment or request the attendance of a psychiatrist.

FACILITIES AVAILABLE FOR USE BY MEDICAL PERSONNEL

Most watchhouses have no dedicated medical room. From our interviews with watchhouse managers it appears that only the newer watchhouses such as Cairns and Maroochydore have medical rooms that were designed for that purpose. In other watchhouses, like BCWH, Holland Park and Southport, rooms which were not designed for the purpose are being used as medical rooms. The facilities in these rooms are, at best, basic and typically include only an examination bench and hand basin. In the Beenleigh Watchhouse any examination must be carried out in the cells and in the Ipswich Watchhouse there is nowhere to conduct a medical examination.

The QMEC reported that all 24 hour watchhouses need facilities for medical services, including at least a separate room with a couch and basic facilities (1994, p. 26).

The inadequate facilities have contributed to the difficulty in obtaining medical services in some watchhouses. As noted earlier, some GMOs refuse to attend watchhouses because the inadequate or unhygienic conditions in the watchhouses make them unsuitable for providing medical treatment. Other GMOs are willing to attend despite the lack of facilities and despite having to conduct examinations in cells.

PROCEDURES FOR THE PROVISION OF MEDICATION TO PRISONERS IN THE WATCHHOUSE

As noted earlier in this chapter, many prisoners admitted to the watchhouse are on medication for various health problems. Any medication is taken from the prisoner upon admission in order to prevent prisoners from overdosing while in custody or providing the medication to other prisoners for whom it has not been prescribed. As a result of this practice, in most watchhouses it is up to police to hand out medication to the prisoner at intervals according to the prescription. In many cases, this occurs without medical supervision.

Watchhouse managers report that police must attempt to verify that the medication has indeed been prescribed for the prisoner by, for example, checking the packaging and labels. However, this can be very difficult because prisoners sometimes bring in multiple containers of the same medication but with different brand names. Where possible, medication is checked by the GMO. Alternatively, in some cases staff endeavour to contact the doctor who prescribed the medication in order to confirm that the prisoner requires it in the stated doses.

There are serious problems with police providing medication, including methadone. Police have no training in recording and distributing prescribed medication. As well as ensuring that the prisoners are being given the prescribed dose at necessary intervals, the police must also ensure that the prisoner actually takes the medication in their presence so as to prevent prisoners stockpiling doses and subsequently overdosing. This is particularly difficult when watchhouses are overcrowded and there are, for example, only five police officers managing up to 70 prisoners (as has been the case in the BCWH). One police officer at the BCWH pointed out that with up to 90 per cent of the prisoners requiring medication, it is almost a full-time job just handing out medication when the watchhouse is overcrowded.

Many watchhouses do not have proper facilities for storing medication. In some watchhouses medication may be stored in locked cabinets, while in others it is stored with the prisoner's property.

Watchhouse staff with whom we have spoken have expressed unease at having to provide medication to prisoners. However, the staff are obliged to ensure that medication is obtained and provided to a prisoner, where it has been established that a prisoner has been prescribed medication by a medical practitioner (OPM para. 16.13.4).

The undesirability of police being responsible for providing medication to prisoners has been widely recognised, including by the RCIADIC (1991, recommendation 127), the QMEC (1994), and the Drug-Arm³⁶ workshop convened in 1995 to look at the provision of medical services in watchhouses.

CONTROL OF DISEASE AND INFECTIONS

Management of infections and contagious diseases is a problem at nearly all the watchhouses surveyed. According to watchhouse managers, police are often not aware that a prisoner has a contagious disease, as the prisoner may be unaware of it, or be unwilling to disclose this information to police. Prisoners known to be suffering from a contagious disease are generally isolated from other prisoners, but this is difficult in overcrowded conditions.

³⁶ Drug-Arm is a non-Government, non-profit organisation which provides resources to assist awareness of drug issues and facilities to promote relief from drug dependencies.

According to watchhouse managers, prisoners with some form of hepatitis are relatively common. (Data from our BCWH August 1995 sample showed that 12 prisoners reported having some contagious disease at the time of admission to Level Two.) Watchhouse managers at some watchhouses reported that, due to overcrowding, they were often unable to segregate prisoners with hepatitis. For example, in one watchhouse it was reported that Human Immunodeficiency Virus (HIV) prisoners were kept in a separate cell, but hepatitis sufferers had to be kept with other prisoners because there was no other room for them. Doctors consulted during this project advised that there is no medical reason to segregate people with blood-borne viruses. Such people are not transmission risks unless they engage in unsafe activities.

Most watchhouses have had outbreaks of such problems as scabies, tinea, ringworm and lice. Watchhouse managers attempt to control this by providing medicated "washes" for prisoners to shower with, regular laundering of blankets, and hosing out and treating the cells. In some watchhouses the cells are cleaned by cleaners. In others, it is the police staff who have to do the cleaning.

It is particularly difficult to clean cells when the watchhouses are full, as there is nowhere to keep the prisoners while their cells are being cleaned. On at least one occasion, when there was an outbreak of scabies, BCWH staff had to move all Level Two prisoners to the AGCC for the day while they cleaned out the cells. The Ipswich Watchhouse has also had to transfer prisoners to the AGCC for a day while they cleaned out the cells after a scabies outbreak.

At most watchhouses, exposure of staff and other prisoners to infections and diseases appears to be inevitable, particularly in overcrowded conditions. Some watchhouse managers reported recent cases of infection of staff by prisoners.

TRAINING OF STAFF IN FIRST AID AND RESUSCITATION

The RCIADIC recommended that all police officers receive basic training at recruit level in resuscitative measures, including mouth-to-mouth and cardiac massage. The report also recommended that annual refresher courses in first aid be provided to those police officers who routinely have the care of persons in custody (1991, recommendation 160).

Police currently receive first aid training as recruits. According to watchhouse managers, most of the permanently appointed staff at watchhouses have had some form of first aid training since their recruit training, by the Ambulance Service through the QPS Competency Acquisition Program. However, the first aid module of the program is not compulsory and is only taken once during an officer's career. Therefore it does not provide sufficient training to satisfy recommendation 160. Furthermore, according to watchhouse managers, seconded staff, who are usually of more junior rank, are less likely to have received such training. One watchhouse manager observed that the younger police officers needed training in the medical section of the OPM Chapter 16, to ensure, for example, that they would be aware that the appearance of drunkenness in a prisoner may mask a serious medical condition.

The QPS has advised that prudent watchhouse managers will ensure that their staff are adequately trained in this regard. The QPS also advised that the Competency Acquisition Program training certification remains current for three years.

ADEQUACY OF FIRST AID AND RESUSCITATION EQUIPMENT

All watchhouses had at least one first aid kit. Watchhouse managers reported that the kits are replenished regularly. Some stated that they believed that their first aid equipment was inadequate. One watchhouse manager noted that his watchhouse had a good first aid reference book which, in his view, should be standard at all watchhouses.

Only a small number of watchhouses had Oxy Viva resuscitation equipment, and a small number had bag-masks³⁷. At these watchhouses, however, most staff were not trained to use the Oxy Viva. The matter of resuscitation equipment had been raised by the RCIADIC, which recommended 'that all prisons and police watchhouses should have resuscitation equipment of the safest and most effective type readily available in the event of emergency and staff who are trained in the use of such equipment' (1991, recommendation 159). This issue was raised again in mid 1994 when a young inmate twice required resuscitation within a few days in BCWH. According to a submission received from a lawyer, staff on duty at the time had difficulty using the OxyViva and were assisted on both occasions by his client and other prisoners who had been trained in its use.

In response to the RCIADIC recommendation 159, the QPS Commissioner's Inspectorate undertook a project to determine 'the safest, most effective and appropriate resuscitation equipment for watchhouses'. The project considered issues including staff training, safety of officers, costs of equipment and probable frequency of use, and compared three types of equipment, the mask³⁸, the bag-mask and the OxyViva. Medical staff at the Royal Brisbane Hospital, Queensland Ambulance staff and a staff member at BCWH were consulted. The project report proposed that the first aid module of the Competency Acquisition Program include training in the use of the mask and the bag-mask. It was further recommended that the appropriate resuscitation equipment for watchhouses in rural and smaller urban areas should be the mask, and the bag-mask should be used in watchhouses in provincial cities and the metropolitan area.

SUMMARY OF FINDINGS

This chapter has described in some detail the available medical services in watchhouses across the State and the problems faced by watchhouse managers in providing adequate care to prisoners in need of medical attention. Key findings are:

- The extent to which prisoners in watchhouses have access to medical services varies considerably across the State.
- The problem with accessing medical services for prisoners in watchhouses is not limited to the smaller more remote watchhouses.
- Some watchhouses do not have access to, or have only limited access to, 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. This means that police have to make judgements about how to care for prisoners in their custody without professional advice on the health and psychological needs of prisoners.

³⁷ A bag-mask is a hand pumped resuscitation device.

³⁸ This is a clear plastic cover for the nose and mouth with a mouthpiece attached to enable non-contact resuscitation.

- Despite the fact that many prisoners suffer from drug or alcohol addiction, psychiatric problems or are suicidal, most watchhouses have no access to specialist services for these prisoners.
- Police officers in most watchhouses are required to provide medication to prisoners without the
 direct supervision of health professionals and to verify the need for such medication, often
 without adequate access to appropriate medical advice.
- The efforts of watchhouse staff to prevent, or control, the spread of contagious diseases may be thwarted by:
 - the inability to maintain appropriate segregation or isolation due to the number of prisoners in the watchhouse
 - * the fact that watchhouse staff often have to depend upon prisoners reporting that they have a contagious disease.
- There is no program in place to ensure that staff across the State who are in charge of prisoners are provided with annual training in first aid, including resuscitation.

PROPOSED REMEDIES

The ability to provide an appropriate level of health and medical services required in a watchhouse is influenced by:

- the number of prisoners in the watchhouse the more prisoners in the watchhouse the more stretched are the existing services
- the length of time prisoners spend in the watchhouse the longer a person is held in a watchhouse the more likely he or she is to need medical or psychiatric assistance.

As discussed in Chapters 2 and 3 of this report, QCSC prisoners made up the majority of prisoners in the major watchhouses and also were the prisoners who were spending long periods in the watchhouse.

Recommendation 128 of the RCIADIC states that:

Where persons are held in police watch-houses on behalf of a Corrective Services authority, that authority arrange, in consultation with Police Services, for medical services (and as far as possible other services) to be provided not less adequate than those that are provided in correctional institutions. (1991, p. 243)

The Queensland Government supported this recommendation. The Progress Report on Implementation (December 1994) stated that the recommendation had been implemented by the QCSC in the following terms:

Medical Services are provided to police watch-houses by Government Medical Officer. Arrangements for transfer to prison for medical purposes are established. Formal protocols [are] in the process of being established. (Queensland Government 1994, p. 254)

Our research shows that, while the above may be true in some watchhouses, it is not the case for all 24 hour watchhouses. The recent reduction in the number of QCSC prisoners held for long periods in the watchhouses should enhance the ability of the QPS to provide an adequate level of service. However,

there are still a number of QCSC prisoners held in police watchhouses for up to a week (and occasionally longer). The best way to provide appropriate services for these prisoners is to ensure that they spend no more than three days in the watchhouse before being transferred to a correctional facility, as recommended in Chapter 4.

The QPS is still encountering difficulties in ensuring the delivery of medical services to prisoners in accordance with the RCIADIC (1991) recommendation 127. The RCIADIC recommended that the QPS and Government health agencies examine, among other things:

- the introduction of a regular medical or nursing presence in all principal watchhouses in capital cities and in such other major centres as have substantial numbers of detainees
- in other locations, the establishment of arrangements to have medical practitioners or trained nurses readily available to attend police watchhouses for the purpose of identifying those prisoners who are at risk through illness, injury or self-harm at the time of reception.

Since the RCIADIC report was published, discussions have taken place between the QPS and Queensland Health and a number of proposals have been developed. In October 1994, Queensland Health commissioned consultants to review the Brisbane Government Medical Office. As part of that review, the consultants examined the provision of medical treatment in watchhouses, primarily in BCWH and Holland Park Watchhouse, but with some reference to services in Beenleigh and Ipswich Watchhouses. The consultants met with representatives of Queensland Health, GMOs, Hospital and Pharmaceutical representatives, the QPS, the QCSC and the Queensland Nursing Council to focus on the provision of medication in watchhouses. As a result of that meeting and visits to BCWH and Beenleigh Watchhouse, a number of recommendations were made concerning medical treatment in watchhouses. The QMEC (1994) recommendations were that:

- appropriately trained nursing staff be stationed in the BCWH for certain shifts and an on-call service, and that the needs of other 24 hour watchhouses for nursing staff be assessed (recommendation 7.8.1, p. 29)
- a system for the safe provision of medications in the watchhouses be implemented where appropriate, such as the use of unit dose blister packs for prescribed medications (recommendation 7.8.2, p. 29)
- minimal facilities for medical care 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 (recommendation 7.8.3, p. 29)
- pre- and post-court watchhouse prisoners continue to be the medical responsibility of GMOs for the present time (recommendation 7.8.4, p. 29)
- GMOs from the Brisbane Office conduct regular rounds of the City, Holland Park, Beenleigh and Ipswich Watchhouses (recommendations 7.8.5, p. 29).

The Drug-Arm workshop described the current level of medical services available as a 'human rights disgrace' and identified an urgent need to create a basic standard of health care Statewide for watchhouse prisoners (resolution 1).³⁹ The resolution of the workshop endorsed the recommendations of the QMEC and made a number of other recommendations.

³⁹ Source: Memorandum, 26 September 1995.

Following the workshop and as a result of the evaluation of the Cairns Blue Nurses Program, the QPS developed a proposal for medical services in watchhouses. The proposal, to be piloted in BCWH and possibly two other watchhouses, includes visiting nurse clinics, based on the Cairns model and on similar initiatives in Victoria and Western Australia. Under this proposal, nurses will visit the watchhouse on a daily basis. Their duties will include checking prisoners' medication and instructing watchhouse staff on administration of the medication.

This proposal was developed after discussions with Queensland Health in the hope that implementation could be funded from Queensland Health public drunkenness initiative funds. It was originally intended to implement the proposal in selected 24 hour watchhouses by December 1995. However, negotiations with Queensland Health appear to have stalled and the QPS is currently assessing its own financial position to see whether it can fund the pilot project from its own budget.

Queensland Health is seeking funding to implement a scheme that incorporates the recommendations of the QMEC. Among other things, the scheme would provide GMO services to Beenleigh and Ipswich Watchhouses and would pilot a 24 hour nursing service at the BCWH.

Queensland Health has also been consulting with the Department of Justice, the courts, QCSC, QPS and Department of Families, Youth and Community Care in an effort to address complaints about access to psychiatric services for adults and juveniles in the criminal justice system.

Despite the work undertaken by QPS and Queensland Health, watchhouse medical services are still not up to the standards recommended by the RCIADIC. A major impediment to the improvement of medical services is funding. There is an urgent need for the Queensland Government to provide sufficient funds to enable the QPS and Queensland Health to work together to develop and implement a Statewide plan for improved medical services in watchhouses that, at a minimum, gives effect to the QMEC recommendations.

RECOMMENDATION 6.1 - PROVISION OF MEDICAL SERVICES

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

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

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.

The presence of nursing staff in watchhouses should assist to raise the level of awareness and knowledge of police watchhouse staff in regard to the health care needs of prisoners.

If QCSC prisoners are to remain in police watchhouses for more than three days (except under extraordinary circumstances), the QCSC must take urgent action to implement recommendation 128 of the RCIADIC, which requires that the QCSC arrange to provide medical services to QCSC prisoners in watchhouses, to the standard of that provided in prisons.

CONCLUSION

This chapter has examined several issues in regard to the provision of health and medical services to prisoners in watchhouses and found that:

- there are numerous shortcomings and inconsistencies in the provision of such services to watchhouse prisoners across the State
- staff at many watchhouses often experience difficulties in accessing timely and appropriate health care for prisoners
- the problems of overcrowding and lengthy stays have placed strains on existing services
- police officers have had to assume responsibilities that are beyond their area of competence
- key recommendations of the RCIADIC relating to health care for watchhouse prisoners are not being realised in many locations
- recommendations from other work undertaken in Queensland following the RCIADIC report are yet to be implemented.

The CJC believes that a crucial step in ameliorating many of the problems identified will be to implement recommendation 4.2, made in Chapter 4 of this report, which would ensure prompt transfer of QCSC prisoners to prison. This would both alleviate the demands on health services to watchhouses and allow all QCSC prisoners access to the health services provided within the QCSC custodial system.

In addition, implementation of the above recommendations should result in adequate health services becoming available in the larger watchhouses which typically hold more prisoners and for longer periods.

CHAPTER 7 CONDITIONS IN POLICE WATCHHOUSES

Introduction

This chapter focuses on problems arising from conditions in watchhouses. Information on conditions was obtained from a number of sources, including submissions from the public to the CJC, a summary of investigations conducted by the Ombudsman from 1991 to 1994, CJC investigations into complaints involving watchhouses since 1991, reports on visits by CJC Research and Co-ordination Division staff to several watchhouses during 1995 and 1996, and summaries of audits undertaken by the QPS Commissioner's Inspectorate in 1995. In order to gather further information and obtain confirmation or clarification of the identified problem areas, a survey was undertaken of watchhouse managers in charge of 11 of the busiest watchhouses across Queensland in early 1996.⁴⁰

The problem areas identified in our research will be described under the following headings:

- climatic conditions
- lighting
- hygiene
- clothing
- bedding
- cleaning
- meals
- exercise and activities
- visits, phone calls and other communication
- smoking
- sharing cells with different categories of prisoners.

While some of the complaints about conditions may not seem particularly serious in isolation, overcrowding and lengthy stays have clearly exacerbated the problems. It should also be noted that most watchhouses have been the subject of complaints in more than one of the areas listed above. It is in this context that the conditions in the watchhouses described below should be assessed. The chapter concludes by proposing the adoption of improved management practices and the refurbishment and replacement of watchhouse facilities to meet appropriate minimum standards.

⁴⁰ Interviews were conducted either face to face or by telephone.

CLIMATIC CONDITIONS

There were two particular areas of concern with climatic conditions:

- temperatures in the watchhouse
- lack of access to fresh air and natural light.

Public submissions described summer time climatic conditions in watchhouses as often 'unbearable', 'fetid', 'unpleasant' and 'oppressive'. Watchhouse managers agreed that the high temperatures and humidity of the summer months made conditions in cells at most watchhouses very uncomfortable for prisoners, especially with the level of overcrowding that the watchhouses had consistently been experiencing. The Queensland Police Union of Employees recorded the temperature and humidity inside Level Two of the BCWH on 27 November 1995 (at 3:15 pm), which was a particularly hot day. (Level Two was not airconditioned at the time.) The temperature in the cells was just over 34 degrees Celsius and the humidity was just under 40 per cent. Level Two held 61 prisoners overnight at that time, in an area designed to hold a maximum of 34 prisoners for short terms only. In addition, half of those prisoners had been held there for at least a week, with one prisoner having been there for 46 days.

In some areas, according to watchhouse managers, winter temperatures can also make conditions in the cells quite cold. Blankets are provided to prisoners to keep them warm, although a CJC investigation into a suicide attempt showed this to be a problem with prisoners who are regarded as suicidal (blankets can be torn up and knotted and used as a rope).

Cell areas at many watchhouses are not airconditioned. Of the 11 watchhouses surveyed, the only ones to have airconditioning in cells were: Mt Isa, where the units were reported to be prone to breakdown; BCWH, where it was only recently installed on Level Two; Townsville; and Cairns, which is a newer facility.

The lack of access to fresh air and natural light at watchhouses was often an issue in the complaints to the CJC. In many of the watchhouses surveyed, the cell areas have no windows or other openings that give direct access to fresh air or natural light. Although most watchhouses have some form of ventilation system in the cell areas, ventilation in some cells has been restricted by efforts to "hangproof" the cells, by the addition of perspex over bars and the welding of steel plates over meal tray openings in cell doors.

Only around half of the watchhouses surveyed had outside exercise yards, enabling prisoners to at least have some access to fresh air and natural light throughout the day.

The QPS has advised that watchhouses built since 1994 are better designed to cope with the climate, and also address particular local needs. There are, however, only a small number of new facilities among the larger watchhouses across the State.

LIGHTING

One of the problems identified by the Ombudsman was the practice in some watchhouses of leaving lights on in the cells at night. Watchhouse managers in half the watchhouses surveyed confirmed that the lights in cell areas are kept on for 24 hours per day. This was done for security and safety reasons; for example, the video or closed circuit television cameras that are used for surveillance are ineffective in low light.

The use of 24 hour lighting combined with what is often considerable noise made by other prisoners, can cause prisoners to have difficulty sleeping. Watchhouse managers also reported that, with lights always on, prisoners who were staying for longer periods tended to lose track of time and were often unaware of whether it was day or night.

The Ombudsman's submission recommended that the main cell lights should be turned off at night, with only minimal lighting as needed for security. Some of the watchhouse managers reported that they were able to leave corridor lights on and turn cell lights off, and that staff checked cells at night using torches. The extent to which watchhouse managers can adopt this approach and maintain adequate surveillance of prisoners may depend upon the lighting setup of the particular watchhouse and the staffing levels.

HYGIENE

Investigations by the Ombudsman revealed that access to showers and the issuing of toiletries were causes for concern at some watchhouses. The CJC has received a number of complaints from prisoners relating to the matter of showering and shaving. Allegations contained in the submissions placed the range of time between showers at from one to eight days. Often the prisoners' primary concern was that they had to appear in court without having showered or shaved. Another concern of prisoners was that they developed skin conditions as a result of inadequate bathing opportunities.

Watchhouse managers reported that prisoners in most watchhouses were given an opportunity to shower daily. The overcrowding often made it difficult to meet this standard because of the demands on staff, who were needed to supervise the showering of prisoners. However, our material tended to show that prisoners had not been deprived of a shower for more than a day or two in the last couple of years.

The daily routine of showering prisoners often took two hours or longer, depending on the number of prisoners in the watchhouse and the number of staff available to supervise. The hot water systems in half of the watchhouses surveyed could not cope with the high numbers of prisoners, and as a result many prisoners often had only a cold shower. Townsville Watchhouse and Caboolture Watchhouse (which was not among those surveyed) have only recently had hot water systems installed.

The inability to shave was still an issue of concern to a number of prisoners. The responsibility for the provision of toiletries to prisoners varied among watchhouses. Some watchhouses did not allow prisoners to have safety razors for shaving and therefore prisoners did not shave while in the watchhouse. While the concern of prisoners is understandable, there are legitimate safety reasons for limiting access to razors. In three notifications to the CJC of attempted suicides in watchhouses, blades from disposable razors were used by prisoners to cut their wrists.

Under new procedures implemented since the attempted suicides, only designated watchhouse staff have access to and can distribute razors. Razors are distributed on request and only when the watchhouse managers can supervise their collection.

The Cairns Watchhouse staff reported that each morning they monitor which prisoners are to attend court that day and allow those prisoners to have first access to showers and a razor, where it is safe to do so. The rest of the prisoners are allowed supervised showers during other shifts throughout the day and, when numbers require it, throughout the early evening. This appears to be a fair and effective way of balancing the demands on the police staff with the prisoners' right to appear in court in a clean and presentable state. The practice also helps to manage the hot water supply by staggering the demand for hot water. The process should be adopted in all watchhouses, to ensure that prisoners going to court are guaranteed a shower before court if they have been in the watchhouse overnight or for 12 hours or more.

The Ombudsman's submission reported that some prisoners were required to provide their own toiletries. If prisoners had no money, or toiletries were not provided by relatives or friends, the prisoners did without. Watchhouse managers confirmed that, in some watchhouses, prisoners' relatives were encouraged to provide toiletries as this saved expenditure from the watchhouse budget. In other watchhouses, watchhouse staff (sometimes at their own expense) provided basic toiletries.

QCSC prisoners in some watchhouses were being provided by the QCSC with "hygiene packs", which included basic toiletries such as soap, toothbrushes and toothpaste. In early 1995, the then Minister for Police and Minister for Corrective Services advised the QPS that "hygiene packs" for all prisoners awaiting transfer to prison would be provided by the QCSC. However, audits by the Commissioner's Inspectorate during 1995 found that these packs were not available at a number of larger watchhouses.

Since the overcrowding problem has abated, ensuring daily access to showers for all prisoners is far less problematic. However, further steps need to be taken to ensure that all prisoners have adequate access to basic toiletries in all watchhouses.

CLOTHING

A number of submissions referred to the problems prisoners encounter in trying to obtain clean clothing. The Ombudsman found that, with some exceptions, prisoners in watchhouses generally had to remain in the same clothes, sometimes for several days. The CJC has also received complaints relating to prisoner clothing and laundering of clothing.

There are two ways to ensure that prisoners have clean clothes:

- by providing them with a change of clothes
- by giving them access to laundry facilities.

The QPS does not provide clothing to prisoners in watchhouses. Prisoners on Level Two of the BCWH, who are awaiting transfer to a correctional facility, are supplied with "prison browns" by the QCSC. However prisoners at other watchhouses must rely on friends or relatives to provide fresh clothing. In some of the watchhouses welfare agencies provide clothing to prisoners who are in need of fresh clothes. There are still some watchhouses where prisoners do not have access to a change of clothes.

Watchhouse staff have encountered problems in managing clothing supplied from outside the watchhouse because:

- there is a risk that contraband will be hidden in the clothing
- parts of the clothing may be used for self-harm
- the facilities are generally inadequate for the storage of, and accounting for, prisoners' property.

According to watchhouse managers, it is not uncommon for family or friends to attempt to smuggle items such as cigarettes, lighters, and sometimes drugs, into the watchhouse in prisoners' clothing. Therefore all clothing delivered to the watchhouse must be carefully checked by the watchhouse staff.

Some items of clothing are capable of being used to facilitate suicide attempts. Four cases reported to the CJC involved the use of either shoelaces or draw-strings from shorts. As a result of these cases, the CJC recommended that cords and the like be removed by police on admission of the prisoner or upon receipt

of the clothing. Watchhouse managers reported that prisoners were often unhappy about this practice. Having no cord to hold up shorts or track-pants, for example, was another source of frustration for prisoners, which could lead to arguments with police.

It was noted by watchhouse managers, the Ombudsman and CJC staff that most watchhouses were ill-equipped to store prisoners' belongings, especially in the volumes required when watchhouses were overcrowded. Managers reported that the loss of articles of clothing and other possessions inevitably occurred and commented that this led to arguments with, and complaints from, prisoners and relatives. Because of the above problems, watchhouse staff find it difficult to accept fresh clothes for each prisoner on a daily basis. This means that, if the watchhouse has no laundry facilities, prisoners may have only limited access to clean clothing. Most of the surveyed watchhouses did not have laundry facilities and so were unable to wash prisoners' clothing. In some of these watchhouses prisoners have complained that they had to wash their clothes while showering.

In Cairns Watchhouse, which has laundry facilities, watchhouse staff reported that "trusty" prisoners collect clothing from other prisoners on a daily basis for washing. Only two other watchhouses had laundry facilities. BCWH has access to a contract laundering service. However, the frequency of laundering was reported to be 'at least once a week'. Laundry facilities are to be installed at BCWH in the near future.

As stated at the outset, the CJC's view is that prisoners should not be held in the watchhouse for more than three days unless there are exceptional circumstances. If that policy was in force, the problems with provision of clean clothing to prisoners would diminish. Watchhouse staff should ensure that prisoners have access to a clean set of clothing if they are to appear before the court; preferably the prisoners' own clothes supplied by friends or relatives. If prisoners are to be held for longer than three days, consideration should be given to providing them with "prison browns", as is done on Level Two of the BCWH. This will minimise the supervision required by staff when exchanging clothing supplied from outside. This practice would also decrease the demand upon the stretched property storage facilities in most watchhouses (although there is still a need to improve these facilities). QCSC prisoners would be entitled to a fresh change of clothes daily if they were in a QCSC facility, so they should be given the same entitlement if they are forced to remain in a watchhouse.

BEDDING

Another area of complaint has been the standard and cleanliness of bedding provided. Bedding in cells in most watchhouses is limited to mattresses and blankets. Pillows and sheets are generally not provided as they can be torn up and used for suicide attempts. The absence of sheets results in the mattresses and blankets deteriorating fairly quickly. In some watchhouses the mattresses are covered in plastic, so as to enable them to be wiped clean after use. Other watchhouses have mattresses covered in canvas which can become stained. The frequency with which mattresses are cleaned and covers replaced depends upon the budget of the watchhouse. Some watchhouses have foam mattresses without any covers, because these matresses are the cheapest to buy. However, these mattresses are particularly difficult to keep clean and deteriorate rapidly.

Chapter 16 of the OPM requires watchhouse managers to ensure, where available and practicable, that: prisoners have access to sufficient blankets; linen, towels, etc. are clean; and, all soiled/possibly contagious materials are cleaned. One complaint to the CJC referred to infrequent washing of blankets and resulting lice infestation. The Ombudsman also referred to this issue, recommending that clean blankets should be given to new prisoners and that soiled blankets be removed and laundered on a regular

basis. Most watchhouses reported that they used private laundry contractors to launder blankets and linen. However, some watchhouse managers believed that their laundry budgets were inadequate, given the number of prisoners being held.

The CJC understands that watchhouse resources have been stretched over the last few years because of the need to cope with large numbers of QCSC prisoners. However, our inspections showed that some mattresses and blankets were in urgent need of replacement. If prisoners are to be denied sheets, for safety reasons, then it is important that the mattresses and blankets on which they sleep are clean. At a minimum, all mattresses should have a cover on them to enable them to be regularly cleaned.

CLEANING

The Ombudsman's submission expressed concern that a small number of watchhouses had no regular cleaning program for the cells. The Ombudsman reported that this caused a predominant smell from wet towels and urine at one older watchhouse and 'left a great deal to be desired' in terms of hygiene. A number of complaints to the CJC referred to the problem of cockroach infestation at watchhouses. This was of particular concern to prisoners who were sleeping on mattresses on the floor as a result of overcrowding.

Some watchhouse managers expressed concern about the issue of cleaning at their watchhouses. At some watchhouses police staff have to do the cleaning themselves, at others, police were concerned that the frequency of cleaning was about to be reduced (for example, where another Government Department owned the building).

The Ombudsman's submission acknowledged that overcrowding creates a problem with organising watchhouse cleaning, but recommended that cells should nonetheless be regularly cleaned, preferably by steam cleaning. Watchhouse staff confirmed that, while daily cleaning was ideal, the number of people in the watchhouse prevented them from doing this because there was nowhere to move the prisoners to while cleaning took place. Our inspections revealed that watchhouse cells were reasonably clean given their age and condition generally, but some of the watchhouses are so old that they are unlikely to ever appear clean. Replacement or extensive refurbishment may be the only way to improve the level of hygiene at those watchhouses.

MEALS

The QPS is responsible for ensuring that meals are provided to prisoners three times a day. The QPS pays an allowance of \$3.50 per meal to whoever provides the meal, and is then reimbursed by the QCSC for the cost of meals provided to QCSC prisoners. The watchhouse manager is required to seek tenders from outside contractors for the provision of meals to prisoners. The watchhouse manager (and his or her spouse) or other staff members of the watchhouse can supply the meals only if the tenders from outside contractors exceed the "meal allowance" or if no tenders are received.

In some of the large watchhouses, such as BCWH and Cairns, meals are provided by outside contractors. However, watchhouse managers reported that in some locations it can prove very difficult to arrange for outside contractors to provide meals, especially as the number of prisoners fluctuates, often at short notice. In some of the larger watchhouses the watchhouse manager's spouse provides the meals for prisoners. In cases where neither an outside contractor nor the watchhouse manager or other staff member agrees to provide the meals, staff must purchase takeaway food for the prisoners.

Some watchhouse managers were critical of the "meal allowance", regarding it as insufficient reimbursement for the cost of supplying reasonable quality meals, including the costs of preparation. The Ombudsman also considered the standard allowance for the provision of prisoner meals to be insufficient, although the allowance has increased from \$2.98 since the Ombudsman's submission.

Some complaints received by the CJC included claims that food was of insufficient quantity for an adult, was of poor nutritional quality, or lacked variety. The Ombudsman observed that where either outside caterers or the spouses of watchhouse managers provided meals, the quality and quantity of meals was good. However, where these arrangements were not in place watchhouse staff had to try to provide whatever meals they could. According to watchhouse managers, meals for prisoners were of an acceptable quality, quantity and variety, given the allowance provided by the QPS.

The OPM states that the watchhouse managers should, at their discretion, purchase additional food for prisoners at the prisoners' expense, upon request. BCWH and Cairns Watchhouse have vending machines from which prisoners can purchase food and drinks. Some other watchhouses have machines accessible at adjacent police stations. Watchhouse managers are reluctant to allow additional food to be provided by friends or relatives. Generally, if there is no access to vending machines, watchhouse managers will only allow sealed packaged food to be provided from outside the watchhouse. This was mainly because of the experience police have had with attempts to secrete drugs within the food or drinks.

There have been two complaints to the CJC concerning the provision of meals in watchhouses in Aboriginal communities in Far North Queensland. The police investigation into one of these complaints reported that in January 1996, it was general policy and had been for some time, that relatives of prisoners supply food to the prisoners. It was stated that the reasons for this policy were to allow prisoners to receive food that they were more accustomed to eating and to allow relatives time to visit the prisoners. If relatives did not supply food to the prisoners, police would do so. Presumably, the theory behind the policy is that prisoners should be provided with culturally appropriate food. However, in this particular case, the food supplied by the prisoner's girlfriend was a pie and softdrink three times a day.

The second complaint concerned another Aboriginal community watchhouse in which it was alleged that a 16 year old prisoner, held for five days, had been forced to rely on his family for food. The police investigation into this complaint found that it was local policy in late 1992, when the complaint was made, to encourage the families of prisoners to provide meals. Police only provided meals when a prisoner's family did not.

The CJC believes that it is the responsibility of the QPS, and therefore watchhouse staff, not only to ensure that meals are provided to prisoners in watchhouses, but actually to provide the meals.⁴¹ It is acceptable that prisoners be allowed to receive additional food from friends, relatives or others if the food is not a security risk. They should also be able to pay for extra food if they wish. However, watchhouse staff should make it quite clear that there is no compulsion for others to provide food and that the QPS is responsible for providing meals to prisoners.

One complaint to the CJC referred to the fact that, due to overcrowding, prisoners had to eat their meals while sitting either on the floor or on their beds. While this may seem a rather minor concern, the overall conditions in watchhouse cells should be borne in mind. The cells in some watchhouses can quickly become unhygienic, especially if the watchhouse is holding many prisoners. All watchhouse cells have a toilet which is partly screened from the rest of the cell by a low wall. At Ipswich Watchhouse the

The OPM (para. 16.22.13) currently orders the watchhouse manager to ensure that meals are provided to prisoners three times a day. The order does not clearly state that the QPS is to provide those meals.

conditions are even worse, as the toilets must be flushed from outside the cell by watchhouse staff. If the watchhouse is crowded, perhaps with prisoners who are drunk or unwell, then staff will be busy and may be unable to flush toilets as regularly as necessary. Again, it is the overcrowding and long stays that make this situation particularly unbearable.

EXERCISE AND ACTIVITIES

The facilities for exercise by prisoners vary considerably across the State. While some of the watchhouses surveyed have outdoor exercise areas, others have only small, indoor exercise areas which are really just larger cells. In Level Two of BCWH, for example, the exercise areas have no outside windows.

The OPM (para. 16.22.16) requires watchhouse managers to ensure, where available and practicable, that prisoners are allowed one hour of exercise per day. Most watchhouse managers attempt to provide prisoners with an hour a day in the exercise yard/cell, but because of overcrowding, the exercise yards at many watchhouses have been used to hold several prisoners during the daytime, severely restricting the opportunity for prisoners to exercise.

Even where prisoners were given access to an exercise yard or cell, the Ombudsman's submission noted that no structured exercise program as such was provided, so the bulk of inmates spent most of their time just sitting around, clustered together in the exercise yards. Watchhouse managers also commented on the problem of boredom among prisoners spending most of their time sitting in cells or exercise yards.

Opportunities for prisoners to undertake recreational activities were very limited. Only three of the watchhouses surveyed allowed prisoners access to a television and only BCWH Level Two had a video player. None of the watchhouses allowed prisoners access to a radio, except for Ipswich where the watchhouse manager bought a transistor radio for prisoners to listen to in the exercise yard.

Most watchhouse prisoners had very limited, if any, access to books and magazines. The small number of books and magazines that were available to prisoners were supplied by watchhouse staff or charities, or were left behind by prisoners. One submission claimed that prisoners were denied access to their own books on what appeared to be a quite arbitrary basis. That submission recommended that the QPS should allow access to books, with a consistent policy applying to all watchhouses. One watchhouse manager reported that friends or relatives of prisoners were not allowed to bring in books or magazines because of the risk that drugs and other contraband could be hidden in the books. (In that watchhouse books were supplied by a charity organisation.) Even where books and magazines were provided, watchhouse managers commented that they were soon damaged or destroyed by prisoners.

Some watchhouses provided playing cards to prisoners. However, cards were not provided at other watchhouses because the watchhouse managers found in the past that card games often led to arguments and fights.

VISITS, PHONE CALLS AND OTHER COMMUNICATIONS

VISITS

Visits to prisoners by relatives, friends, lawyers and others were an issue of concern to prisoners, their visitors and to staff. The specific problems were:

- visits were either not allowed or were restricted
- where visits were allowed, facilities were often of a poor standard and accorded visitors limited privacy.

More than half the larger watchhouses surveyed do not allow visits by relatives and friends of prisoners. Often the reason for this is that the watchhouses have no visiting rooms or suitable areas for visits. Sometimes, even if there is no visiting room, police will allow visits to prisoners, but such visits require supervision by a staff member. At most watchhouses with visiting facilities, these are not secure, non-contact facilities. Therefore, again, a staff member must supervise any visits.

Given the large number of prisoners being held in watchhouses during recent years, and the demands on the staff, it has been difficult for police to supervise visits. For these reasons, those watchhouses that allow visits do so for short periods only.

All watchhouse managers stated that visits by prisoners' legal representatives were allowed on request. However, two public submissions complained about restrictions on legal practitioners gaining access to prisoners, with visits at the BCWH being restricted to one lawyer at a time. The visiting facilities at BCWH were described as abysmal. Visits take place in a small room in which lawyers and prisoners have to be seated very close together. The drink vending machine is in the visiting room, limiting available space. The fact that the machine is frequently accessed means that privacy and confidentiality are difficult to maintain when taking instructions or giving advice. The Ombudsman's submission noted the general lack of privacy accorded prisoners and their visitors, whether they be family, friends, legal practitioners or others. The submission also noted that the new Cairns Watchhouse was better equipped for visits.

The CJC has recently been advised that funding has been allocated for a visits area at BCWH. This initiative, in conjunction with the reduced number of prisoners in the BCWH, should enable police to improve access to visits by legal practitioners and other visitors.

Although many watchhouses limit visits by family or friends, most have cell visitors schemes operating in the watchhouse. These schemes, which were introduced after a recommendation by the RCIADIC (recommendation 145), involve daily visits to the watchhouse by volunteers. The volunteers assist police to deal with difficult prisoners, run messages for prisoners and can assist police to monitor the wellbeing of prisoners.

Watchhouse managers reported that the schemes have a valuable role, as they help to ease the difficulties experienced by prisoners. The managers stated that the cell visit volunteers were 'excellent'.

PHONE CALLS

The Ombudsman's submission noted that prisoners are not always given ready access to telephones, although all watchhouses reportedly allowed prisoners to make phone calls when attempting to raise money for paying fines or putting up cash bail.

Most watchhouse managers reported that they permitted prisoners a short "social" phone call per day, but this often depended on the workload of staff and the number of prisoners in the watchhouse. In some cases, access to a telephone also depended upon the prisoner's behaviour while in the watchhouse. Some watchhouses did not normally allow social calls, mainly because staff were busy and were unavailable to supervise calls. In others, where there was not a public telephone, access to phone calls was limited by watchhouse managers because of the cost.

OTHER COMMUNICATIONS

The Ombudsman had found that there was often no ready access for prisoners to writing materials, and expressed concern that this would contribute to boredom and frustration among inmates and increase friction between inmates and staff. The Ombudsman noted a case where access to writing materials was allegedly denied to a prisoner who wished to write a complaint to the Ombudsman. Recently the Ombudsman advised the CJC of another complaint in which a prisoner had been refused a pencil. This person had only managed to get a letter to the Ombudsman because his solicitor visited him. Again, the concern of watchhouse managers is that if prisoners are given unsupervised access to writing materials, they may use them to harm either themselves or other prisoners. The Ombudsman advised that the complainant prisoner recognised the potential risks but believed that some consideration should be given to prisoners who are clearly not dangerous or suicidal.

The complaints regarding communication and visits have largely arisen because of the length of time that prisoners have been held in watchhouses. Once transferred to a prison, prisoners are able to have visits from friends and family as well as being able to have appropriately private consultations with legal advisers. Furthermore, prisoners have the right to telephone their lawyers and a more limited right to make other telephone calls. Although visits and telephone calls are limited, prisoners in QCSC facilities have ready access to writing materials and a limited right to send sealed letters to officials such as the Ombudsman. In addition, Official Visitors⁴² visit the prisons once a week or thereabouts.

If prisoners are to be left in the watchhouse for periods of longer than three days, they should be able to make telephone calls to their legal representatives, receive visits from their legal representatives and receive visits from a family member or friend at least once a week. Recommendation 146 of the RCIADIC (1991) states that police are to do all they can to facilitate visits to prisoners in custody. However, there are security risks associated with allowing visits, especially where the watchhouse does not have secure non-contact visit facilities. If prisoners are to be kept in a watchhouse for more than three days, watchhouses will have to be fitted out with secure non-contact visiting facilities.

While access to writing material is desirable, the CJC recognises the safety concerns. If prisoners are given the opportunity to telephone their lawyers, then at least there is an avenue for making a complaint. Again, the preferred solution is to transfer the prisoners to a correctional facility as soon as possible.

SMOKING

QPS has a smoke-free workplace policy in place. This means that smoking in watchhouses is prohibited as a general rule. The watchhouse manager has the discretion to allow a prisoner to have a cigarette only in exceptional circumstances.

⁴² Official Visitors are independent people appointed by the QCSC to investigate complaints by prisoners and complaints by people subject to Community Corrections Orders, and to provide a written report to the QCSC.

Investigations by the Ombudsman found that denial of cigarettes was an issue of concern to both prisoners and police. Prisoners complained bitterly about the effects of withdrawal from nicotine. A CJC investigation into one suicide attempt in a watchhouse identified the denial of a cigarette as a "trigger" for the attempt. A similar situation arose in another attempted suicide investigated by the CJC.

Many watchhouse managers reported that they complied strictly with the QPS policy. However, according to watchhouse managers, 'nearly all' prisoners were smokers. Watchhouse managers explained that conditions were already bad enough for prisoners, particularly with overcrowding, long stays and various other stresses. Allowing prisoners to have the occasional cigarette helped to relieve tensions and frustrations. Further, many prisoners were also withdrawing from other substances, so prohibiting smoking made the withdrawal process more difficult. In order to manage prisoners in these circumstances and to help relieve tension and frustrations, some watchhouse managers allowed prisoner to have an occasional cigarette, usually if the watchhouse had a suitable outdoor area for smokers.

The denial of cigarettes is another example of prisoners experiencing worse conditions than would be the case if they were in a correctional facility. Prisoners may be able to put up with the denial of cigarettes in the watchhouse for a day or so, but this becomes increasingly difficult when prisoners are held in watchhouses for much longer periods.

SHARING CELLS WITH DIFFERENT CATEGORIES OF PRISONERS

As noted in Chapter 2, overcrowding in watchhouses has resulted in many prisoners sharing cells. The OPM requires watchhouse managers to segregate prisoners where it is necessary for the safety and welfare of each prisoner (see Chapter 2 for the types of prisoner to be kept separate). However, QPS documentation shows that the consistently high level of overcrowding experienced in police watchhouses over recent years resulted in police being unable to adhere to the principles requiring different categories of prisoner to be segregated.

In many watchhouses, the inability to maintain the desired level of segregation has been a constant problem. According to the watchhouse managers, the priority for segregation is such that male prisoners are always to be kept separate from females, juveniles separate from adults, and protection status prisoners separate from other prisoners. This has required constant moving of prisoners between cells, in order to accommodate new admissions, allow prisoners to have showers, give prisoners access to exercise yards, and so on. However, this set of priorities has meant that other categories of prisoner have often been mixed together. For example, watchhouse staff have sometimes had to place remanded prisoners with sentenced prisoners, contravening the principle that remanded prisoners, who are presumed to be innocent, should be kept separate from those convicted of criminal offences.⁴³ Watchhouse managers also reported that they were sometimes forced to accommodate prisoners with communicable diseases in cells with other prisoners.

These practices, which watchhouse managers have been forced to adopt because of the overcrowding, raise issues about the liability of the QPS and the State Government for illness or injury suffered by prisoners held in watchhouses.

⁴³ Although this is an international standard, it is not specified in the OPM.

SUMMARY OF FINDINGS

This chapter has described the conditions in the major watchhouses in Queensland. The key findings are:

- Most watchhouses in Queensland are poorly designed to cope with the climate, especially the heat and humidity. While the new watchhouses are better suited to the climate, there are only one or two new watchhouses among the 24 hour watchhouses.
- Prisoners in many watchhouses find it difficult to sleep because cell areas are lit for 24 hours a
 day for security and safety reasons.
- Facilities for showering are generally adequate. However, when the watchhouse is overcrowded, there are problems in ensuring that all prisoners get access to a shower on a daily basis. In some watchhouses, the hot water supply is inadequate.
- Prisoners' access to basic toiletries varies between watchhouses.
- Prisoners in most watchhouses are denied the opportunity to have clean clothes on a daily basis.
 Even where a change of clothing is provided by staff, family or friends, there is limited opportunity to wash the clothes.
- The standard of bedding provided in watchhouses is poor, as prisoners are usually denied sheets
 and pillows for safety reasons. Prisoners are generally only provided with mattresses and blankets
 and these rapidly deteriorate with frequent use.
- Most of the cells in the watchhouses are old and difficult to clean. Opportunities to clean and
 maintain cells have been severely restricted until recently, by the large numbers of prisoners held
 in watchhouses.
- Given the available "meal allowance" and the length of time prisoners spend in watchhouses, it
 has been difficult for police to provide prisoners with good quality and varied meals. In some
 remote community watchhouses in Far North Queensland, it appears that police are relying on
 prisoners' families to provide meals to inmates.
- Only about half of the watchhouses surveyed have outdoor exercise yards; the other watchhouses
 use a large cell as an exercise yard, if the cell is not being used to hold prisoners. The length of
 time prisoners have in the exercise yard or cell varies from about an hour a day to 'all day',
 depending upon the watchhouse concerned and how many prisoners are in the watchhouse. None
 of the watchhouses provides any structured exercise program.
- Opportunities for any recreational activity such as reading, watching television or playing cards vary from watchhouse to watchhouse, but are generally very limited.
- Watchhouse managers reported that visits by lawyers were allowed to prisoners, although lawyers
 were sometimes restricted in the times at which they could visit. Facilities for conducting
 interviews with clients are poor, for the most part.
- More than half of the watchhouses surveyed did not allow visits by relatives or friends of
 prisoners. However, most watchhouses have a cell visitors scheme operating, allowing volunteers
 to visit the watchhouse on a regular basis. Watchhouse managers were very supportive of these
 schemes.

- Generally, access to phone calls for social purposes is restricted. However, phone calls are allowed if necessary for raising money for fines or bail.
- Smoking is prohibited in watchhouses, but a limited discretion is vested in the watchhouse manager to allow an occasional cigarette to a prisoner in exceptional circumstances. The extent to which this discretion is exercised varies from watchhouse to watchhouse. Denial of access to cigarettes has been the subject of many complaints by prisoners, as watchhouse managers report that 'nearly all' prisoners are smokers.
- Prisoners are often forced to share cells with categories of prisoners in contravention of desirable segregation principles.

PROPOSED REMEDIES

As the description of conditions above reveals, a police watchhouse is not a pleasant or comfortable environment. 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, increased chances of catching disease and withdrawal from drugs/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, for example, problems with providing all prisoners access to exercise yards or cells each day have largely been caused by overcrowding. However, other conditions can only be improved by:

- improved management practices in the watchhouse, many of which will require greater resourcing of watchhouses
- refurbishment or replacement of the watchhouse facility.

IMPROVED MANAGEMENT PRACTICES

The CJC has not attempted to develop detailed recommendations concerning the management practices in watchhouses, because it does not have the expertise nor the detailed knowledge of the operations of individual watchhouses. However, some specific areas have been identified above as in need of improvement. In respect of these matters the CJC makes the following recommendations.

RECOMMENDATION 7.1 – IMPROVED WATCHHOUSE MANAGEMENT PRACTICES

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.

These recommendations are based primarily on our observations of "best practice" management in some of the watchhouses. 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. This initiative should continue.

RECOMMENDATION 7.2 - WATCHHOUSE MANAGERS' WORKSHOP

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

REFURBISHMENT AND REPLACEMENT OF WATCHHOUSES

As noted above, many of the conditions in the watchhouses can only be improved if the physical environment in which prisoners are held is improved. For example, the complaints regarding climatic conditions, hygiene, bedding and bathroom facilities often concern very old watchhouses. In particular, we have been informed of unsatisfactory physical conditions at watchhouses in Mareeba and Mt Isa and we have seen first hand the appalling conditions at Ipswich, Rockhampton, Gladstone and Townsville. In many of these places there is an urgent need to replace or significantly refurbish the watchhouse. These watchhouses should not even hold prisoners for three days in their current state.

For a long time, it appears that only limited resources were spent on upgrading or replacing watchhouses. More recently, the QPS has expended considerable resources on refurbishment to implement the RCIADIC (1991) recommendations, such as the "hang proofing" of cells. However, significantly more resources will need to be expended if watchhouses are to be brought up to a satisfactory standard.

The QPS recognises that many watchhouse facilities are in urgent need of improvement and the Service has a five-year program of upgrade and replacement of watchhouses. According to the QPS, the design of new facilities and major upgrades has, since 1994, been based on a "best practice" approach.

As of June 1996, work was underway on replacing six watchhouses 44 across the State, although these watchhouses were not part of the group selected for our study. The State Government announced in May 1996 that work had commenced on a new 68-bed watchhouse at Southport. In addition, QPS advise that a new watchhouse for Rockhampton has been approved and the design stage has been completed. The refurbishment of the Ipswich Watchhouse has recently commenced. The refurbishment includes covering the exercise yard, replacing the toilets and painting the interior of the watchhouse. In the CJC's view, the refurbishment is unlikely to significantly improve the conditions at the Ipswich Watchhouse, but the QPS advise that it is not on a replacement program as yet. Mt Isa Watchhouse, which was the subject of particular complaints about its physical environment, is unlikely to be replaced for some years.

The upgrades and replacements planned in the five year program are subject to funding being available. The CJC supports the acceleration of the program and recognises the need for additional resources to be provided to the QPS, to enable it to accelerate the program so that at least the 24 hour watchhouses are brought up to a satisfactory standard.

Determining the priorities for upgrade and replacement of watchhouses is a complex process. For example, the replacement of one watchhouse may take priority over the replacement of another watchhouse in worse condition because the police station attached to the former watchhouse is in urgent need of replacement. In other cases, the replacement of the watchhouse may be postponed pending the development of a new courthouse in which the watchhouse will be located. The CJC recognises these difficulties as legitimate reasons for deferral of some upgrades and replacements. Within these constraints, it is important that the prioritisation is based on an objective assessment of the need for replacement of the watchhouse, rather than on political considerations.

RECOMMENDATION 7.3 - ACCELERATED REPLACEMENT AND REFURBISHMENT OF WATCHHOUSES

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.

Any replacement and refurbishment program should include consultation with interested parties during the planning phase, particularly in Aboriginal communities. The Mornington Island Review Report (Human Rights and Equal Opportunity Commission 1995), which reviewed the response to the Commission's earlier report Mornington – A Report by the Federal Race Discrimination Commissioner (1993), raised the issue of consultation and noted that concerns had been expressed by the local community about the location and design of the new watchhouse, after it had been constructed. The review report found that the QPS had failed to consult the local community despite recommendations to this effect in the original report. The QPS has advised that, since the Mornington Island Review Report

⁴⁴ These are Bundaberg, Doomadgee, Hervey Bay, Mackay, Moranbah and Warwick Watchhouses.

the planning of new watchhouses has involved a consultative mechanism that is appropriate to the type of location; for example, urban or remote areas. It is important that the QPS continue to take a consultative approach, so that local needs can be recognised.

RECOMMENDATION 7.4 - CONSULTATION IN WATCHHOUSE PLANNING

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

CONCLUSION

This chapter has described the conditions for prisoners in several of the major watchhouses, focusing particularly on the past three years. The findings have included:

- the standard of conditions generally in watchhouses range from very poor to high
- problems with conditions have been exacerbated by overcrowding and the fact that some prisoners remained in watchhouses for extended periods
- management practices have been influenced by the pressures of overcrowding and by safety concerns, and have made a considerable contribution to the difficulties experienced by prisoners
- many of the major watchhouses are in need of refurbishment in order to reach acceptable standards; some are in urgent need of replacement.

The recommendations advanced in the chapter have focused on:

- improvements to specific management practices, based on a "best practice" approach
- funding the acceleration of the QPS watchhouse replacement and refurbishment program, in order to bring the 24 hour watchhouses, in particular, up to acceptable standards as soon as possible.

CHAPTER 8 CONDITIONS FOR STAFF IN POLICE WATCHHOUSES

Introduction

The focus of the previous two chapters was primarily on the conditions faced by prisoners in watchhouses. It is equally important to review the conditions under which police are expected to work in watchhouses. This chapter will describe the demands on watchhouse staff and their working conditions, addressing the following:

- the difficulties associated with managing prisoners
- the demands placed on staff to minimise the risk of self-harm by prisoners
- the problem of disciplining prisoners in the watchhouse
- the physical environment and facilities for staff.

The chapter concludes with a discussion of the importance of the role of watchhouse staff.

OVERVIEW OF THE DIFFICULTIES ASSOCIATED WITH MANAGING PRISONERS

Earlier chapters have given an indication of the difficulties associated with managing prisoners who have been held in poor, crowded conditions for lengthy periods. This section draws these issues together in order to give an overall picture of the demands of the custodial role.

By way of example, until March this year, staff in Level Two of the BCWH frequently were faced with the task of managing around 50 prisoners, each of whom had to be provided daily with three meals, a shower, a visit to the exercise yard and a phone call. As well, staff were required to inspect all prisoners frequently to ensure their well-being, arrange medical treatment for prisoners, supervise the provision of medication to those prisoners who were on prescribed medication, make arrangements for visits from legal practitioners and arrange the escort of prisoners to court and back.

The fact that many prisoners were in the watchhouse for a long time in overcrowded conditions made them even more difficult to manage. The following two extracts from QPS reports illustrate the effect of the combination of the conditions described above on prisoners and staff at one of the 24 hour watchhouses. The first is an extract from an internal QPS report by a Divisional Inspector following two suicide attempts by a prisoner at the watchhouse:

Prisoners are stripped of human dignity, being denied amongst other things access to sunlight, physical exercise, balanced diet, visits, recreational facilities, etc. The long detention in watchhouses results not only in stressed, angry prisoners and relatives, but disillusioned, stressed watchhouse police staff.

The second extract is from the Senior Sergeant's report regarding the same incident:

Problems encountered during the last week:

Last weekend carrying up to 16 prisoners at one time (note: capacity is 16).

07/03/94: Prisoner A collapsed in cell, believed to have suffered heart attack. Escorted under guard to Logan Hospital and to Security Ward P.A. Hospital, Brisbane. Prisoner A still an inmate at that hospital.

09/03/94: Two prisoners had a fight in exercise cell. Two officers on duty, both had to enter the cell and separate the prisoners. Prisoners B and C involved. Prisoner C has seen a doctor twice since this incident. No complaints made by either prisoner, but these prisoners have to be kept separate.

10/03/94: Two prisoners had a fight in exercise cell. Police had to enter the cell to separate the prisoners. Prisoners D and E involved. No complaints from either prisoner, but they now have to be kept separate.

Of the 15 Corrective Services prisoners in custody five are presently on medications. Police are delivering medications to these prisoners and these officers have no training or experience in this field.

Prisoner F presently in custody after being refused bail, he will be appearing today. This prisoner has to be kept separate from all other prisoners as in the future he will be giving evidence against the prisoner D, who is also in custody.

Due to the length of time that prisoners are detained in the watchhouse, police performing watchhouse duties are continually being abused by prisoners and their relatives, blaming police for not transferring them into prison.

The findings of this review clearly show that the description above was not an isolated or unusual scenario; it reflected the day to day events occurring, until recently, in many watchhouses across the State.

THE DEMANDS PLACED ON STAFF TO MINIMISE THE RISK OF SELF-HARM BY PRISONERS

Watchhouse staff are very aware of the risk of prisoners harming themselves or others, especially after the RCIADIC. This is a source of particular strain on staff.

In order to minimise the risk of self-harm by prisoners, watchhouse staff have tended to deny prisoner access to anything that could be considered potentially harmful. When watchhouses held large numbers of prisoners for long periods, watchhouse staff did not have the time or resources to be discriminatory in their management of prisoners and so denied access to potentially dangerous articles to all prisoners. For example, as pointed out in the preceding chapter, many watchhouse managers refused to allow relatives or friends to supply food, clothing or books to prisoners. Managers also limited access to razors, refused to allow prisoners to keep shoelaces in their shoes or cords in their pants and provided only minimal bedding.

While watchhouse staff have been the subject of criticism from prisoners and their friends or relatives for depriving prisoners of seemingly innocuous material, the suicide attempts in police custody reported to the CJC illustrate how such items have been used by prisoners to attempt suicide. The attempted suicides described in the CJC files involved use of the following:

- piece of fibro torn from wall
- piece of metal removed from cell door hinge
- piece of wire found under the bed
- blade from a disposable razor

- plastic forks (which were sharpened on the concrete floor)
- pieces of plastic cups (similarly sharpened)
- medicated lotion (prescribed for external use, but taken internally).

Watchhouse staff also showed us a weapon fashioned from a toothbrush which had been sharpened to a point on the cell floor.

Many of the prisoners attempted to hang themselves using one of the following as a "noose": blankets or sheets (which were usually torn and knotted), shoelaces, underwear, shirts, jeans, drawstring from shorts, or elastic bandages. The "noose" was often attached to hang points such as inspection/meal flaps in cell doors, water fountains or cell bars.

While some of the problems have been addressed by modifications to facilities or amendments to procedural guidelines, the examples above illustrate the need for caution and vigilance on the part of staff. It is understandable that police have taken the "denial" approach in order to manage the risks associated with large numbers of prisoners. One of the beneficial results of this approach is that there has been a marked decrease in the number of deaths in police custody in recent years. Any relaxation of this approach, while perhaps improving conditions for some prisoners, may increase the risk of death or injury in custody for others. However, as noted above, a drawback of this approach is that it often places staff in conflict with prisoners and others.

The recommendations made by the CJC in earlier chapters, if adopted, should minimise the potential for conflict by:

- providing for professional medical assessment of prisoners who may be suicidal
- limiting the length of time that prisoners are held in the watchhouse.

THE PROBLEM OF DISCIPLINING PRISONERS IN THE WATCHHOUSE

When large numbers of prisoners are held for lengthy periods in confined spaces and poor conditions, tensions arise and tempers flare among prisoners. As illustrated above, fights sometimes break out among prisoners. Other prisoners, although not violent, can disturb prisoners and staff by, for example, being continually noisy throughout the night, or throwing meals about.

Watchhouse staff have very limited options for dealing with disruptive prisoners. It is difficult to isolate these prisoners in circumstances of severe overcrowding. Deprivation of privileges is usually not an available option because, as the earlier chapters show, most watchhouse prisoners have few, if any, privileges.

A QPS officer investigating a complaint commented that it is not long before the prisoners realise that staff lack disciplinary options, which can lead to an unpleasant or dangerous atmosphere for prisoners and staff alike.

The CJC recognises that the options available to the police for disciplining prisoners are, and should be, limited. 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. Watchhouses generally should have the capacity to do this if the earlier recommendations of this report are implemented.

PHYSICAL ENVIRONMENT AND FACILITIES FOR STAFF

The previous chapter on conditions for prisoners in watchhouses documented deficiencies in the physical facilities of several of the watchhouses surveyed. From the interviews with watchhouse managers and from our own observations, we found that the work environment for staff leaves much to be desired in many watchhouses. At some of these watchhouses, conditions are more tolerable for staff than for prisoners. For example, the administration areas are more likely to be air-conditioned than are the cell areas. However, this does not mean that conditions for staff are uniformly acceptable. At many of the watchhouses surveyed, work areas are cramped, furnishings and equipment are often well-worn, and there are sometimes no facilities such as meal areas, storage areas and toilets.

The Ipswich Watchhouse is an example of a poor work environment. This facility is lacking in many respects and, most notably, has no toilet for staff. Even though the watchhouse is adjacent to the police station, which has toilets, staff are often unable to leave the watchhouse, as minimum staffing levels must be maintained. As noted earlier in this report, the Ipswich Watchhouse is scheduled for refurbishment in the near future, which should address at least some of its deficiencies. However, there are other larger watchhouses that have work environments that are comparable to Ipswich.

The CJC has recommended in Chapter 7 that the QPS program of watchhouse refurbishment and replacement be accelerated. The implementation of this program should improve the physical working environment of watchhouse staff.

THE IMPORTANCE OF THE ROLE OF WATCHHOUSE STAFF

This and earlier chapters have demonstrated the demands placed on watchhouse staff in their custodial role. These demands are exacerbated by the poor physical conditions in which the staff work and the prisoners are held. The result is that watchhouses are seen by many police officers as undesirable places to work.

A view expressed by some members of the QPS, and included in a submission to this review, was that historically it had been the practice of the QPS to transfer police officers to a watchhouse 'as part of disciplinary punishment'. If this was the case, our observations and the views expressed in the submissions suggest that this is no longer true. One solicitor who has had extensive contact with watchhouse staff over the years, and who has had cause to be critical of some staff during that time, wrote:

For some time now I have been impressed by the professionalism and reasonable approach by watch house staff, particularly senior staff... I would also say that I have for some time now been impressed by the reports that I am getting from clients in [Level Two BCWH] that Police in that area are trying particularly hard to accommodate the competing demands of security and being flexible in relation to the prisoners' reasonable welfare demands...

Needless to say, an individual officer from time to time presents a problem and this can be expected to continue to be the case having regard to the fact that different personalities work in the watch house and some handle the stress of working in that pressured environment better than others...

There seems to me to be a deliberate attempt in recent times to select watch house staff for postings on the basis of personality and professional suitability. It is to be hoped that these selection criteria remain in the future.

The Ombudsman's submission also noted the 'difficult role police officers have in undertaking watchhouse duties' and, generally speaking, commended their 'professional approach in sometimes trying circumstances'.

The role of the staff in the watchhouse differs quite markedly from the usual police role. As the Ombudsman noted:

... Given that inmates are sometimes detained in watchhouses for a period of time, it becomes obvious that the police are required to undertake custodial roles which are opposed to the policing role involving investigation, apprehension and prosecuting. It could be a real challenge for a police officer to be moved from "the beat" into a role that requires them to focus on providing accommodation needs and services for the offender.

Everyone who has been consulted for this review agrees that the personality and suitability of watchhouse staff has a significant impact upon the conditions in which prisoners are held, particularly when the physical conditions are at their worst. Having made numerous recommendations for improvements to the physical conditions, we think it is important to conclude by emphasising the importance of appointing suitable staff to the watchhouse. As noted above, this now appears to be happening in many areas.

There are still some complaints about individual staff members who may not be well suited to the role of a custodial officer. Often these complaints concern staff who are not appointed to the watchhouse but are called in to work when the watchhouse is short-staffed. In order to minimise these complaints, police officers who are suited to the work should be encouraged to apply for positions in the watchhouse. This can only happen if there is an acknowledgement of the importance of the role of the watchhouse staff and if some sort of prestige is accorded to the position.

As noted earlier in this report, the commencement of annual Watchhouse Managers' Workshops is a positive step toward acknowledging the importance of the role of watchhouse staff and the CJC has recommended that the QPS continue to support the workshops. However, there is still a need for the QPS to develop other strategies to enhance the status of watchhouse staff. The CJC is not in a position to make a recommendation on the appropriate strategy to adopt, but some possible strategies for the QPS to consider include:

- providing enhanced 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 CJC's recommendation that there be a designated position of Custody Officer (see CJC 1994, p. 719).

RECOMMENDATION 8.1 – ENHANCING THE STATUS OF WATCHHOUSE STAFF

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

CONCLUSION

This chapter has discussed the demands of the role of police staffing watchhouses. These demands include:

- overcrowded conditions
- the need for caution and vigilance by staff in order to stop prisoners harming themselves or others

- the limited options available to staff for disciplining prisoners
- poor work environments for staff at many watchhouses.

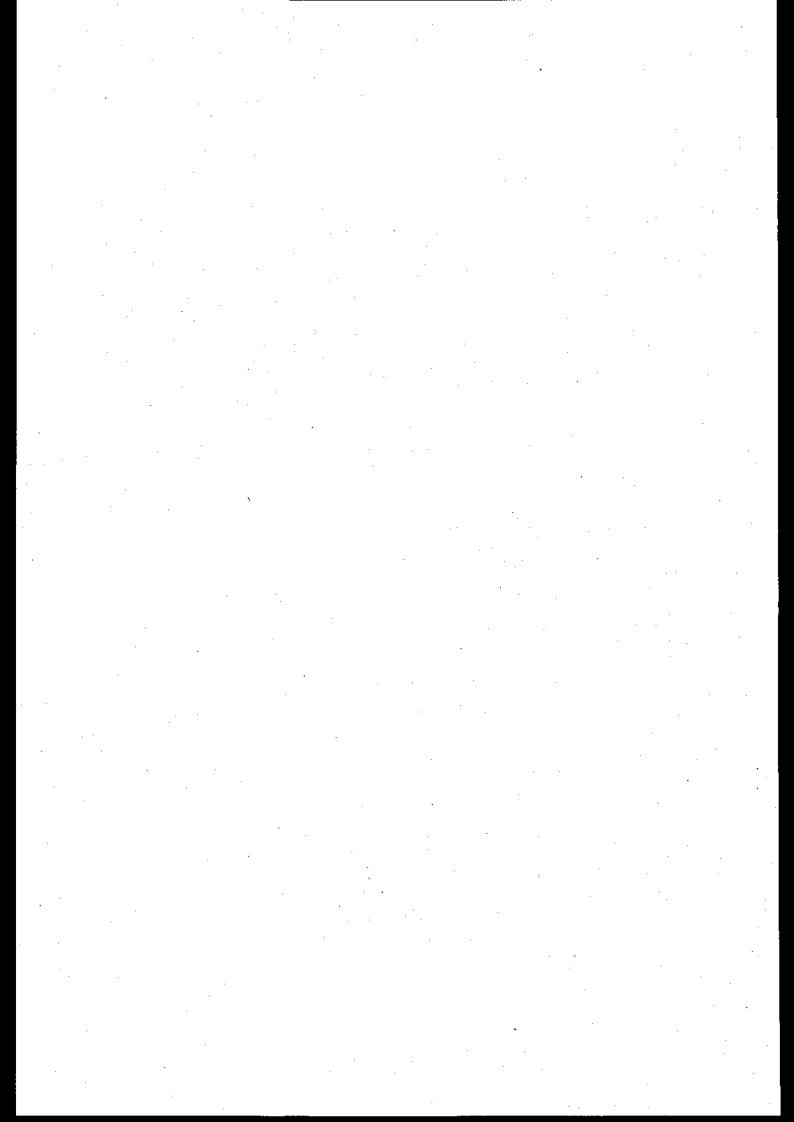
The issues raised should be largely addressed by recommendations made earlier in this report. The QPS has been attempting to enhance the professionalism and status of watchhouse staff, and appears to be placing more emphasis on selecting staff on their personal suitability for the role. A number of possible strategies for further enhancing the status of watchhouse staff have also been suggested.

REFERENCES

- Audit Report. See Queensland Treasury Department.
- CJC. See Criminal Justice Commission.
- Criminal Justice Commission 1994, Report on a Review of Police Powers in Queensland. Volume IV: Suspects' Rights, Police Questioning and Pre-Charge Detention, GOPRINT, Brisbane.
- —— 1995, Criminal Justice System Monitor, vol. 1, no. 1, Harding Colour, Brisbane.
- Gorta, A. & Eyland, S. 1990, Truth in Sentencing: Impact of the Sentencing Act 1989, no. 22, New South Wales Department of Corrective Services, Sydney.
- Human Rights and Equal Opportunity Commission 1993, Mornington: A Report by the Federal Race Discrimination Commissioner, AGPS, Canberra.
- —— 1995, Mornington Island Review Report: A Report by the Race Discrimination Commissioner and the Aboriginal and Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission, AGPS, Canberra.
- Johnston, A. & Spears, D. 1996, The Sentencing Act 1989 and its Effect on the Size of the Prison Population, Monograph Series no. 13, Judicial Commission of New SouthWales, Sydney.
- New South Wales Bureau of Crime Statistics and Research 1995, Fine Default: Enforcing Fine Payment, New SouthWales Bureau of Crime Statistics and Research, Sydney.
- Oxley-Edmonds L. 1993, Imprisoned Fine Defaulters Pilot Study: Honest People Unable to Pay Their Fines?, Queensland Corrective Services Commission, Brisbane.
- Public Sector Management Commission 1993a, Review of the Queensland Police Service, Government Printer, Brisbane.
- —— 1993b, Review of the Queensland Corrective Services Commission, Government Printer, Brisbane.
- Queensland Corrective Services Commission 1995, Annual Report 1994/95.
- Queensland Government 1990, A Green Paper on Fine Defaulters, Government Printer, Brisbane.
- —— 1994, Royal Commission into Aboriginal Deaths in Custody. Queensland Government Progress Report on Implementation, Aboriginal Deaths in Custody Secretariat in conjunction with the Office of Aboriginal and Islander Affairs and Department of Family Services and Aboriginal and Islander Affairs, Brisbane.
- Queensland Law Reform Commission 1993, The Bail Act 1980, Report no. 43, Brisbane.
- Queensland Legislative Assembly 1996, Weekly Hansard, no. 6, 23-25 July 1996, pp. 1978-1979.
- QMEC. See Queensland Medical Education Centre.

- Queensland Medical Education Centre 1994, Review of The Government Medical Office, Brisbane. Stage I Report, Brisbane.
- Queensland Police Service, Operational Procedures Manual, vol. 3.
- Queensland Police Service 1995, A Qualitative Evaluation of the Use of Blue Nurses at the Cairns Watch-House, Research & Evaluation Branch, Commissioner's Inspectorate, Brisbane.
- Queensland Treasury Department 1996, Report of the Queensland Commission of Audit: Operating Budget Outlook, June 1996, vol. 2, Brisbane.
- RCIADIC. See Royal Commission into Aboriginal Deaths in Custody.
- Royal Commission into Aboriginal Deaths in Custody 1991, *National Report*, (Commissioner Hon E. F. Johnston QC), vol. 3, AGPS, Canberra.

APPENDICES



APPENDIX 1 INDIVIDUALS AND AGENCIES INVITED TO MAKE A SUBMISSION

Note: These include people who wrote to us requesting that we undertake this review and other individuals and agencies who we thought would be interested in the project.

Mr J P O'Sullivan APM, Commissioner, QPS

Mr K Hamburger, Director-General, Queensland Corrective Services Commission

Mr G Wilkinson, President, Queensland Police Union of Employees

Ms L Cullinan, Co-ordinator, Prisoners' Legal Service Inc., Brisbane

Mr T P O'Gorman, Vice-President, Queensland Council for Civil Liberties, Brisbane

Chairperson, Criminal Law Subcommittee, Bar Association of Queensland, Brisbane

Professor P Wilson, Dean of Humanities and Social Services, Bond University, Gold Coast

Mr J Gibney, Cairns Community Legal Centre Inc.

Mr T Woodyatt, Co-ordinator, Caxton Legal Centre Inc, Brisbane

Mrs N Johns, Prison Transport Group Inc, Brisbane

Ms H Gadsden, Catholic Prison Ministry, Brisbane

Mr G Ratnavale, Principal, Boystown Legal Service

Mr R Metcalfe, Deputy Parliamentary Commissioner

Ms S Deer, Chief Stipendary Magistrate, Brisbane

Mr S Carter, Queensland Law Society Inc., Brisbane

The Administrator, Townsville Community Legal Service Inc

The Administrator, Women's Legal Service, Brisbane

The Administrator, Youth Advocacy Centre Inc.

The Administrator, Community of Inala Legal Service Inc., Inala

The Administrator, Logan Youth Legal Service, Woodridge

The Administrator, Njiku Jowan (Nth Qld Ltd) Legal Service, Cairns

The Administator, Petrie Legal Service, Lawnton

The Administrator, Roma Community Legal Service

The Administrator, South Brisbane Immigration and Community Legal Service Inc., West End

The Administrator, Aboriginal and Torres Strait Islanders Legal Service, Brisbane

The Administrator, Bidjara Aboriginal and Torres Strait Islander Legal Service, Charleville

The Administrator, Bundaberg Aboriginal and Torres Strait Islander Legal Service, Bundaberg

The Administrator, Ipswich Aboriginal and Torres Strait Islander Legal Service, Ipswich

The Administrator, Mackay Aboriginal and Torres Strait Islander Legal Service

The Administrator, Mt Isa Aboriginal and Torres Strait Islander Legal Service

The Administrator, Palm Island Aboriginal and Torres Strait Islander Legal Service

The Administrator, Tharpuntoo Legal Service Aboriginal Corporation, Cairns

The Administrator, Thursday Island Aboriginal and Torres Strait Islander Legal Service

The Administrator, Rockhampton Aboriginal and Torres Strait Islander Legal Service

The Librarian, Toowoomba Aboriginal and Torres Strait Islander Legal Service

The Librarian, Toowoomba Community Legal Service

The Librarian, Townsville Aboriginal and Torres Strait Islander Legal Service

The Administrator, Legal Aid Office, Townsville

The Administrator, Legal Aid Office, Toowoomba

The Administrator, Legal Aid Office, Woodridge

The Administrator, Legal Aid Office, Mt Isa

The Administrator, Legal Aid Office, Southport

The Administrator, Legal Aid Office, Rockhampton

REPORT ON POLICE WATCHHOUSES IN QUEENSLAND

The Administrator, Legal Aid Office, Maroochydore

The Administrator, Legal Aid Office, Cairns

The Administrator, Legal Aid Office, Inala

The Administrator, Legal Aid Office, Caboolture

The Administrator, Legal Aid Office, Ipswich

The Administrator, Legal Aid Office, Bundaberg

The Administrator, Legal Aid Office, Mackay

Mr M Shanahan, Public Defender, Legal Aid Office, Brisbane

Mr P Hardcastle, Barrister-at-Law, Brisbane

Mr N Macgroarty, Barrister-at-Law, Brisbane

Terry Fisher & Co, Solicitors, Brisbane

Mr S Keim, Barrister-at-Law, Brisbane

Messrs G Airo-Farulla and C MacDonald, Brisbane

Mr M Powell, Solicitor, Cairns

Mr N Tobin, Solicitor, Brisbane

Mr D Kent, Barrister-at-Law, Brisbane

Messrs J & D Parker, Brisbane

Mr R Robertson, Brisbane

Ms C Day, Brisbane

Mr P Richards, Paul Richards and Associates, Brisbane

Mr D C Rangiah, Brisbane

Mr J W Lee, Brisbane

APPENDIX 2 WRITTEN SUBMISSIONS RECEIVED

Brisbane Watchhouse Register Group

North Queensland Watchhouse Register Group

Parliamentary Commissioner for Administrative Investigations (the Ombudsman)

Caxton Legal Centre

West Queensland Aboriginal and Torres Strait Islander Corporation for Legal Aid

Catholic Prison Ministry.

Queensland Council for Civil Liberties

Legal Aid Office (Qld)

Youth Advocacy Centre Inc.

South Brisbane Immigration & Community Legal Service Inc.

Prisoners Legal Service Inc.

Queensland Anti-Discrimination Commission

Queensland Police Union of Employees

P S Russo & Associates

Drug-Arm

Dr W Rosevear

APPENDIX 3 SUMMARY OF KEY FEATURES OF THE 11 MAJOR WATCHHOUSES

	Beenleigh	BCWH Level 1	BCWH Level 2	Cairns	Holland Park	Ipswich	Maroochydore	Mt. Isa	Коскћатреов	Southport	Тоожоошря	Townsville
Staff per shift Days/p.m. Night Weekend	23	Min. 6 per shift.	2 per shift (3 when prisoner nos. exceed 25)	· 2 4 4	2 per shift	2 plus 2 on escorts.	34	l per shift	2 per shift	: so to to	2–3 day 2 a'noon 2 night	3 per shift
Visited by CJC staff?	Y	¥	Y	Å	Z	Y	Z	z	Ā	Y	z	¥
Permanent beds	16	10	30 (2/96)	35	۵	е.	27	91	13	15	1.5	9
Range of prisoner nos. (based on "iast Monday of month" data 3/951/96):		27-70	26-59 (Based on data from 8/95)									
sdb *	£			5 арргох.	0-7	£	1	5-30 арргох.	0—4 арргох.	0-17	ğ	5—10 арргох.
* QCSC	2–16			15-57	3-11	3–14	4-25	3-21	2-17	3–18	3-19	5-36
Longest serving period in days (based on "lest Monday of month" data	28		42 (Based on data from 8/95)	95	33	. 25	39	4	83	28	47	\$
Prisoner transportation from w'house to prison	S ₄ O	saiò	OPS	ocsc	QPS	SHO)	QPS	SHO.	OPS	84°	SM.	QCSC & QPS
Air conditioning in cells	Z	¥	Y (as of 2/96)	¥	Y	z	z	¥	Z	Z	z	>
Water supply to cells:						-					.: • .	
• Toilets	>	>	*	>	>	¥	>	>-	Y but not self flushing	*	¥	*
* Showers	1M, 1F shower.	IM, 1F shower.	2 shower blocks of 3-4 showers each.	3 showers	l shower per side.] shower	2 showers	IM, IF, I Juv shower.	2 showers	"Insufficient showers"; sep for F and juv.	IM, IF shower.	
Access to natural light from cells	Z.	N	N	Only for cells at back.	N	Z	Z	Y	Z	z	*	Z.
24 hr lighting in cells	Some have light for CCTV. Will add dimmers.	¥	Z	z	Y (dimmer light)	Tum off by request.	¥	*	¥	N Turn off at 10pm.	N Turn off at 10pm unless otherwise requested.	N Turn off at night.

	Beenleigh	BCWH Level 1	BCWH Level 2	Cairns	Holland Park	Ipswich	Maroochydore	Mft. Isa	Rockhampton	Southport	Тоожоошья	Townsville
Health and Medical:												
Dedicated medical room	Ż	>		*	Z	z	>	z	z	z	Z	*
* Access to GMO	z	Y daily visits	Y daily visits	Y twice/week at w'house.	N only as required.	Z	λ	Y but difficult to access.	Y but will not go to w'house.	>	*	z
* Access to nurses	z	z		Y daily at w'house.	z	z	¥	λ	Z	*	z	Sometimes available.
* Access to specialised services	Logan Hospital or Community Health Centre. Sometimes PAH under escort.	Transferred to hospital. Methadone can be given by w'house.		Methadone can be given by w'house.	z	Drug addicts taken to hospital. West- Moreton Health Service.	Use local medical centre. Nambour Hosp. for psych. help.	Z	Use local hospital.	N Sometimes PAH.	z	Use local hospital.
No. of visiting rooms:	7	0	0	2	0	0	_	0	0	61	77	-
* Frequency of visits allowed	None for relatives.		(visits by special permission only.)	Sunday pm	None for relatives.	None for relatives.	1.30~3.30pm Wed~Thur	None for relatives.	Ham-Noon Mon-Fri.	None for relatives.	Half/hr ea, day.	None for relatives.
	Legal as required.	Legal as required.	Legal as required.	Legal daily pre-court and a'noon by appt.	Legal as required.	Legal as required.		Legal as required,	Legal as required.	Legal as required.	Legal as required,	Legal as required.
* Cells Visitors Scheme	Z	Z	Salvation Army (but no cell visitors scheme).	FAPS daily.	Catholic Ministry daily, Link Up, Murri Watch.	N. Murri Watch ring twice daily, ALS.	FAC daily.	Local Diversionary Centre	Cell Watch	WISP, S.Atmy, ATSI Kuringal Comm. Group, ALS.	ALS daily	Cell Visitors Gurindal Corp. visit 56 times per day.
Telephone calls:									i			
* Time	шd		٠.	uď	All day	Warrants all	Warrants or bail	Warrants or	- Fig	Daily if suff.	One call upon	After 5pm one
* Legal	¥	>	>	Only one call	Only one call	day, otherwise after 5pm if	all day,	emerg, all day. Prisoners		 staff available. Unlimit, calls 	admiss. and disch. Others	call daily.
* Social	Y One per day if prisoner behaves.	Y One per day, depending on staffing and workload.	Y One per day, depending on staffing and workload.	dally	dæly.	suff. staff available (only one phone line for entire w'house).	daily after dinner.	encour, to use Divers. Centre mobile phone to reduce QPS cost		for warrants, legal.	dep. on suff. staff and prisoner behav.	

	Beenleigh	BCWH Level 1	BCWH Level 2	Cairns	Holland Park	Ipswkch	Maroochydore	Mt. Lsa	Rockhampton	Southport	Toowoomba	Townsville
Exercise yards:												
* Number	4	0 (can use drunks tanks, if avail.)		2	-	-	Use bulk holding cells	3 (M.F. juv)	-	Use bulk holding cells (2)	-	2 (M.F.)
* Indoor/Outdoor	Indoor		Indoor	Outdoor	O'door (secure vehicle yard)	Outdoor	Ілдеог	Outdoor	Outdoor	Indoor	Indoor	Outdoor
* Any organised exercise?	z	Z	z	z	z .	z	Z	z	z	z .	Z	Z
* Frequency of yard access	Irregular	N/A	Ihr/day but if not crowded up to 6 hours per day.	1.5-2 hrs daily.	Ihr each am/ pm. More if fewer prisoners.		Z	Depends on how many prisoners inside.	Open access	Depends on staff availability.	2.5hts am and 4hrs pm.	From after breakfast until nightfall.
CCTV/Video:	-											
* Observ. cell	*		X	*	> -	Y	Υ	*	¥	*	¥	*
* Other cells	>	In padded cells and one drunks tank.	z	*	*	¥	Half	Y	Y (only partial view of cell)	One cell (Partial)	Drunks (partial view) and padded cells.	2 in Drunks and M. ex., yard, 1 in F yard, and in 3 F ceils.
Hang proofing of cells?	Y	¥	Partial	¥	Partial	Å	Partial	Partial	N	¥	¥	All except female ex.yard.
No. of padded cells	-	2	0	2	ı	0	. 2	1	1	Ġ	1	4
Availability of QPS ATSI haison officers	Murri Watch	Y Rostered	Ā	Y	Murri Watch	Murri Watch, ALS	Z	¥	N (Not allowed)	z	ALS	z
Meals by:												
* Watchhouse keeper/spouse						¥		¥			*	
* Contractor		¥ .	Y	X	Y (Watchhouse Staff Social Club)		>		*	*		¥
Access to Vending	N	Y	Y	Y	Z	Z	Z	Z	Z	z	Z.	Y

	Beenleigh	BCWH Level 1	BCWH Level 2	Cairns	Holland Park	Ipswich	Maroochydore	Mt. Isa	Rockhampton	Southport	Тооwооть	Townsville
Clothing:	Z	z	Å	FAPS provide	Z	z	Z	·z	z	N Remied denied	N Recuest denied	· z
prison ordwins weekly	Use own clothing.			n kaj u diminoja	Use own clothing.	Use own clothing.	Use own clothing.	Use own clothing.	Use own clothing.	Use own clothing.	Use own clothing.	Salvation Army/own clothes.
* Ability to have clothes washed when desired	N Relatives provide fresh clothes.	Z	N Prison clothes cleaned weekly.	Y On request by other prisoners.	N Relatives	N Relatives	N By FAC	N Relatives	Y QCSC has laundry contract	N Relatives	Y W'house staff daily.	N Relatives
Tolletries: Who provides?	86	z	OCSC	Donated by corrunuity groups.	saò	N Although QPS will provide some items.	N FAC provide pack for females. QPS trovide	Sec.	Z	z	N Ordered 18mons ago.	Y Send bill to prison for packs.
Entertainment (TV, video, books, etc.)	Three TVs. Books left by others.	Nil	TV has been in the two exercise cells. Have had video for formons. Books and cards available.	Books provided by FAPS.	One TV but staff needed to superv. viewing. Books avail.	Will have TV after renovation. Cards available (prov. by casino). No books but daily newspapers provided.	No TV. FAC provide magazine	TV	No TV. Magazine provided by police.	No TV, no books or magazine.	No TV, books or magazine left by others.	No TV, books, magazine and cards avail.

Interviews with Watchhouse Keepers. Source:

Abbreviations: Notes:

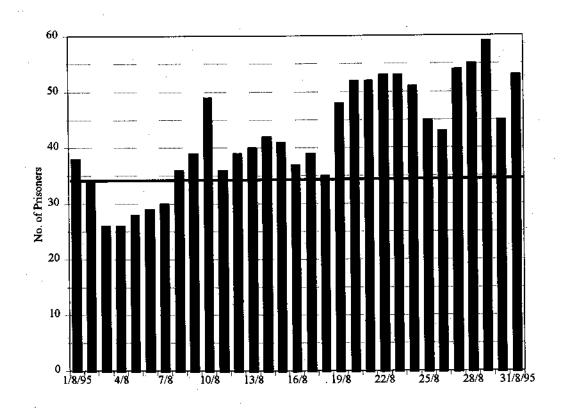
ALS = Aboriginal and Torres Strait Islander Legal Services

ATSI = Aboriginal and Torres Strait Islander CCTV = Closed Circuit TV

FAC = Friends At Court

FAPS = Family and Prisoner Support
M = Male, F = Female, Juv = Juvenile
PAH = Princess Alexandra Hospital
WISP = Watchhouse Intervention Support Program

APPENDIX 4 NUMBER OF QCSC PRISONERS IN LEVEL TWO OF THE BCWH (AUGUST 1995)



Source: BCWH Charge Books.

APPENDIX 5 NUMBER OF QCSC PRISONERS HELD IN THE 11 MAJOR WATCHHOUSES, LAST MONDAY OF THE MONTH, ACCORDING TO LENGTH OF TIME HELD (JANUARY 1994 – JUNE 1996)

· · · · · · · · · · · · · · · · · · ·							19	94					
Watchhouse	Length of Time Held	J	F	M	A	M	J	J	A	s	О	N	D
Beenleigh	Up to and incl. 7 days	2	4	5	5	10	4	4	3	4	5	3	0
	Between 8 and 14 days	0	3	2	1	4	3	0	0	0	1	0	0
	15 days or more	1	0	4	4	1	0	0	0	1	0	0	0
Brisbane	Up to and incl. 7 days	12	- 13	26	14	20	15	16	15	22	21	18	13
	Between 8 and 14 days	1	17	14	22	27	16	2	1	6	11	5	5
	15 days or more	2	9	16	18	28	8	0	5	3	8	5	3
Cairns	Up to and incl. 7 days	9	19	20	5	20	7	17	17	22	28	19	19
	Between 8 and 14 days	11	8	2	6	6	.7	6	11	13	13	16	5
	15 days or more	7	5	12	3	11	12	0	5	12	3	0	1
Holland Park	Up to and incl. 7 days Between 8 and 14 days 15 days or more	4 1 1	. 3 . 4 . 0	4 5 2	4 1 2	1 7 1	1 1 0	1 0 0	n.a.	7 0 0	3 2 0	5. 0 0	0 1 0
Ipswich	Up to and incl. 7 days	2	4	3	*9	9	3	2	3	4	7	5	4
	Between 8 and 14 days	0	1	4	2	4	2	0	0	2	3	0	2
	15 days or more	1	0	0	1	2	0	0	0	0	1	1	0
Maroochydore	Up to and incl. 7 days	1	2	2	3	3 ·	2	1	1	2	1	4	7
	Between 8 and 14 days	1	1	0	2	1	0	0	1	0	1	0	1
	15 days or more	0	5	6	3	3	0	0	0	0	0	0	1
Mt. Isa:	Up to and incl. 7 days	1	1	3	6	0	5	3	3	8	2	1	1
	Between 8 and 14 days	0	2	1	0	0	0	2	0	0	2	6	0
	15 days or more	0	0	0	0	1	0	0	0	0	0	2	0
Rockhampton	Up to and incl. 7 days	2	5	0	2	7	4	6	9	0	11	5	0
	Between 8 and 14 days	0	6	5	0	3	2	0	4	3	0	0	0
	15 days or more	0	1	0	0	0	1	0	0	1	0	0	0
Southport	Up to and incl. 7 days	5	1	6	1	5	6	2	5	4	6	0	1
	Between 8 and 14 days	1	1	0	6	3	1	0	0	0	2	0	1
	15 days or more	1	0	4	3	6	0	0	1	1	0	0	0
Toowoomba	Up to and incl. 7 days	3	1	3	4	11	2	9	3	2	3	6	0
	Between 8 and 14 days	2	6	7	2	1	0	0	0	0	1	2	1
	15 days or more	0	0	10	1	1	0	0 ·	0	2	0	0	0
Townsville	Up to and incl. 7 days Between 8 and 14 days 15 days or more	5 0 0	6 6 0	1 0 0	1 0 0	3 0 0	4 0 0	7 6 0	9 0 0	5 0 1	n.a.	9 1 0	15 1 1
Totals	Up to and incl. 7 days	46	59	73	54	89	53	68	68	80	87	75	60
	Between 8 and 14 days	17	55 *	40	42	56	32	16	17	24	36	30	17
	15 days or more	13	20	54	35	54	21	0	11	21	12	8	6

Source: QPS Daily Movement Sheets.

Notes:

'n.a.' means not available.

2. Data from the Movement Sheets was in terms of whole days.

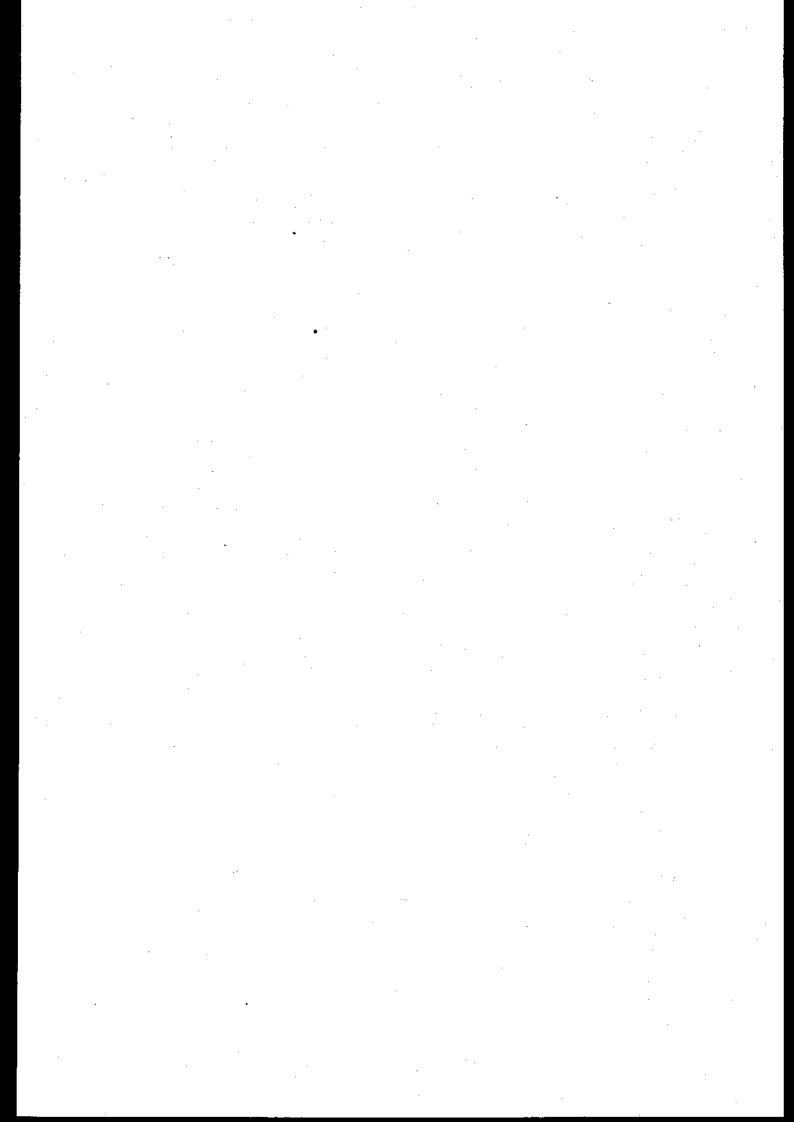
Details were obtained on the final Monday of each of the months examined. This means that these figures may not represent the
actual longest period in custody for each of these months. There may have been prisoners who were in the watchhouse for longer
periods than those given in this table.

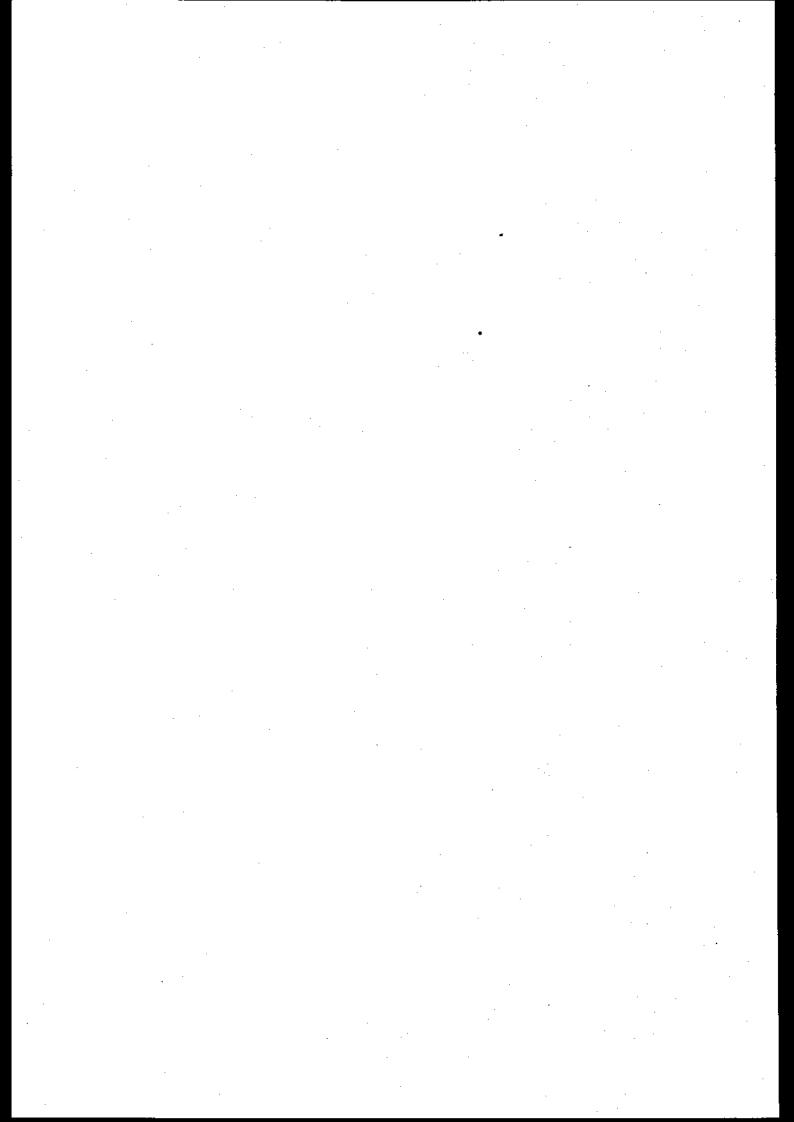
					19	95						·		19	96		
J	F	M	A	M	J	J	A	S	0	N	D	J	F	M	A:	M	J
6	7 ·	7 ·	7	8	5	7	8	. 9	15	3	2	4	5	8	4	3	1
0	5	0	2	8	1	0	4	7	1	2	0	0	3	0	0	0	0
0	2	0	1	0	0	0	1	0	0	0	0	0	1	0	0	0	0
34	29	22	24	34	35	33	29	34	28	30	11	28	14	36	36	35	19
12	9	29	25	18	8	6	17	30	28	20	8	8	0	2	6	1	2
5	7	19	19	1	0	1	9	0	7	11	8	15	0	0	0	0	0
23 24 11	30 · 2 0	38 11 8	30 12 3	24 7 7	20 3 1	n.a.	28 10 3	27 2 2	13 2 0	28 6 4	17 0 0	35 6 3	34 6 2	п.а.	21 0 0	21 1 0	22 2 0
2 0 0	8 4 0	3 6 0	4 2 5	7 2 0	4 2 0	5 0 0	7 1 0	5 4 0	7 4 0	6 2 1	1 1 1	4 0 0	6 4 0	7 2 2	1 0 0	6 0	2 0 0
8	5	14	8	6	6	3	7	6	5	5	4	7	7	5	0	3	3
1	1	0	2	2	1	0	0	1	1	1	0	0	0	0	0	0	0
0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0
n.a.	7 1 0	6 6 1	4 3 3	19 6 0	9 4 0	4 2 0	11 0 2	3 6 0	7 3 1	4 0 0	6 1 1	8 0 0	9 4 0	8 1 0	14 0 0	500	5 0 0
n.a.	5	8	15	5	7	4	9	10	6	9	3	11	8	8	2	8	3
	2	3	3	0	1	2	5	0	6	1	0	8	1	0	0	0	0
	0	0	3	0	3	2	0	0	2	3	- 0	2	0	0	0	0	0
1 0 0	2 2 0	4 4 0	7 6 4	3 7 3	2 3 7	2 8 6	п.а.	2 0 0	,4 ,1 0	4 4 0	5 1 0	0 3 0	6 3 0	3 0 0	1 0 0	n.a.	0
8	7	4	6	1	8	5	15	3	- 8	7	1	11	1	7	4	4	4
1	5	10	4	1	0	3	3	1	9	5	0	1	5	1	1	0	0
0	1	1	1	2	0	0	0	0	0	0	2	0	1	0	0	0	0
6	4	9 ²	11	5	5	11	12	7	8	13	2	14	12	11	4	11	5
3	5	3	1	4	2	1	3	3	5	3	0	4	3	2	0	0	0
0	5	5	4	0	0	0	0	1	3	1	1	1	0	0	0	0	0
13	33	16	9	19	7	5	9	11	n.a.	23	6	6	21	18	13	21	6
1	4	0	0	7	3	0	11	4		3	1	2	7	1	3	1	0
5	1	1	3	10	10	0	3	3		9	0	0	1	0	1	0	0
101	137	131	125	131	108	79	135	117	101	132	60	128	123	111	100	117	70
42	40	72	60	62	28	22	54	58	60	47	12	32	36	9	10	3	4
21	16	35	48	23	21	9	18	6	13	29^	13	21	5	2	1	0	0

APPENDIX 6 LENGTH OF STAY OF VARIOUS CATEGORIES OF QCSC PRISONERS ADMITTED TO LEVEL TWO OF THE BCWH IN AUGUST 1995 BY REASON FOR RELEASE OR TRANSFER

Category of QCSC Prisoner	Up to 2 days	>2 up to 5 days	>5 up to 7 days	>7 up to 10 days	>10 up to 14 days	Over 14 days
Warrant					<u> </u>	
* Fine Option Order	17	6	lo	1 1	0	0
* Paid	35	6	0	Ī	ō	1
* Served time	2	8	1	lo	Ō	ō
* Paid & served time * Transferred to Remand &	-8	2	0	0	1	0
Reception Centre	4	17	9	18	2	2
 Paid & Fine Option Order 	1	0	1	0 .	0	. 2
* Unclear	· 2	1	0	1	0	0
Remand * Transferred to Remand & Reception Centre * Bailed * Unclear	3 3 4	10 0 1	2 1 0	11 0 0	6 0 0	6 0 0
Sentenced * Transferred to Remand & Reception Centre * Unclear	2 1	13 0	15 0	20 0	6 0	- 6 0
Column Total	82	64	29	51	15	15

Source: BCWH Charge Books,





PUBLISHED REPORTS AND PAPERS OF THE CRIMINAL JUSTICE COMMISSION AS AT 18 JULY 1996

Date of Issue	<u>Title</u>	Availability
May 1990	Reforms in Laws Relating to Homosexuality - An Information Paper	Out of print
May 1990	Report on Gaming Machine Concerns and Regulations	Out of Print
September 1990	Criminal Justice Commission Queensland Annual Report 1989- 1990	Out of print
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