

Cultural Review of the Adult Custodial Corrections System

Victorian Government Response

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Introduction

Victoria's custodial correctional system plays an essential role in the Victorian criminal justice system. It works to keep Victorians safe by rehabilitating people in custody and supporting their transition back into the community at the end of their sentence or period of remand.

The Victorian Government acknowledges the demanding frontline working environment that Corrections Victoria staff operate within. Every day, staff interact with people presenting with complex and challenging behaviours to support their rehabilitation and security. Victoria's corrections staff are first responders, case workers and clinicians. Their work is critical to reduce reoffending.

The *Cultural Review of the Adult Custodial Corrections System* (the Review) recognised the many dedicated and professional staff within Corrections Victoria and the Department of Justice and Community Safety (the Department) who work to rehabilitate and provide culturally safe care to people in custody.

It is clear ongoing reform will be needed within the corrections system to deliver on the twin objectives of safety and rehabilitation. The Government continues to support reform of the custodial correctional system to better support our workforce, to improve outcomes for people in custody, and to keep Victorians safe.

Our workforce is pivotal to the proper function of our justice system and keeping our community safe. They will be at the heart of the reform needed to modernise Victoria's custodial corrections system – and we will support them every step of the way.

Cultural Review of the Adult Custodial Corrections System

In 2021, the then Minister for Corrections established an Expert Panel to undertake the Review.

The Review examined both public and private prisons, focusing on the culture, wellbeing and safety experiences of staff and those in custody. The Review had a particular focus on Aboriginal cultural safety and self-determination, noting the continuing over-representation of Aboriginal people in custody.

The Victorian Government welcomes the Review's report *Safer Prisons, Safer People, Safer Communities* (the Report), and thanks the Expert Panel and secretariat for their comprehensive work. The Government also thanks more than 1700 people, including staff and people in custody, who contributed to the Review.

The Government supports the reform directions set out in the Report and acknowledges long-term change and future investment will be required to ensure our prisons, people and communities are safe.

Stakeholders will inform planning and implementation

The Review's recommendations constitute the most significant and wide-ranging reform to the corrections system in decades. The recommendations have policy, funding, legal, cultural and operational implications that must be considered thoroughly and planned for carefully.

While work has started on a number of recommendations now, many will be the subject of detailed engagement and consideration over time to ensure we get it right. Work will also be guided and informed by recommendations from other reports and inquiries, including Coronial Inquests, the Yoorrook Justice Commission, Victorian Ombudsman, Independent Broad-based Anti-corruption Commission (IBAC) and others.

The Department will work closely with corrections staff and their representatives, human rights experts, Aboriginal stakeholders, service providers and people with lived experience to inform the next stages of consideration over the short, medium and long term.

New engagement mechanisms will be established and existing stakeholder forums will be engaged to develop detailed advice and an implementation plan. These forums will include the Aboriginal Justice Caucus (AJC), Women's Correctional Services Advisory Committee and LGBTIQ+ Justice Working Group, along with other key stakeholders.

We will listen to and work closely with those who are affected on a day-to-day basis to ensure a safer, more modern and better-supported adult custodial corrections system.

Along with advice from stakeholders and other inquiries, the Report will be a crucial document that continues to guide the transformation of our corrections system over the next decade.

Engaging with staff

As recommended by the Review, the Department will establish mechanisms to ensure its work is informed by staff expertise, and that staff have a voice to inform service delivery.

The Government will also consult directly with corrections workers and their representatives.

Partnership with Aboriginal communities

The Review made a number of recommendations to strengthen the cultural responsiveness of the corrections system, to better support Aboriginal staff and Aboriginal people in custody.

The Government acknowledges the ongoing and devastating impact of colonisation on Aboriginal Victorians, and the direct link to their over-representation in the justice system. The Review, and many Aboriginal stakeholders, have made clear that significant change is required to make Victoria's custodial system more culturally safe for Aboriginal staff and people in custody.

The Government will continue to work with Aboriginal communities and stakeholders – including the AJC, First Peoples’ Assembly, and Aboriginal legal, health and justice organisations – to deliver meaningful change as part of our ongoing commitment to the Aboriginal Justice Agreement phase four, *Burra Lotjpa Dunguludja*, the Yoorrook Justice Commission, and the Treaty process.

Engaging with people with lived experience

In line with best-practice policy making and the recommendations of the Review, our work will be informed by advice from people with lived experience of the custodial system – including the establishment of a lived experience reference group and charter.

Significant reform is already underway in a number of areas. The Government has implemented a range of initiatives to improve the corrections system and its focus on rehabilitation. Since 2018, the Government has invested more than \$2 billion in infrastructure upgrades to ensure our prisons are fit-for-purpose and safe for staff and people in custody.

The Government also recognises that maintaining connections to family and community support – including during rehabilitation and the transition out of custody – is critical. That’s why we’ve invested more than \$140 million over the last four years in services and programs designed to improve employment pathways for men and women in prison, strengthen family relationships and reunification, boost transitional support and improve access to housing for people leaving the corrections system – particularly those at risk of homelessness. A new model of publicly delivered healthcare is also commencing in all women’s prisons this year.

This response also sets out some of the work already underway, as well as work starting this year, to better support our workforce. That work includes stronger mental health and wellbeing services, technology to minimise strip searching practices and clearer guidance on the use of separations and force. In partnership with the AJC, Corrections Victoria has delivered an Aboriginal Employment Policy that will improve attraction, retention and support for Aboriginal and Torres Strait Islander staff.

Better support to keep our workforce safe

The Government recognises that a confident, capable, well-supported workforce is the foundation of a corrections system that is safer for staff and people in custody.

As part of its existing Health and Wellbeing Strategy, the Department has significantly enhanced its support for the custodial workforce, including:

- An early injury intervention service available 24 hours a day, 7 days a week following physical or mental workplace injuries;
- A new Family Assistant Support Scheme to help family members with challenges they may face related to a Department employee’s work; and

- The appointment of a Chief Psychology Officer (CPO) responsible for leading and implementing the direction of psychological care for the Department's employees when providing clinical oversight to the delivery, quality and efficiency of its services.

This year, the Department will develop a Custodial Mental Health and Wellbeing Action Plan – and has engaged the Black Dog Institute to undertake a mental health audit within Corrections Victoria to inform this work. The Department will also ensure there are clearer responsibilities and support for leaders to keep workplaces safe.

The Review found evidence of bullying, discrimination, sexual harassment and racism among the custodial workforce, with women, Aboriginal staff, LGBTIQ+ staff and staff from culturally and linguistically diverse backgrounds disproportionately affected. These behaviours are unacceptable, unlawful and should not be experienced in any Victorian workplace.

The Department will implement improved complaints, misconduct and disclosure procedures, including corrections-specific guidelines for making a complaint or report about workplace misconduct. This will be supported by an ongoing communications strategy on expected workplace behaviours and values and how to report harm.

Supporting workforce capability and development

In response to the Review's recommendations, the Department will develop a corrections workforce strategy, building on the work already underway. As part of the strategy, the Department will analyse training and recruitment models in other jurisdictions and uniformed professions, including options for establishing a Centre for Correctional Practice to inform future government decisions.

Ensuring our staff have the tools and training they need to do their jobs safely is critical. Improving recruitment, training and support for staff will take time, but a number of key actions will be taken this year.

A new senior leadership role – Assistant Commissioner Workforce and Integrity – will be established within Corrections Victoria to provide operational leadership in workforce, integrity and cultural reform.

In line with the recommendations of the Review, the Department will engage with the Victorian Public Sector Commission to undertake a work value assessment of the prison General Manager role.

The Review's recommendation to review the content and completion rates of the Certificate III in Correctional Practice has been implemented through the Department's obligations as a Registered Training Organisation – and will continue to be updated as required.

The Department will commence engagement with staff and key stakeholders to scope the development of an ethical decision-making framework for staff, acknowledging more must be done to support staff in the complex work they do.

Strengthening integrity arrangements

The Review identified integrity risks within Victoria's custodial system related to the inappropriate use of force, risk of human rights breaches and behaviours such as obscuring body worn cameras. The Review also recommended changes to address the inappropriate use of seclusion, strip searching and restrictive practices.

Use of force is one of the most complex and serious decisions a prison officer makes at work. As noted by the Review, force is sometimes a necessary response to an unsafe or volatile security situation, such as threats to staff and others safety, including from self-harm.

The Department will work to ensure corrections staff have appropriate guidance on the use of force. Corrections Victoria will undertake a comprehensive review of its use of force policy framework and investigate options for extending the storage of surveillance footage from 7 to 14 days.

The appropriate use of seclusion, strip searching and restrictive practices across the adult custodial system is a key priority for the Department and Corrections Victoria. Significant work has taken place over many years to reduce strip searching requirements in the Victorian custodial corrections system, including use of body scanning technology, and saliva drug testing. Strip searching is currently used as a last resort as part of a suite of other mechanisms to limit contraband entering prisons.

Similarly, work to ensure the appropriate use of seclusion – also known as separation – is already underway as part of the Separation Reform Project. The Project supports people being accommodated in the least restrictive environment possible, while appropriately managing their needs and the risk they pose to others. As part of that Project, Corrections Victoria has:

- Developed an operating model at Dame Phyllis Frost Centre for a close support and supervision precinct that will replace the existing management unit. The model will be a highly individualised and tailored approach to managing risk while meeting the rehabilitation needs of the individual in the least restrictive way possible;
- Launched a 'separation as last resort' pilot at Marngoneet Correctional Centre and Karreenga Prison including new processes to better document the rationale for use of separation; and
- Enhanced data collection and practice to better record separation use across all Victorian prisons, giving Corrections Victoria the ability to quickly and effectively identify trends to ensure staff are responsive to the needs of those in custody. The demographic information captured includes people identified as Aboriginal and Torres Strait Islander, those with a registered Intellectual Disability or Acquired Brain Injury, those aged under 25, and those with a psychiatric or suicide risk.

As part of the implementation of its Integrity Strategy, the Department will also engage with IBAC and the Victorian Equal Opportunity and Human Rights Commission on its delivery of a custodial focused integrity and education training program.

The Review recommended strengthened oversight arrangements, including through an expanded Independent Prison Visitor program (IPV). This year, the Department will review its IPV recruitment and retention strategy with a focus on enhancing diversity and coverage across Victorian prisons. The Department is also in the process of reviewing the Aboriginal IPV program to ensure appropriate resources and oversight for Aboriginal IPVs to further support Aboriginal people in custody.

Improving Aboriginal cultural safety

This year, the Department will review position descriptions, contracts and performance measures to incorporate principles of cultural safety tailored to any relevant responsibilities and services. As recommended by the Review, the Department will also appoint a new Assistant Commissioner for Aboriginal Services following consultation with AJC.

Aboriginal recruitment and retention remains a key priority, including the re-establishment of the Aboriginal Workforce Unit. An Aboriginal Employment Policy has been developed with the AJC which will inform a future Aboriginal Workforce Strategy.

In line with the Review's recommendations, work is already underway to attract, retain and better support Aboriginal Wellbeing Officers. This includes the appointment of four Aboriginal Engagement Advisors to support Aboriginal Wellbeing Officers roles across each region.

Acknowledging the deep importance of having access to culturally safe spaces at all Victorian prisons, the Department will this year commence a review of all prisons to assess the suitability of available cultural spaces and consider possible changes to existing infrastructure to inform future planning, as well as operational considerations to support accessibility.

Importantly, a dedicated Aboriginal Healing Unit at the Dame Phyllis Frost Centre will open this year and provide culturally safe rehabilitation support for Aboriginal women in custody. The Healing Unit will be run by an Aboriginal Community Controlled Organisation.

Enhancing health outcomes in custody

The Review recommended a public health model for the delivery and oversight of health services across the adult custodial corrections system. It also recommended more comprehensive, regular and culturally safe access to health checks and a holistic approach to health, wellbeing and rehabilitation for Aboriginal women.

From 1 July 2023, public health providers will deliver healthcare at the Dame Phyllis Frost Centre (DPFC) and Tarrengower prisons, offering all women in custody greater support from a network of community and specialist providers.

In addition, from 1 July 2023, all men's public prisons will have a new primary health service provider delivering enhanced services under a new Healthcare Services Quality Framework, to provide people in custody with high-quality primary healthcare.

Work is already underway to implement a regular health check for Aboriginal people in custody, consistent with the Medicare Benefit Scheme item 715 – as recommended by the Review.

The Department will continue to work closely with the Department of Health and relevant stakeholders to support better health outcomes for people in custody.

Supporting people in our care

The Review found a need for a clear, shared purpose for the custodial system focused on rehabilitation, safety and human rights, a duty to provide culturally responsible services and the right to equivalent standard of healthcare.

The Department will review the current legislative framework and engage with staff, people in custody and key stakeholders to consider opportunities to modernise it. The Department will also consider the range of recommendations for legislative change or those dependent on a new legislative framework through this process, including the establishment of a restorative justice scheme for corrections staff.

The Review found that homophobia and transphobia persist in the custodial system, with LGBTIQ+ people facing higher risks of violence and assault, including sexual assault. Trans people in custody are particularly vulnerable to violence, and processes for managing their placement and treatment should be improved to ensure their safety and wellbeing.

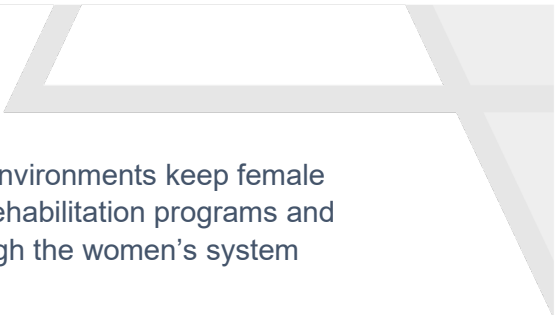
The new health model, commencing 1 July 2023, will ensure LGBTIQ+ people in prison can access enhanced primary health services that more appropriately meet their needs. The lived experience reference group and charter will also expressly include the experience of LGBTIQ+ people.

The Review recommended the Department ensure offence-specific interventions are responsive to individual need and provide alternatives to group-based interventions when required. This recommendation has been acquitted through the current offender management framework, which matches intervention to risk and provides alternatives to group-based interventions for people who cannot safely or effectively participate.

Noting the Review's recommendations to enhance prison disciplinary processes, Corrections Victoria has developed a new training program for staff on disciplinary processes and has begun to review a sample of disciplinary hearings each month to ensure proportionate and consistent disciplinary actions.

The Government has invested in infrastructure to ensure modern and fit for purpose facilities can foster both rehabilitation and safety. In the women's system, the Government has invested \$189 million to deliver 106 new beds, replacing beds that are no longer fit for purpose. This investment also includes supporting infrastructure such as a new reception building, new units providing close support, new multi-purpose buildings, an expansion of the perimeter wall and expanded legal and tele court facilities.

As part of this investment, a new close supervision unit will be opened early this year and will replace existing units that are not fit for purpose, as recommended by the Review.



The new infrastructure at DPFC is designed to ensure prison environments keep female prisoners safe by increasing access to and engagement with rehabilitation programs and supporting the trauma-based reforms introduced in 2018 through the women's system reform project.

Conclusion

The Government recognises the importance of continuing to improve our Corrections system to keep Victorians safe. This review provides an important foundation and framework for those changes.

The Government would like to again thank Kristen Hilton Lead Reviewer, Expert Panel Members Jill Gallagher, Tim Cartwright and Greg Smith, as well as all of the staff and stakeholders that have contributed to this Review.