

Submission Number 2
Women in Prison Review
Anti-Discrimination Commission of Queensland

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1. Purpose of this submission

Sisters Inside has already given the ADCQ one submission on the topic of discrimination against women in prison. This submission will not attempt to duplicate the first submission rather it will supplement it. Some areas will be covered in both submissions but most will be in only one so please ensure that you have read both submissions.

This submission will start with briefly sketching the social, economic and personal histories of women in prison and the problematic issue of women on remand in prison. It will then continue with a discussion of the specific issues effecting Indigenous women, women from culturally and linguistically diverse (CALD) backgrounds, and women with disabilities. This submission will also cover: the paucity of low security prisons for women and the unsatisfactory nature of those that exist and the problems that effect women attempting to obtain conditional or community release. The submission will then discuss in some detail the horrific conditions faced by women placed in segregation in prison. In addition this submission will also discuss the insufficient delivery of services to women in prison, the difficulties and unfairness of prison industries and the appalling provision of health care in prison. This submission will finish with an account of the retaliatory action that has been taken by the prison since Sisters Inside provided our first submission to the Anti-Discrimination Commission of Queensland. The prison has reacted to Sisters Inside's submission by victimising Sisters Inside as an organisation, Sisters Inside's individual workers and, we suspect, the women currently in prison.

This submission is not arguing that more prisons for women be built. Rather we are arguing that abuses will always occur in prison and the only way to prevent abuses is to stop sending people to prison. We are aware that society is not yet ready to do away with the prison system entirely. However, we believe that it would be possible to abolish prison if we encourage appropriate changes in society that will prevent crime from occurring in the first place and will ensure that the sanctions for crime are humane options other than prison. We believe that, until that point in time when we can abolish prison, efforts must be made to ensure that the prisons that do exist are humane and stand some chance of encouraging real self rehabilitation and not just institutionalisation of women who have been criminalised. Therefore we are arguing that conditions in prison should be improved and efforts should be made to decarcerate and stop sending people to prison or allowing people to return to prison.

Unless otherwise noted, all information in this submission was gathered from Sisters Inside staff. Should more detail on any particular incident be required please contact Sisters Inside.

2. Who are the women in our prisons

2.1. Context of Women in Prison

There are five prisons for women in Queensland.

- Brisbane Women's Correctional Centre (BWCC) a maximum, high and medium security prison
- Townsville Women's Correctional Centre (TWCC) a mixed high and low security prison
- Helana Jones Community Correctional Centre (HJCCC) low/open security

- Numinbah Women’s Correctional Centre (NWCC) low security
 - Warwick Work Outreach Camp (WORC) open security
- ❖ Women account for just under 7% of the state’s prison population.
 - ❖ In 2003 there were 325 women in Queensland prisons. (an increase of 13% over five years)
 - ❖ 17% of women in prison were convicted for drug offences.
 - ❖ 38% were convicted of crimes of violence (this would include such minor violence as resisting arrest and spitting) compared to 58% of male prisoners
 - ❖ 50,761 female offenders convicted in Queensland courts in 1999-2000, only 15 were convicted of “homicide etc”¹
 - ❖ Indigenous women account for 30% of women in prison though only 3% of the general population
 - ❖ 75% of women in prison are serving sentences of less than one year.
 - ❖ 85% are serving sentences of less than two years

2.2. *Social, Economic and Personal Context of Women in Prison*

Women in prison are generally poor, have low educational achievement and have often suffered a history of abuse.

- 89% of women in prison have suffered sexual abuse²
- 98% have suffered violence.³
- 50% were “in care” as children⁴
- 6% of women in prison never attended school, 42% had a very poor experience of school, 39% had an “OK” experience of school and 4% had a good experience of school.⁵
- 50.5% were unemployed at the time of incarceration compared to 7.8% unemployment for Queensland women overall.
- 20.3% were employed before incarceration this is an extremely low level of employment compared with the general population of Queensland women where 57.1% are employed.
- Of those women prisoners who were employed, 59.9% were employed in semi skilled or unskilled occupations.⁶
- Hepatitis C infection is at a rate of 45%⁷
- the reported history of women prisoners injecting drugs is 92.3%.⁸
- 85% of women prisoners are mothers and the majority of them had primary responsibility for raising at least some of their children prior to incarceration.⁹

¹ “etc” is not explained, but would include at least manslaughter

² Kilroy, D., “When Will You See the Real Us? Women in Prison,” *Women in Prison Journal*, October 2001

³ Kilroy, D., “When Will You See the Real Us? Women in Prison,” *Women in Prison Journal*, October 2001

⁴ Kilroy, D., “When Will You See the Real Us? Women in Prison,” *Women in Prison Journal*, October 2001

⁵ Kilroy, D., “When Will You See the Real Us? Women in Prison,” *Women in Prison Journal*, October 2001

⁶ Australian Bureau of Statistics, 2002b. (ABS Stats for general employment levels or prison employment levels)

⁷ Hocking B.A., Young M., Falconer, T., and O’Rourke P.K. (2002) *Queensland Women’s Prisoners Health Survey*, Department of Corrective Services: Queensland.

⁸ Hocking B.A., Young M., Falconer, T., and O’Rourke P.K. (2002) *Queensland Women’s Prisoners Health Survey*, Department of Corrective Services: Queensland.

⁹ Kilroy, D., “When Will You See the Real Us? Women in Prison,” *Women in Prison Journal*, October 2001

2.3. Women on Remand

Approximately 30% of women in BWCC are on remand. That is to say they have been charged with a crime and are awaiting trial. It is a much treasured and fundamental legal principle about our legal system that people are innocent until they have been found guilty in a court of law. Therefore women on remand, who have not been tried, are innocent.

Women on remand in Queensland prisons are not treated as if they are innocent. They are always held in maximum security prisons with no option for transfer to low or open security. In fact, women on remand, innocent women, are treated worse than women who have been convicted. Women on remand are not allowed to do programs in prison, are not allowed to take part in education or training in prison and are not allowed to do work in prison. They are prey to extreme boredom and poverty because they cannot do anything on remand and they cannot earn money. Women can be held on remand for up to two years. For these two years women exist in limbo in maximum security prisons subject to the rules and restrictions of a maximum security prison but able to access none of the, extremely limited, advantages of prison.

In addition to being a breach of natural justice this is also a breach of United Nations conventions. According to the UN conventions women who have not been found guilty should be held separately to those who have been convicted and should be allowed privileges, such as access to their own personal items.

Women on remand are eligible for a process known as Supreme Court bail, which allow them to be released from prison while awaiting their trial. In theory people should be able to apply for Supreme Court bail without the help of a lawyer or legal worker. However, in practice women need assistance to apply for bail. Sisters Inside provides workers who assists women to apply for Supreme Court bail. The workers assist the women to fill in the forms, to make photocopies (the prison does not allow women access to a photocopier) and to make phone calls. Further, assists women to find accommodation and drug and alcohol rehabilitation programs. The workers ensure affidavits are finalised and they makes sure that women's papers are lodged at the court in the appropriate amount of time. Sisters Inside does all of this because the prison insists on treating women who are innocent as if they are guilty. Since the lodging of the submission to ADCQ this service has ceased within BWCC.

2.4. Indigenous Women in Prison

Aboriginal women experience prison somewhat differently to white women. They are more grouped as a community before they go in and there are structures that allow them to maintain some of this community on the inside. Aboriginal women also tend to stick together because they are discriminated against by the prison system. Aboriginal women are generally on higher security classifications than other women and hence they are often grouped together in the same area of the prison (S8).

Until recently, Aboriginal women received visits from elders once a month. Sisters Inside workers used to try to be in the prison on the days that the elders went in because on these days you could see all the women together. It is

convenient and appropriate to Murri culture. There was a different atmosphere on the days that the elders visited. Elders help Murri women to connect with their families. When visiting with the elders it is culturally appropriate for the women to express normal emotion – on these days they can laugh and cry.

Aboriginal women are generally classified higher than other women. Whilst there is no formal data that backs this claim the anecdotal data is very strong.

- Aboriginal women can hardly ever be found in the low security facilities. As far as Sisters Inside staff can recall only a couple of Aboriginal women have ever been in HJCCC and those were women with kids.
- Most Aboriginal women are in S8 (secure) not in Residential. That is to say most Murri women are on a higher classification.
- Murri women are often labelled violent. The authorities seem to just assume that Murri women are violent. A possible explanation might exist in the tendency of Aboriginal women to be imprisoned for the “trifecta” (drunk and disorderly, abusive language and resisting arrest) which is technically a crime of violence. Also many Aboriginal women have backgrounds characterised by high levels of violence (usually against them). However, this combination of factors is also often present in white women and they are not as likely to be labelled as violent.
- Anecdotally most Aboriginal women are placed on management plans.
- There seem to be disproportionate numbers of Murri women in the DU

2.4.1. *Culturally Specific Issues for Indigenous women*

Some Aboriginal women in prison follow traditional Murri culture - Murri way – they don’t believe in Christianity. Many of these women have strong beliefs but won’t talk about it because “some things are sacred.” Prison officers have reacted negatively to Aboriginal women following their belief systems – they seem to believe that the women are keeping secrets. Technically they are keeping secrets but in most Aboriginal cultures this is the norm. Religious/spiritual matters are simply not spoken of publicly.

Prison management and prison officers are not trained to recognise cultural beliefs. In fact they have no effective cultural sensitivity training at all. There seems to be a tendency among prison staff towards lowest common denominator thinking. It is not a good idea to generalise about matters like this because there are almost certainly some prison staff who have a great deal of sensitivity and sophistication about cultural matters but it is apparent that they are not the majority and they are not the dominant force. There is certainly a need for more training in these areas for prison staff because as one woman has put it she is, “not sure if they’re incompetent or biased” but she knows that they know nothing about her culture.¹⁰

In addition to these structural factors Aboriginal women must deal with racism from white prison officers. For example there is one particular manager who

¹⁰ Interview with former prisoner August 2004

speaks to Murriss in broken English (mission English) This is highly offensive to many Aboriginal people. He is also racist about Asians.¹¹

Many prison officers do not seem to understand that verbal abuse constitutes racism. Let alone have any cultural awareness of even more subtle forms of racism. Some prison officers have said it is the Aussie attitude to call people “chinks” and “boongs”.¹²

2.5. *Non Indigenous CALD women*

2.5.1. *Language Issues*

Women from culturally and linguistically diverse backgrounds, particularly those who speak English as a second language are discriminated against in Queensland prisons. Despite the stated policy of the Queensland government that interpreters be provided for official communication by state government bodies they are not provided for women in prison after the initial induction process. Furthermore, despite state government policy that official written materials be available in a number of languages they are not available in Queensland prisons.¹³ It seems to be impossible to get any material written in languages other than English into the prison. There is one particular set of documents that Sisters Inside has had translated and approved by the Department but it still has not gone through the system.

There are a number of situations that have arisen from poor communication with CALD women:

- There was a woman who did not speak very good English – she was forever getting in trouble because she was breaking the rules. Attempts to explain the rules were insufficient and ineffective there was no acknowledgement that just saying things loudly in English does not actually constitute communicating with someone who does not speak English. This woman’s rule breaking was not extreme she was merely behaving in a manner that she would on the outside – that is to say she was expecting a normal amount of respect. But she was breached a number of times. Furthermore, her inability to understand the rules caused trouble with other prisoners.
- A woman who did not speak good English was not able to get an interpreter when seeing the doctor. The doctor gave her news that was potentially very serious. The woman could not understand enough of what the doctor said to understand either her diagnosis or prognosis. She eventually asked for the diagnosis to be given to her in writing so that she could get it translated. When it eventually arrived it was actually written by the nurse not the doctor. This whole process took a very long time, with long gaps between tests, appointments and communications – the whole time was very stressful to the woman because she had no idea what her situation was and worried greatly about her health.

¹¹ Interview with former prisoner August 2004

¹² Interview with former prisoner August 2004

¹³ ¹³ Queensland Government, *Language Services Policy*, Multicultural Affairs Qld, Department of Premiers and Cabinet 2001, pp 7, 11.

- There was a woman who spoke English as a second language – though her English was actually very good. She was told that she would have to do English programs before she could progress through the system even though she did not need to.

2.5.2. Food

Food is a fundamental part of many cultural beliefs and practices. Food in prison is based on western cuisine. Despite the existence of some freedom in selecting menus CALD women find it very difficult to cook their own food. For most of their prison life CALD women must cook and eat from the standard Western menu. It is very different from what they are used to eating and can present some problems in regard to not just what they are used to but what they can tolerate (lactose intolerance is very common among Asian people).

Even when CALD women are allowed to vary the menu they are faced with problems. The prison provides some basic ingredients for the women's use and the women then "buy in" any special items which they wish to use. CALD women report that the basic ingredients are western so they have to buy almost all ingredients for any meal they choose to cook. This constitutes a financial burden as women in prison only receive between \$1.50 - \$4.00 per day in pay. In addition, the list of items that can be bought in is controlled by the prison - recently the General Manager of BWCC significantly reduced the number of items that can be purchased in the 'Asian buy up'. This is detrimental and discriminatory to the cultural needs of CALD women.

2.5.3. Religion

There was an incident where a woman was forbidden by her religion from wearing trousers. Four prison officers held her down and forced her to put on trousers. She finally won out and got to wear a dress, but she was, and is being, harassed for her religious beliefs by prison staff.

2.6. *Women with Disabilities in Prison*

Women prisoners labelled with a mental disability are more likely to be classified as maximum-security prisoners. The practical reality within prison is that mental health needs are equated with risk. The discriminatory treatment of women with mental and cognitive disabilities is built into the legislation. Mental disability is a factor that must be taken into account in determining security classification. Section 12 (3) (k) of the *Corrective Services Act 2000* provides that:

When deciding a prisoner's classification, the chief executive must consider all relevant factors, including for example - (k) the prisoners medical history, including physiological or psychiatric history.¹⁴

A security classification scheme, which takes into account, disability, whether physical or mental, is *prima facie* discriminatory. It associates security

¹⁴ *Corrective Services Act 2000*

concerns with disability, which relies on the social construction of persons with mental illness or disorder as dangerous. For all prisoners, including those with disabilities, it is their conduct that should be taken into account in determining the level of institutional supervision and control that should be provided within the legislation.

Another problem that continually plagues women with mental health issues while they are in prison is the prison's profound and fundamental inability to deal appropriately with their mental health needs. To put a very bald face on it, prisons are not psychiatric hospitals. They are not set up to treat illness rather they are set up to control people. When prisoners with mental health needs become symptomatic they are treated as if they are being wilfully disobedient and sanctioned accordingly. Furthermore, prison officers are not trained to deal with people with mental health needs. On a number of levels prison officers simply fail to cope when confronted with symptoms of mental illness. If the symptoms persist the prison officers become more violent and less helpful as they struggle to cope with what they apparently perceive as badness and not madness. In addition to this there is an apparent enculturation of the psychologists who work for the prison. It seems that in the working conditions of the prison the psychologists become more like the prison officers and not *vice versa*.

- A woman was on remand for a very long time because the prison psychologists kept failing to provide a report on her. The situation was finally resolved after a judge threatened to subpoena the necessary report. According to the judge's statement this woman was in prison for much longer than any sentence she might have received for the crime of which she was accused.
- A woman and her husband went inside at about the same time. The husband had expressed suicidal thoughts and his wife was aware of this. The woman attempted to make prison authorities aware of the mental health problems that her husband was having – she wanted him to be placed in psychiatric care. Messages were not passed from the women's prison to the men's. The General Manager dismissed her concerns. Three weeks later, while still in prison, he managed to commit suicide. This part of the story is shocking enough but it gets worse. The prison authorities did not see fit to inform the woman of her husband's death. She found out from the newspaper two days later. She had an understandably huge amount of grief and anger. She attempted to cope with her grief by writing letters to her dead husband. The prison confiscated the letters and told her that writing them was indicative of a psychiatric disorder. She managed to complain and the letters were finally returned.
- A woman with a diagnosed mental health condition – anxiety – was taunted by prison officers about her child. She felt that they were deliberately pushing her buttons particularly just before her child was to visit so that they could claim that she wasn't in a fit state to see her child.

- A Sisters Inside worker saw a woman in a hospital gown and handcuffs being walked through the public areas of the prison by two prison officers. The gown was open down the back and the woman was naked.
- A woman on suicide observations in the medical centre had prison officers sit outside her door and taunt her – telling her to do it. This also often happens when women first enter prison.
- A woman who had been receiving treatment for mental illness was refused access to appropriate medication. When she insisted that she needed it she was placed on a management plan and sent to secure. Eventually the medications were given but she was left in secure and did not return to her previous low classification.
- Women fear expressing normal emotion in prison such as justified grief or anger. The psychologists tell them that if they feel anger they can punch their beds but the prison officers punish them for doing that.
- A woman requested to see a counsellor and a prison officer demanded to know what she needed to see a counsellor about over the intercom. Some prison officers have little understanding of confidentiality and privacy.
- Helana Jones recommends that women go to Alcoholics Anonymous (AA) or Narcotics Anonymous (NA). This is problematic for a number of reasons: AA/NA requires disclosure to a large group, this is inappropriate for women who often have horrific histories of abuse; NA/AA meetings are held at Biala where there are often people visibly effected by drugs and where drugs are obviously available – the women find it very difficult to resist in these circumstances; NA/AA requires a belief in god (or a higher power). Its use as a counselling program is clearly discriminatory against atheists.

3. Access to Low Security Beds

Not only are there too few low security beds for women in Queensland but those that exist are often under-serviced in comparison to men's low security beds.

- Women in low security prisons are regularly threatened with being moved back to BWCC. This practice is so prevalent it has a name – “tipping.”
- Women have been “tipped” for having a substance in a urine test that was in fact allowed (eg codeine from panadeine).
- BWCC says it will take children up to the age of five but it can really only cater for babies in prams – it is not set up for kids who are mobile.
- Prison officers are not very good with children – particularly troubled ones.
- Mothers in prison cannot really seek support from other women. The only ones they can really approach are other mothers and other mothers often already have a lot on their plate.
- In prison motherhood is a twenty-four hour a day seven day a week job. In the community most women get some support in mothering from their partners, their parents, their family and friends and from child care. In prison women have to do everything all by themselves. This is a huge emotional stress.
- A woman who was pregnant with twins was repeatedly told that the babies would be taken away as soon as they were born because of a shortage of beds.

Problems with Numinbah

- Women at Numinbah are unable to access psychiatric and psychological care. Many of these women have histories of sexual, emotional and physical abuse and may have been diagnosed with some form of mental illness.¹⁵ Other women are awaiting psychological evaluations that they require in order to progress through the system. Waiting time can be up to six months.
- The lifers at Numinbah cannot get any indication of what kind of community service work will be able to do. They are worried they will not be able to complete their sentence management requirements. There are no dates, no timelines, for lifers. They can't get psychological evaluations done. This causes the women distress.
- Numinbah is located in a fairly isolated regional area in the Gold Coast hinterland. This presents problems for the women because it is more expensive to phone friends and relatives from there and it is more difficult and expensive to get visits there.
- In Numinbah lifers are discriminated against. Other women are put in ahead of them for reviews and reports etc. The rationale is the lifers will be there for a long time so it doesn't matter whether they can get their psych reports done or not. This has a very poor effect on their sense of certainty and it can seriously delay the end of their sentence.

Problems with Helana Jones

¹⁵ These women are likely to generally have their mental health conditions under control and have managed to keep their mental health conditions concealed from prison officials as otherwise they would never have made it out of maximum security. However, even when their conditions are under control sometimes they need support.

- Helana Jones is one of the few low security facilities but unfortunately it is not suitable for women with children between 3 and 5. There just isn't room. There is an outside play area but the only inside play area is also the women's TV room.
- There was a woman at HJCCC who had been undertaking a parenting course – the course advised that she should not reward bad behaviour with attention so she had not been placating her child's tantrums. This caused a complaint to be made that she was neglecting her child, she was immediately tipped back to BWCC and her children were taken by the Department of Families. The grandparents who had care of her other children were not involved in the transfer of these children to the Department of Families. There was not opportunity for the children to say goodbye to their mother – they were just taken away. Both the children and the mother were very traumatised by this.
- Mothers in Helana Jones are watched all the time. They are under enormous pressure. There is no allowance for any sort of cultural diversity in parenting – no allowance for the idea (normal in indigenous culture) that the baby is the responsibility of the community not just the mother. Women who are not allowed to parent in a culturally appropriate manner are at risk of loss of identity.
- Helana Jones has extremely limited exercise facilities. There is no way even to walk around the grounds. There is just one exercise bike in the centre that must cater for the exercise needs of twenty-four women.
- Helana Jones lacks space in general – there is very limited space for children to play and there are TV restrictions – it can only be watched in the evening so there is no kids TV for the kids.

4. Conditional Release and Community release

Conditional release affects women who have been sentenced to less than two years imprisonment. When a woman has served two thirds of her sentence she is entitled to apply for conditional release. Whether conditional release is granted is assessed by the internal administration of the prison. Women serving less than two years do not have access to the Parole Board. Approximately 75% women are serving under one year and approximately 85% are serving under 2 years.

Post-prison community based release affects women serving more than two years. After a portion of the sentence is served the prisoner can apply for parole, Leaves of Absence, Home Detention and work release. The parole board assesses whether these can be granted.

Relative to men, women pose a lower risk to the safety of the community upon release. However, women are provided with far fewer opportunities for release into low security prisons, parole, and work release and/or home detention.

There are a number of issues that relate to conditional and community release these include:

- A major obstacle to releasing women into the community in a timely way is the lack of accommodation options for women when they are released. Women find it difficult to convince the authorities that they are suitable for

home detention and parole because they often have no stable home to go to that is not precluded by the conditions of parole or home detention.

- Sisters Inside runs a number of programs that attempt to help women when they are released into the community. A Sisters Inside worker has referred to the work that Sisters does as helping people to deal with culture shock. When women are released from prison it is very common for them to exhibit the symptoms of agoraphobia and anxiety.
- As a result of the paucity of low security beds many women are released into the community straight from maximum security prison. They often do not receive any preparation at all for release. Those prisoners who have accessed Sisters Inside will receive as much support as Sisters can give them but Sisters does not have the resources to give them as much support as they need. If they lack support on release women will usually return to their pre-prison coping methods for dealing with issues of daily life – this of course can lead to recidivism. Women who have poor coping methods will often deal with financial stress by indulging in theft or fraud and they will deal with emotional stress through the use of drugs and alcohol.
- When women leave prison there is often very little support they are just told they are leaving. There is very limited preparation and whatever medication they were on is often not given to them when they leave the prison. There was a woman who got out on a Friday afternoon- she had been on medication – she was unable to gain access to medication for the weekend. This had quite serious implications for her health.
- Another inhibiting factor to women obtaining conditional or community release is the low number of drug rehabilitation courses for women in Queensland. There are only four or five places in SE Qld that will accept women from inside. Unfortunately, one of these places is not at all appropriate for Aboriginal women. This means that Murri women are 20-25% less likely to be able to access drug rehabilitation. It is also difficult to find out what kind of counselling is provided by different rehabilitation centres and this can lead to women being penalised if they default from a rehab centre that they would have known was unsuitable if they had been able to find out what kind of rehab was being provided before hand. There are many more drug rehab beds for men. Drug and alcohol issues are not effectively addressed on the inside and there are few options for rehab on getting out, men get better options.
- A woman who needed to complete her whole sentence, who did not want parole because her family background would mean that she could not fulfil parole conditions was still forced to apply for post-prison community based release by sentence management.
- Indigenous women have problems gaining conditional and community release because it is commonplace for many of their family and friends to be drinkers. Some women seek to be released into drug and alcohol rehabilitation but for Indigenous women this is quite difficult as there is only one Indigenous drug and alcohol rehabilitation centre and it is in Fortitude Valley. Sentence management does not look kindly on anything with an address in the Valley.
- There are also the usual prison inefficiency problems. One woman was given five different release dates by sentence management. This made it very difficult to plan for release. She was also told by Sentence

Management that no prisoners are ever eligible for early release. Of course, this was untrue. Community and conditional release doesn't happen as often or as early as it should but it does happen all the time.¹⁶

- An informal survey of Aboriginal women inside says that every time they apply for conditional or community release they are refused because of "lack of problem solving skills." It is plainly absurd that all women from the same group would have exactly the same problem. Either the tools used to assess them are not very good or the assessments are being made with the same discriminatory view of all Aboriginal women.¹⁷

5. Segregation

5.1. Crisis Support Unit

Under the law a prisoner may be placed on Crisis Support Orders if she is deemed to pose a threat to herself or to others. The *Corrective Services Act* 2000 s42 provides that the person in charge of a prison may make a crisis support order if an officer believes that there is a risk that a prisoner may harm herself, or a doctor or psychologist advises the general manager that they reasonably believe there is a risk that the prisoner may harm herself or someone else. The prisoner may be segregated from other prisoners within the Crisis Support Unit or health centre if the general manager reasonably believes it necessary to reduce the risk of a prisoner harming herself or someone else. Section 43 also allows for consecutive crisis support orders.

The Crisis Support Unit in BWCC is referred to as S4. Even though this unit was refurbished to replace the CSU in the men's prison it is not treated as a formal CSU by the prison authorities. If this were a formal CSU then it would only be allowed to house women who were on Crisis Support Orders. In order to remove the need to have women placed on Crisis Support orders before they could be placed in the Crisis Support Unit the Department of Corrective Services began to refer to the CSU as "S4". In this way they are able to send women to what is effectively the CSU without having to comply with the legislative requirement for a crisis support order. In short, the Department of Corrective Services are confining women in the CSU illegally.

The CSU is intended to be for women who require support in terms of their mental health. It should therefore operate as the mental health hospital section of the prison. There are a disproportionate number of women in Queensland prisons who have mental health issues. The Crisis Support Unit is however not staffed by trained mental health workers – it is staffed by ordinary prison officers who have no training in caring for the mentally ill.

Women in prison do not perceive the CSU to be of positive benefit to their mental health. It does not in any way make them feel supported. Women inside see the CSU as punishment in exactly the same way that the Detention Unit is punishment. One woman prisoner has said of the unit, "they call it the crisis support unit – it's just there to support the crisis."

¹⁶ Interview with former prisoner August 2004

¹⁷ Interview with former prisoner August 2004

Apart from the original abuse of placing women in the Crisis Support Unit illegally there are a number of other abuses that have occurred in the CSU. These include:

- A woman on remand (an innocent woman) who had a long history of mental illness was placed in the Crisis Support Unit. She was violently restrained by prison officers and was tied to a mattress. She had a bleeding head wound received during the restraint process. The prison officers could not see the wound because she was tied face down. When they finally untied her she collapsed. She had lost so much blood she had to have a transfusion.
- Women have been threatened with having their arms broken if they refuse to put on a suicide gown. They are told that breaking arms can be justified as reasonable force.
- A woman with a mental illness who was released from the CSU was taunted by prison officers telling her that she would be back before long. They made bets on how long she would stay out of CSU and then several of them baited her at particular times that would win them the bet.
- Sisters Inside counsellors have found it very difficult to access women in the CSU. This is extremely problematic because these are the women who most require counselling.
- Some women in the CSU are refused access to everything – particularly in an area called seclusion which is a cell room a long way from all the others where they cannot hear or see anyone else and have no access to anything – books, paper, pens, sometimes there is a TV.
- A woman with a diagnosis of borderline personality disorder and several other mental health conditions was placed in the CSU when on remand (she was legally innocent at this point in time). On several occasions during her time in the CSU she was placed in the rubber room. She was not allowed to associate with other women. She was observed day and night. She attempted to complain about her treatment by writing to the General Manager – she was locked down for making the complaint. Every time she tried to complain or work her way out of the situation she was locked down. Due to her mental health condition she always sees the worst possible outcome particularly when she lacks information - she catastrophises and becomes more anxious. Her anxiety was compounded when she was in the CSU because her child was placed in foster care. On one occasion the Department of Families brought her child to see her. The prison officers did not tell her he was there and she refused the visit which contributed to the Department taking the child into care. During the time that she was in the CSU she was mostly locked down. She was often in a suicide gown, which is open down the back, without underwear. At one time she was in the rubber room, naked and menstruating. On another occasion she was taken by five officers from one area to another when she struggled they shoved her face into industrial carpet, she had an abrasion on her cheek for months. Her actual mental health condition was not treated at all when she was in the CSU. The only treatment she received was from Sisters Inside but under those conditions it was not proper therapy just telling her story

over and over again. She was not a mentally well woman when she went in but she was much worse after she got out.

5.2. Detention

All anecdotal evidence suggests that there are a disproportionate number of Aboriginal women in the Detention Unit (DU). The DU is intended to be punishment though whether it is intended to be quite as bad as it is another question. The Detention Unit is profoundly culturally inappropriate for Aboriginal women.

- Murri women don't like to be on their own but in DU they can't talk to anyone.
- Because of the large numbers of Murri women in the DU the elders arranged to visit the DU to see the women there. In the DU the elders were forced to talk to women there through a little hole in the door. This shamed the women and was massively culturally inappropriate.
- Anecdotally it is also much harder to get in to see Aboriginal women than white women when they are in the DU.
- There is no process of support for leaving the DU. This is particularly harsh when women leave the DU and are immediately released to the outside.
- An Aboriginal women was placed in the DU on a special treatment order. She was in for a long period of time. She put in a request to see the ombudsman but was told she could not see him/her and that she was being difficult. She finally managed to see the ombudsmen to complain when she accidentally passed him/her in the corridor.
- The general catchall reason for putting women in the DU is for "the good order of the prison" s38 of the CSA 2000. At least one Aboriginal woman was sent to the DU for three months under this provision. She was locked down for 23 hours a day with one hour in the yard. Later they decided that it wasn't too much luxury to allow her one hour in the sunlight.¹⁸
- The prison officers are aware of the psychological effect that this level of isolation has on people. One woman was taunted that after so long in the DU she should have been "acting like an animal" because of the sensory deprivation.¹⁹
- There have also been occasions when women in the DU were not allowed toilet paper.

5.3. Management Plans

Prisoners are placed on management plans when they are deemed difficult to "manage." Management plans can last from two weeks to three months. They can renewed indefinitely. The consequences of being on a management plan include:

- not being allowed activities,
- all privileges are restricted though usually they can still receive visits,
- they are not allowed to go to the tennis courts or move through the prison grounds,
- they must be constantly observed,

¹⁸ Interview with former prisoner August 2004

¹⁹ Interview with former prisoner August 2004

- they must be escorted and not just watched on walkways,
- mothers on management plans are not allowed to see their children at playgroup.
- they will usually be moved to secure if they weren't there already.
- having been placed on a management plan will remain on their record and will not be favourably looked upon by sentence management or the parole board.
- One woman had written in her management plan that she could read a book. The book was named. But the plan never changed even after she finished the book she wasn't allowed a new book and was forced (actually told she had to) to read the book over and over again.
- Anecdotal evidence suggests that the vast majority of Murri women are on management plans.
- The women say they speak their minds and then they are breached and put on management plans.
- Some women report that they are too afraid to cry because they fear being put on management plans.

6. Provision of Services

Women in Queensland prisons do not have adequate access to services. Most services provided to women's prisons by the Department of Corrective Services are simply adaptations of those provided to men's prisons. That is if the services are provided at all, many programs that are provided to men simply are not available for women. In addition many 'education' programs provided by the Department are ineffective, inefficient, irrelevant to the lives of prisoners and inappropriately administered.

Sisters Inside has received a great deal of information about the inappropriateness of DCS programs and services provided in prison:

- Some women find it deflating to go to class with people on a higher education level. They have never had the opportunity of schooling and feel overwhelmed in a classroom situation. Also many women in prison had poor experiences of schooling generally and hence react negatively to classes. This is clearly a problem for women who will not be able to learn anything from 'education programs' if they are placed in situations where it is impossible for them to learn. It is clear that prison management should have some form of assessment process that places women in classes according to their appropriate educational standard.
- The core programs run by the prison are considered to be an important part of the 'rehabilitation' process by sentence management. When women are unable to pass the core programs they are unable to progress through the system. That is to say their security classification remains high and they have no chance of moving to a low security prison. Currently in BWCC there is at least one woman who will probably not be able to pass the cognitive skills section of the core programs. This young woman has very little previous education, is illiterate and has low numeracy skills. It seems unlikely that this woman will ever be able to progress through the system and hence she will serve her entire sentence in maximum security and when she is finally released she will have had no adjustment period to the outside.

- There is an anger management course but it doesn't seem to work.
- Whilst a drug and alcohol program is considered a core program by prison management there is no program of this kind currently running inside. Most women in Queensland prisons have drug and alcohol problems. Usually the reason for their incarceration is related to these problems. Without an effective drug and alcohol program on the inside these women will more than likely re-offend on release and end up straight back inside again.
- Some people stay on remand for up to two years. They just sit around with nothing to do. Doing the programs might help them personally and at court but they never have the opportunity.
- There is a program in the prison for kids on the outside to have a playgroup where they can come see mum on the inside. Approval to get kids into the playgroup is handled by the welfare office – it seems to take much longer for indigenous women's kids to get approval. There is also a continuing problem of miscommunication – kids are dropped off in the belief that approval has been given but then at the last minute it is refused – think of the impact on the child of a disappointment like this.
- Women do not like the cognitive skills program – it is too abstract and does not relate to their lives. A major part of the program is expressing remorse – that is to say guilt is imposed upon the women. (This actually discriminates against women who might be innocent or not responsible).
- There was a domestic violence prevention program being run by DCS for a while – the women said it wasn't bad but they didn't seem to learn a lot from it. For example, after completing the program they still could not identify DV if there were no fists being used. They did not consider being forced, with the threat of violence, to stay in the house as DV.
- Women do not feel that they can talk to prison staff. If they disclose any personal information it will be used against them – for example women have had screws sit outside their doors in CSU taunting them with detailed histories of the abuse that these women had suffered.
- The women at Numinbah could not get SBS on their TVs. They were told that SBS could not be received in Numinbah which they accepted until they discovered that the Men's prison just next door could get SBS.
- The psychologist at Numinbah is in the men's section of the prison and can only go to the women's side if requested by the manager of the women's prison. The psychologist is of the opinion that the women should have dealt with any psychological issues before they get to Numinbah. Of course the men are still allowed to have psychological problems, and assistance, at Numinbah.
- Numinbah did a life skills course for the women that was mostly about aspects of daily living on the outside such as the price of milk. However, they did this course for the long termers and short termers together which was rather short-sighted because of the very different needs and experiences of these two groups.
- There are very few interesting training courses for women. Educational programs particularly at Numinbah are male oriented eg car fixing and traffic control etc.

- There was a woman in Numinbah who was forced to do the same course twice because otherwise the prison wouldn't have had enough numbers to run the course.
- At the moment the only programs are run by DCS – a lot of women don't get much out of these. In the women's experience "nothing prepared them for reintegration – rehabilitation."

7. Prison Industries

There are a number of discriminatory behaviours at play in the field of work in prison. There is discrimination against women as women; discrimination against Aboriginal women and a number of factors that seem to be just plain unfair.

- At Numinbah women do some of the work that the men refuse to do (because of the nature of the work eg Sewerage worker). They are not given appropriate equipment to do this work. For example, they have to put sanitary pads on their feet because they are not provided with appropriate footwear. Also three men used to be assigned to one job now one woman is assigned to the job. Women's wages for the same job are lower than those of men. It seems that women in prison do more work, for less pay, in worse conditions.
- Men in Numinbah get access to work on the outside – women don't.
- The work available at the moment in Numinbah is packing plastic forks into packs of ten. This is exploitative work for which they are paid a pittance – it is effectively a sweatshop.
- Women on remand are not allowed to work. This means that they are on average poorer than women who have been convicted. This also has a negative impact on their ability to get supreme court bail because work is a good way to look good in court applications.
- In BWCC most of the women with jobs are housed in Residential. Because most Aboriginal women in the prison are in Secure this means that there are very few Aboriginal women with work.
- Women in prison lose jobs for no reason, or are told they have jobs only to be mysteriously removed from the list.
- There was a woman at Warwick who got heat stroke because she was forced to mow the lawn on a very hot day (ie temperature was in the high 30s or early 40s).

8. Health Care

Women in Queensland prisons are denied access to appropriate health care. Access to appropriate health care is a human rights issue. The evidence is overwhelming that the health care provided in prison is neither adequate nor appropriate. Below are listed some of the many issues that have arisen in this area:

- Nursing staff override doctors orders (eg scrips and diet)
- If nursing super thinks you don't deserve it you don't get it.
- A woman found a lump in her breast the size of a fingertip. The doctor order an ultrasound urgently. But the nursing super delayed. The woman was very scared! The ultrasound was eventually given quite a long time after the doctor ordered it. But then there was some kind of problem with

the results - either the hospital didn't tell the prison or the prison did not tell the woman that it was not cancer it was a cyst. However, it was a cyst that needed to be removed and it had grown to the size of a fist by the time the woman was released from prison and could seek medical attention on her own. It has now been removed now but the wound still needs packing.²⁰

- Prisoners have reported seeing the nursing staff drop tablets on the floor and then have the women take them.
- Women have been treated so badly by the nursing staff that they refuse to seek medical attention.
- Nutrition orders are not adhered to by nursing staff eg low fat diet. The prison diet is fattening. Women have been taken off low fat diets as a punishment.
- Women cannot be seen by the dentist until they have been inside for 18mths. There was a young women in Numinbah who had no teeth. The dentist at BWCC removed all her teeth and said she would get dentures. But then the rules changed – no dental treatment for 18mths. So the poor woman was left with no teeth and no dentures. This is actually dangerous as it prevents appropriate nutrition, people can come very close to starving to death under these circumstances. SIS complained got it fixed.
- Medical supervisor refused to give methadone
- A mentally ill woman went twelve days without her medication – she became symptomatic and was then beaten up by other prisoners because they could not cope with her behaviour.
- A woman was refused medication for a mental health condition because the medical staff did not have her records transferred from New Zealand.
- A woman was refused medication for epilepsy. When she insisted that she needed it she was told she was being difficult, when she continued to insist she was sent to the DU.
- Women at BWCC have been refused access to tampons and sanitary pads. There was no reason given – this effected all menstruating women in the prison. Women at Helana Jones are not told that they need to purchase their own tampons and are often caught short.
- A woman was refused medication for diabetes. She was ignored when she told officers she needed medication. She was forced to eat jam in her cell in order to keep her sugar levels up. She blacked out several times before medication was given.
- A woman who took her sick child for treatment at the medical centre was told that the nursing staff would not give medication to the child because they believed that the child was not sick and the medication was for the mother. The next day the child's condition had worsened and the child had to be sent out of the prison for medical treatment.
- A woman who developed stomach ulcers while in HJCCC had restrictions placed on her diet by a doctor. She told prison staff that she could not eat certain foods – they told her she was being difficult and that she had to eat the same food as everyone else (entirely inappropriate food for her condition). She repeatedly told officers of her dietary constraints and was

²⁰ Interview with former prisoner August 2004

told she was being too difficult and would be sent back to BWCC. She ate nothing but bread for five days.

- There are no medical facilities at Numinbah. If women at Numinbah require medical attention they are transferred back to BWCC. Women become fearful of reporting their need for medical attention because the prison officers tell them that if they return to BWCC they will not come back to Numinbah.
- Women are sometimes given medication and not told what it is for, they are given medicines for illnesses they do not have. They can be given anti-depressants for headaches and anti-psychotics as sleeping pills.
- Pregnant women in BWCC have not been allowed to go for a lie down during the day time.
- Women are often forced to go to nurses rather than doctors for their health care needs.

9. The Investigation Risks and Opportunities

9.1. Risks

Since Sisters Inside gave the anti-discrimination commission our first submission on the topic of discrimination against women in prison we have had our access to the prison severely limited, that is to say we have been locked out. We should perhaps have expected retaliatory action of this kind but we did not think that even the prison system would be so blatant. The prison overtly states that the reason for the lockout is the current investigation.²¹

Since the submission Sisters Inside has only been able to see women for these reasons:

1. accommodation (up to 6 months prior to release)
2. identification (getting ID on release)
3. Centrelink (emergency funding on release)
4. transport (emergency on release)
5. sexual assault counselling (under limited conditions on referral from the prison)
6. The Building on Women's Strengths (BOWS) and Aboriginal Support workers have limited access and can see women referred by the prison

Since the 21st of June, approximately one week after Sisters Inside's submission to the ADCQ, we have only been able to go to the visits area and education area of the prison. It has been impossible to give general support to the women and very difficult to provide counselling. Prison management have insisted that Sisters Inside can only see women when management refers them. Prior to the 21st of June Sisters Inside was seeing about 120 women in BWCC, since the 21st of June 24 women have been referred to Sisters by prison management.

Counsellors see women in rooms in the visits area. The visits area is like a cage – it is a profoundly dehumanising environment which is bad enough when it is being used for family visits but even worse when one tries to do counselling in this environment.

²¹ Please find the letter from the Director General of DCS attached to this document.

Before they were locked out of the prison Sisters Inside staff used to try and make sure that women were on housing commission lists from the start of their sentences now they can only see women to facilitate their emergency housing needs.

Before the lockout Sisters Inside workers used to ensure that women were informed of matters such as deaths in the family and that they were counselled in their grief process – this can no longer happen.

There are a number of women on the inside who have no family support – either because their families have disowned them, they had no family in the first place or because their family lives too far away. Sisters Inside always tried to be there for these women – to give them general support and help alleviate the loneliness and isolation that these women felt as well as help them with the things that family would usually help them with from the outside. Sisters Inside staff worry that these women will suffer particularly from the lockout.

There are a large number of women on the inside who have no money whatsoever. These women used to rely on Sisters Inside to help them with matters such as phone calls and writing paper and stamps. It is these women who will suffer most from the absence of Sisters Inside in the prison.

Sisters Inside staff worry that if they chat to women who they see in the in passing the women will be punished. One Sisters Inside worker reports that she was sitting on the steps inside waiting to be allowed into the education block. She saw a woman being escorted by four prison officers to the DU. The prison officers left the woman standing nearby where the worker was sitting. The worker was very concerned about this women and wanted to speak to her to find out if she was OK but was also very worried that if they did speak the woman would be in even more trouble. Eventually, the worker mouthed to the women “are you OK” and the woman nodded that she was. This is clearly a very unsatisfactory circumstance when Sisters Inside has to worry about causing more trouble to women simply by speaking to them.

Before the lockout there were always prison officers who were helpful and ones who were not – since the lockout some of the previously helpful officers have become rude and unfriendly. Some Sisters Inside staff report that since the lockout prison staff have increased levels of petty harassment of Sisters Inside workers. For example, on more than one occasion Sisters Inside staff have been left in the airlocks (the space, about 4m x 2m, between two gates with no way out) for periods of up to one hour. Sisters Inside staff joke that they should try and get in with the cleaners who always seem to get through the gates quickly.

An example of the difficulties in providing Sisters Insides service under the current conditions is the difficulty in providing support to women who are on protection. Because Sisters Inside can no longer go into the protection block to see the women they must now wait in the education block while prison officers collect the women from the protection block, clear all the walkways between protection and the education block and escort the women to education and then repeat the entire process when the women need to return. This process is very

difficult for the workers and for the women. Sisters Inside also have to have prison officers escort them from the gate to the education block and back again. This entire process can take hours and means that Sisters Inside staff have to waste huge amounts of their time waiting for prison officers.

Sisters Inside staff fear that the women are being treated worse because Sisters Inside is not there to monitor the behaviour of the prison officers and prison management. It has been reported to Sisters Inside staff that the women are being treated “more like dogs” since the lockout. We hope that this is not true but we fear that it is.

Prison management has also been its usual inconsistent self since the lockout. That is to say different officers and managers make different rulings on what is allowed and what is not. This causes stress to Sisters Inside workers, prisoners and prisoners’ families. For example:

- A Sisters Inside worker brought a child in from a regional area to visit his mother. The usual rule with this particular family was that the child could only visit accompanied by an adult. In the past the adult had usually been a Sisters Inside worker. Because the worker was aware of the current problem with the lockout he rang the prison the day before the visit to make sure that he would be allowed to accompany the child. However, when they arrived at the prison, after several hours of driving, they were told that the worker could not go in. There was a different manager on this day and this manager interpreted the policy differently. The worker attempted to work a way around the problem finally contacting the general manager and getting him to intervene. This whole process took hours and was very stressful for the child. After the general manager’s intervention the visit finally went ahead, though for a much shorter time than the child had anticipated.

Since the lockout Sisters Inside’s Supreme Court bail worker has had her access to the prison almost completely revoked. The prison has not referred anyone to her for bail applications and she cannot now enter the prison to find the women who need help. In the past the bail worker has taken application packs into prison with her – these packs are simple A4 folders with all the relevant information and forms in them. Since the lockout, she has not been able to take these packs into the prison. The worker is also worried because bail applications must be done within a specific timeframe –the courts will not look at applications if a woman is too close to her court date – since the lockout at least six women have missed their deadline because the worker cannot assist them. Within the prison take-up of bail applications operates on a word of mouth system – if the women see other women doing them they are more likely to try and start their own. The worker is concerned that because of the lockout the culture of bail applications will have withered and, if and when she finally gets to go back into the prison, she will have to start all over again in persuading women to put in bail applications.

The same worker also reports that prior to the lockout there were at least two women in the prison who were making applications to be able to do a drug rehabilitation program with an outside service. This program would have been of enormous use to the women and they were very excited about it. However, the lockout seems to have effected all outside access to the prison and not just Sisters

Inside so it seems that these women will not be getting access to this useful program after all.

Ongoing projects such as trying to persuade the prison to set up a playroom for children at HJCCC have probably been damaged by the lockout. It is unlikely that the prison would actually do this unless someone was on their back about it.

Since late June, the prison has also prevented Aboriginal women from receiving their regular monthly visit from the elders. Since visits by the elders have been banned by the prison Aboriginal women have lacked the social, cultural, emotional and spiritual support that these visits provided.

9.2. Recommendations

1. That a discrimination watchdog, independent of the Department of Corrective Service, be set up to monitor prisons.
2. That prison staff undergo compulsory cultural sensitivity training
3. That prison staff undergo compulsory training in mental health care
4. That the Department of Corrective services immediately institute a policy of promoting the professionalisation of prison staff
5. That external community agencies should be allowed more access to the prison, particularly for the provision of programs and services for women
6. That pay and work conditions for prisoners be adapted so that they are more in line with community standards
7. That all information about prison policies and practices should be provided in languages other than English
8. That interpreters should be provided more often for women in prison
9. That the health care regime in the prison undergo an immediate review and total overhaul
10. That the conditions in the CSU and DU be monitored by an external agency with expertise in mental health care.
11. That a community organisation be funded, or government department section be set up, that specifically deals with issues of accommodation for those leaving prison.
12. That programs provided for women in prison should be designed specifically for women and the cultural, social and economic realities of their lives
13. That women should be provided with a choice of programs for dealing with drug and alcohol problems both inside and on leaving prison, so that they can choose the program that is most appropriate for their particular personalities and circumstances.
14. That the conditions under which children who remain with their mothers in prison are housed, be immediately reviewed with a view to improving the lives of children in prison.
15. That conditions in Numinbah Correctional Centre are immediately reviewed and improved.
16. That more education and training options be provided for women in prison.
17. That women on remand should be housed separately to convicted women and should be allowed privileges as per UN conventions.