stories from

#JusticeCOVID

produced by
CROAKEY HEALTH MEDIA

supported by

We pay our respects to the Traditional Custodians of the country where we live, work and travel upon, and to Elders, past, present and future.
Acknowledgements

For more information on the #JusticeCOVID project, see the stories published to date, read this media statement and follow the news at the #JusticeCOVID Facebook page.

The #JusticeCOVID project team were: Associate Professor Megan Williams, Dr Tess Ryan, Marie McInerney, Cate Carrigan, Mitchell Ward, Andy Arch and Dr Melissa Sweet. We thank and acknowledge all those who contributed articles and shared their stories.

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Public Interest Journalism matters

The financial consequences of the coronavirus pandemic have had a profound and negative effect on much of the media industry. At the same time, more people are reading, watching and listening to news, eager to understand developments at home and abroad. The need for public interest journalism — reporting that ensures the community is well and fairly informed — is greater than ever.

The Judith Neilson Institute has supported journalism in Australia throughout the pandemic. The Institute has backed community broadcasting and fact-checking initiatives. It has also helped media organisations to engage more than 120 freelance and casual contributors for specific projects, including #JusticeCOVID.

Croakey’s freelance journalists, writers and data visualisation designers have done an outstanding job to provide information and expert commentary on prisoner health during the coronavirus crisis.

Their reporting has brought transparency and debate to an often overlooked issue — an excellent example of public interest journalism.

For more information: https://jninstitute.org/jni-supports-australian-journalism-during-covid-19/

This series was supported by the Judith Neilson Institute for Journalism and Ideas.
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We pay our respects to the Traditional Custodians of the country where we live, work and travel upon, and to Elders, past, present and future.
Foreword

This publication brings together stories, podcasts and artwork from #JusticeCOVID, a social journalism project investigating the health and wellbeing of prisoners and their families during the COVID19-pandemic.

#JusticeCOVID has put the spotlight on issues such as institutional racism, human rights abuses, and a lack of transparency and accountability by governments and others involved in the prison-industrial complex. It also showcases the leadership provided by many community members and organisations.

Through this series, we hear from former prisoners, the families of prisoners, community and legal organisations, researchers, health professionals, and human rights watchdogs.

As a Narrunga Kaurna woman from Point Pearce in South Australia, I am pleased that the voices of Aboriginal and Torres Strait Islander people and organisations feature strongly in this publication.

It is important to recognise that many of the issues flagged by #JusticeCOVID are concerns that Aboriginal and Torres Strait Islander people and organisations have been raising for generations. As recorded by the Uluru Statement from the Heart, “we are the most incarcerated people on the planet…And our youth languish in detention in obscene numbers”.

Ironically, the pandemic has meant that many Australians have for the first time experienced restrictive policies such as lockdown and curfews. It is important to remember much harsher policies than these have been imposed on our families and ancestors as part of colonisation.

As you read this publication, I encourage you to reflect upon and engage with the wide-ranging calls for action that are put forward. The health sector, in particular, has a responsibility to do so.

Dr Janine Mohamed
Chair of Croakey Health Media

We pay our respects to the Traditional Custodians of the country where we live, work and travel upon, and to Elders, past, present and future.
Introduction

Megan Williams writes:

Between April and September 2020, Croakey Health Media published 18 articles, two podcasts and a number of artworks as part of the #JusticeCOVID project, which investigated the urgent need to address the COVID-19 threat to people in detention and prisons.

When we began planning the project in March, hundreds of people had signed an open letter calling for the early release of some prisoners, including those at high risk of harm from COVID-19, such as people with pre-existing health conditions and older people, children and young people. The letter, backed by leaders from health, legal and community sectors, said decarceration was necessary to protect the health and wellbeing of prisoners and the wider community.

At that time, the United States and other countries had begun releasing prisoners in the face of alarming evidence about the rapid spread of coronavirus within prisons and other sites of confinement and detention. By late March the NSW Government passed a Bill to release prisoners meeting certain criteria. But no releases occurred, and a second open letter gathered 400 individual and 11 organisational signatories.

Rather than hearing stories about the release of prisoners and the mobilisation of services to support their re-entry into the community, we heard stories about how a tightening of restrictions within prisons were affecting prisoners and their families. At the regular televised media conferences about governments’ responses to the pandemic, the silence about prisoners’ welfare – from both journalists and public health officials – was so deafening that we provided an alternative briefing paper.

By May, it became clear that #JusticeCOVID was intersecting with much bigger issues, both in Australia and globally. A systemic disrespect for Aboriginal and Torres Strait Islander people came clearly into view, at the same time as the wide-ranging impacts of institutional racism was demonstrated by the global Black Lives Matter movement and the disproportionate impacts of the pandemic upon Black people.

Late May was horrendous.

On 26 May, on Sorry Day, we remembered in silence – from our homes, due to restrictions on gatherings – the Stolen Generations created by governments forced removal of Aboriginal and Torres Strait Islander children from their families. They and their descendants are over-represented in prisons.

That week, we learnt of the blasting of 46,000 year old Juukan Caves by multi-national mining company Rio Tinto, signifying legislative, political and public disregard for Aboriginal and Torres Strait Islander people’s knowledges and role in the preserving cultural heritage about the ‘seat of humanity’.

Also that week, we watched 46 year-old African-American man George Floyd die in 8 minutes and 46 seconds from being held down by Minneapolis police. He was suspected of using a counterfeit $20 note. To be isolated in a pandemic, to watch someone die on video, it’s horrific.

We were reminded of the invisibility and silencing of deaths of Aboriginal people in police custody, and spoke of Ms Dhu, Ms Day, David Dungay and others. We remember you. We cried hard with grief and harder on June 8 when a Sydney police officer kicked an Aboriginal boy to the ground during an arrest.

As we investigated the public health case to reduce prisoner numbers, we were reminded repeatedly of how Aboriginal and Torres Strait Islander people come to be over-represented in prisons. As tens of thousands of Australians joined Black Lives Matter marches, again we heard the silence of Health Ministers and public health officials on issues such as institutional racism and prisoners’ rights to health.

We are still in the very early stages of the pandemic, which will continue to pose a global health threat for the foreseeable future. Many public health and medical experts have highlighted the urgency of addressing disparities as part of the pandemic response.
The contributors to #JusticeCOVID present some clear calls to action, including:

- Reform legislation, policies and the prison industry
  - Centre the voices of people who are or have been in custody in public discourse to drive an agenda of change
  - Look beyond ‘tough on crime’ punitive approaches to decarceration processes, crime prevention and models elsewhere successfully closing prisons
  - Prohibit solitary confinement
  - Ensure independent inquiries into deaths in custody; end police investigating police
  - Ensure accountability for police and prison actions in deaths of detainees
  - Urgently reduce prisoner numbers, as many other nations in the world are
  - Prevent new prison entrants and expand diversionary options such as community service
  - Raise the age of criminal responsibility from 10 to at least 14 but prevent any child entering custody at all
  - Ensure independent prison inspections and reporting occur.

- Support people in prisons
  - Provide mental health and social support to prisoners experiencing solitary confinement and lockdowns
  - Increase access to healthcare to address multiple existing issues that exacerbate the risks of COVID-19 infection
  - Provide free personal hygiene items for infection control
  - Offset cessation of face-to-face visits by improving communications technology to connect prisoners and social supports.

- Rectify the silence on Australian prisons from public health officials and mainstream media
  - Convey transparent information and data about prison responses to COVID-19, including use of isolation, testing, infection control measures
  - Report Australia’s response in light of human rights obligations including solitary confinement as a form of torture
  - Use multiple sources of information to reach families, support services and the public.

- Increase prison and community service staff numbers
  - To offset reliance on prison lockdowns, known to be related to staff shortages
  - To provide therapeutic care to address harm from prison lockdowns and solitary confinement
  - To offset higher individual caseloads and program closures due to social distancing measures
  - To meet the expected spikes in legal caseloads from courts reopening
  - To support families of prisoners in the community whose wellbeing is also negatively affected.

- Improve training for criminal justice system staff
  - Ensure they can address heightened complexity and stress due to COVID19 prison lockdowns and cessation of visitor programs
  - Implement recommendations and address failures that have led to deaths in police custody and prisons.

- Provide additional income support and safe accommodation options to reduce overcrowding and risks of domestic violence.

- Address racism and poverty.
Catch up with #CommunityMatters

The broadcast discusses this article by Professor James Ward on the many actions underway to protect Aboriginal and Torres Strait Islander communities from the novel coronavirus.

It also covers a recent warning from the Victorian Aboriginal Legal Service (VALS) that the pandemic response must not lead to more Aboriginal people in the criminal justice system, or more Aboriginal children being removed from their families and culture.

VALS also called for greater efforts to ensure that Aboriginal people in the criminal, youth justice and child protection systems are not disproportionately impacted by the pandemic.

Dr Janine Mohamed also talks with Victorian Commissioner for Aboriginal Children and Young People, Justin Mohamed, about a recent Victorian Government funding announcement to help address pandemic concerns for children.

And she announces a new Croakey project investigating the health issues for prisoners during the pandemic, thanks to a grant from the Judith Neilson Institute for Journalism and Ideas.

Watch the episode here.

Article link: https://bit.ly/33UedWj Published: 28 April 2020
How are prisoners and their families coping with the pandemic threat? Listen to CroakeyVOICES

Around the world, the novel coronavirus has spread rapidly throughout many prisons, and in Australia prisoners and their families are anxious about the potential threat from outbreaks here, especially for First Nations inmates. In the first of two #CroakeyVOICES podcasts funded by the Judith Neilson Institute for Journalism and Ideas, Associate Professor Megan Williams, the Research Lead and Assistant Director of the National Centre for Cultural Competence at The University of Sydney, and Cate Carrigan look at the impact of the pandemic on prisoners and their families.

Dr Kris Rallah-Baker, President of the Australian Indigenous Doctors Association (AIDA), warns it’s no time to be complacent, saying:

“It’s definitely not a time to relax around COVID-19. It’s still a real threat in this country. We can’t assume because we’ve got low rates in the community that prisons are safe.”

Rallah-Baker’s concerns are echoed by co-chair of the National Aboriginal and Torres Strait Islander Legal Service, Nerita Waight, who says since the Royal Commission into Black Deaths in Custody, “420 of our people have died in custody. Given they’re at greater risk [due to a prevalence of underlying health conditions], we’re concerned there’s going to be more Aboriginal deaths in prison due to COVID-19”.

Author: Cate Carrigan and Megan Williams
The podcast features:

Dr Mindy Sotiri, Program Director, Advocacy Research Policy, Community Restorative Centre, Marrickville, NSW.

“They [the families of prisoners] miss their loved ones desperately. There are really good reasons for stopping [face-to-face] visits but it’s taking a toll.”

April Long, National Programs Director, Shine For Kids.

“The real challenge for the children of prisoners at the moment is the lack of contact and information. They’re really concerned about mum or dad’s wellbeing”.

Latoya Aroha Rule, sibling to Wayne Fella Morrison who died after collapsing in a police transport van in 2016.

“…I’m just worried that people are going to be killed in custody by corrections officers at this time due to the way that they are transported and restrained…and the lack of healthcare.”

Listen to the podcast [here](https://bit.ly/32VzRu6)  
Published: 15 May 2020
Australian governments are facing renewed calls to dramatically cut the number of people held in prisons and other places of detention that are “potential disaster zones” in the coronavirus pandemic, particularly for Aboriginal and Torres Strait Islander people and others at risk.

“We are not out of the woods yet,” said a joint submission to the Senate Select Committee on COVID-19 released by a broad alliance of civil society and Aboriginal and Torres Strait Islander organisations, and senior academics.

“Evidence from around the world is clear – once COVID-19 enters a place of detention, it will spread like wildfire,” the submission says.

It refers to devastating outbreaks in prisons elsewhere in the world and high risk clusters in Australia, including in an inpatient psychiatric facility in Melbourne and the Newmarch House aged care facility.

The submission also calls for an end to solitary isolation in prisons and the implementation in Australia of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) which aims to prevent mistreatment in places of detention by establishing systems for independent monitoring and inspection.

Members of the OPCAT Network, which promotes the implementation of the Treaty in Australia, led development of the submission, which says greater oversight is particularly needed now that visits to prisons and youth detention have been suspended.

Advocates are concerned that it is not only family, lawyers and support services who have had to stop visiting prisons and other facilities, but also official oversight bodies such as state ombudsman offices.

“Abuse thrives behind closed doors, and COVID-19 cannot be an excuse to resort to fundamentally harmful practices in all places of detention,” said one of the authors, Monique Hurley, Senior Lawyer at the Human Rights Law Centre.

Author: Marie McInerney
While coronavirus outbreaks have devastated many prisons globally, especially in the United States and Spain, Australian prisons have been relatively untouched so far, with just a handful of positive COVID-19 infections reported amongst staff members in Queensland and New South Wales, and inconclusive testing of three prisoners in regional Victoria.

But the OPCAT network report warns that governments should not “wait for people to get sick and die” and should use the pandemic to rethink detention and sentencing policies generally.

“Around the world, governments are releasing imprisoned people to stop the deadly spread of COVID-19,” said Nerita Waight, Co-Chair of the National Aboriginal and Torres Strait Islander Legal Services (NATSILS), a signatory to the submission.

“We are calling for the immediate release of First Nations people. Priority needs to be given to those most at risk like our elderly, sick, people with disability and those with mental health issues. This is necessary to contain the spread of coronavirus so we are all healthy and safe.”

Critical condition

Change the Record, an Aboriginal led coalition of legal, justice and health groups, is also a signatory to the submission and has released a separate report, Critical Condition – the impact of Covid-19 policies, policing and prisons on First Nations communities.

This report is calling for the urgent release of Aboriginal and Torres Strait Islander people, who “due to the ongoing impacts of colonisation, poverty and inequality”, experience poorer health than non-Indigenous Australians and are held in disproportionate numbers in prisons and youth detention.

But the report says that not only are Aboriginal and Torres Strait Islander people at high risk of the worst impacts of the coronavirus, including in prisons and youth detention, they are also “disproportionately affected by some of the more punitive and restrictive COVID-19 responses” being rolled out.

Among many issues of concern across the country are:

- Increased use of lockdown and separation, such as forced quarantine of incoming prisoners, including children and young people.
- Patchy responses to the provision of hygiene and social distancing in prisons, with some prisoners forced to spend their own money to buy soap.
- Exorbitant fees to call family and other loved ones, including for-profit services that have sprung up allowing people to ‘email a prisoner’ at high costs.
- Disruptions to criminal, civil and family courts that have resulted in matters delayed, sometimes for months, with unclear and inconsistent information about what legal options are available.
• Concerns of an abrupt spike in caseload when bush and regional courts reopen, putting even more pressure on already stretched Aboriginal legal services.

• Reduced access to adequate legal advice for people on remand, less police protection and support for survivors of family violence, restricted access to children in out of home care, and lack of support for women subject to child protection removals.

• Closures of residential drug and alcohol facilities that have led to people being sent home, leaving some people without alternative and safe living arrangements.

In a Twitter thread, Change the Record Executive Office Sophie Trevitt said the investigation “heard reports of mob living in overcrowded conditions, and folks who are homeless, being issued with fines despite having nowhere else to go and no ability to pay the fines”.

“This entrenches poverty and inequality and does nothing to keep people safe from COVID-19,” she said.

The alliance also heard stories of mothers being denied visits with their young children and the fear that this will impact on their future ability to be reunified as a family, she said, noting that this week also marked Sorry Day, national recognition of the impact on the Stolen Generations.

The Change the Record report gives multiple examples of “discriminatory policing” of Aboriginal and Torres Strait Islander people, including where disproportionately high numbers of social distancing fines have been handed out in towns with high Indigenous populations and low levels of COVID-19.

It says Aboriginal and Torres Strait Islander people in the Northern Territory town of Tennant Creek had complained to Amnesty International that police have attended houses known to them as overcrowded and used COVID-19 regulations to order people to disperse.

“When household members failed to disperse, because they had nowhere else to go, they were issued fines,” it said, adding that Tennant Creek alone accounted for nearly one-third of the total 48 ‘social distancing’ fines levied by NT police as at mid-May.
Change the Record says it has struggled to get up to date information about the conditions in adult and youth correction facilities due to restrictions on legal and family visits and the withdrawal of independent oversight bodies and external scrutiny in many states and territories.

That’s also a big concern in the OPCAT Network submission, which is urging governments to act on the vision of OPCAT, to ensure that there is greater oversight and transparency in all places of detention. Australia ratified OPCAT in 2017, but is yet to appoint independent inspectors in all jurisdictions.

Under OPCAT, “National Prevention Mechanisms” are due to be set up in all jurisdictions to conduct inspections of all places of detention, particularly prisons, youth detention, and immigration detention centres. Their scrutiny would also apply to police cells, closed facilities for mental health treatment, secure residential care facilities, aged care facilities and quarantine.

The submission also addresses the difficulty for advocates and media outlets like Croakey in tracking down what individual jurisdictions and detention facilities are doing to prevent and/or manage a coronavirus outbreak, including information about testing.

Transparency matters

The OPCAT network urges governments to provide regular, updated and accurate information to the public and to oversight bodies on their responses to the COVID-19 pandemic in relation to each place of detention, including:

- infection prevention and control measures and contingency plans (particularly strategies, policies and data relating to use of medical isolation, quarantine and solitary confinement, staffing, testing, health provision, personal and legal visits, programs and education)
- information relating to COVID-19 testing and results for people in detention, staff and contractors, infection rates and number of deaths, as well as incidents such as use of force, and incidents of self-harm and prison disturbances such as protests.

It says the Scottish Prison Service publishes weekly the number of people in prison who are self-isolating, confirmed COVID-19 cases in establishments and staff absences, while the US Bureau of Prisons’ provides daily updates on confirmed and recovered COVID-19 cases, as well as the number of deaths of inmates and staff.

Echoing calls from Change the Record and many other legal and health bodies, the submission urges governments to follow the lead of many other countries and “responsibly release” people who are at higher risk of significant harm should they contract COVID-19.

This includes Aboriginal and Torres Strait Islander people, elderly people, people with chronic health conditions, disability and mental health conditions, children, young people, pregnant women, primary caregivers for young children, and refugees and people seeking asylum.

“People detained behind bars are a cohort particularly vulnerable to the impacts of COVID-19. For example, almost one-third of people entering prison in Australia have a chronic medical condition like asthma, cancer, cardiovascular disease, diabetes or live with disability,” the submission says.

It also calls on governments to curb admissions to prisons by looking at non-custodial sentencing alternatives, encouraging police to rely on summons and bail rather than arrest, to decriminalise COVID-19-related offences such as breach of quarantine or social distancing regulations and, like Amnesty International Australia and others have urged, to raise the age of criminal responsibility from 10 in some jurisdictions to 14.

According to Amnesty, this particularly affects Aboriginal and Torres Strait Islander children. Its report says that between 2018 and 2019, Australian governments pushed almost 8,353 children aged 10, 11, 12 and 13 years through the criminal justice system, with 573 children under the age of 14 held in detention, “despite overwhelming evidence of the harm prison does to children”.

“COVID-19 presents acute health risks to people in places of detention,” said Professor Thalia Anthony, of the University of Technology in Sydney.

“However, rather than ensuring protection and safety through removing people from these places, governments across Australia have made these closed environments unprecedentedly restrictive and harmful to the wellbeing of people inside.”
NB: The OPCAT submission is endorsed by an alliance of civil society and Aboriginal and Torres Strait Islander organisations including: Change the Record, National Aboriginal and Torres Strait Islander Legal Services, Northern Territory Legal Aid Commission, Danila Dilba, Prisoners Legal Service Inc, North Australian Aboriginal Justice Agency, Public Interest Advocacy Centre, Amnesty International Australia, People with Disability Australia, Queensland Advocacy Incorporated, Australian Lawyers Alliance, Justice-Involved Young People Network, Making Justice Work Coalition, Civil Liberties Australia, Centre for Adolescent Health, Human Rights Council of Australia, Refugee Council of Australia, and the Asylum Seeker Resource Centre.

*Article link: [https://bit.ly/2HoVZ7L](https://bit.ly/2HoVZ7L) Published: 28 May 2020*
Shining a light on the health rights of prisoners

In investigating the concerns confronting prisoners during the pandemic, Dr Tess Ryan, an Aboriginal woman of Biripai country, has created the artwork above, “Are we all in this together?”. Below, she introduces her artwork, as well as providing an overview of the wide-ranging ways COVID-19 is affecting prisoners’ health.

**Tess Ryan writes:**

The work conveys the desolate loneliness felt by prisoners, naked in their vulnerable being, crouching and enclosed in wall to wall concrete.

They are not only powerless to the state, removed from society, but they are facing the hidden threat of possible infection, invisible and seeping into the boxes they find themselves in.

Prisoners are vulnerable to a system that has no effective process to mitigate the genuine possibility of contracting COVID-19. Already dealing with a lack of access to the outside world, they have lost connection to families, to support, to hope.

The vulnerability of prisoners is further increased with this pandemic when those inside have chronic health conditions and are captive to a society that appears to have forgotten and excluded them.

The global COVID-19 pandemic is bringing to light how we view equity and transparency within our systems of government.

The prisons give a unique snapshot into how we place value (or lack thereof) on various elements of society. Amidst the current rhetoric we are hearing regarding Australia being ‘all in this together’, one must ask pertinent questions about how we view our society as truly equitable.
**Equity matters**

Across the country, many people who are incarcerated face uncertain times as they are depleted of basic rights within the prison system. The United Nations Human Rights Office of the High Commissioner states that “Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation”.

Whilst we outside complain of being shut in with no apparent freedoms, prisoners have lost face-to-face interactions with support staff and their families. They have had to exist with little to no access to those basic rights due to unprecedented times, yet we should stop to consider the cost to us as a whole when we ignore a degree of transparency and equitable care within prison systems.

This becomes apparent when considering the health of those prisoners who may have a chronic health condition.

Statistics from the Australian Institute of Health and Welfare in 2018 (excluding NSW) state that 26 percent of prisoners have a diagnosed chronic health condition. Many of those who are incarcerated have conditions such as cardiovascular disease (4%), diabetes (6%) and asthma (15%). Of this population, 23% are also of Aboriginal and/or Torres Strait Islander origin and are at significant risk of infection.

Many other prisoners are from diverse cultural and low socio-economic groups who are disproportionately over-represented in the justice and prison system. Prior to becoming incarcerated, these groups were already facing gross inequities, including lack of access financially to effective health care service delivery.

Prisoners should be given the same degree of medical care as the rest of the population through State government provided delivery. Yet their care can be constrained by levels of access, funding and regularity, and prisoners don’t get to choose the care that is offered to them. Under normal circumstances, many of those with chronic conditions should be seen regularly by multidisciplinary teams to manage their health. People with respiratory issues, diabetes and immune-compromised people are at greater risk.

Since the pandemic began, there have been reports internationally of the prison systems’ abject failure to protect those incarcerated due to overcrowding and poor government response. A recent article published in The Lancet states that prisons are ill equipped to manage COVID-19.

The World Health Organization has warned of huge mortality rates in prisons, releasing guidelines on best practice for the estimated 11 million people incarcerated worldwide, often in overcrowded conditions.

Some prisons in the US have 70-80% infection rates, with modelling from the American Civil Liberties Union suggesting that some prisons could go to 99%. The ACLU also warns that there could be up to 200,000 deaths in US prisons alone and some early release of prisoners and other non-custodial measures have been undertaken to diminish the risk.

**Focus needed**

In Australia, the official responses from state governments have been lagging. To date we have had no deaths in prison due to a COVID-19 outbreak; however, there have been reports of both prisoners and staff being quarantined in a Queensland facility.

Concerns have been raised about hygiene and sanitation, and Sisters Inside CEO, Debbie Kilroy, has been speaking out about prisoners in some facilities having to buy their own soap and some have requested cleaning products to clean their cells. However, the Queensland Corrective Services Department stated that all prisoners have been given adequate supplies for cleanliness and procedures have been put in place.

States are also in different stages of isolation, and varied levels of response to COVID-19 for the prison system. The Queensland corrective services department are easing some of the isolation policies they had in place, while the Victorian system has retained a tighter control over their procedures, and in states such as Western Australia, each facility manages their own plan in relation to a potential outbreak within the premises.

While we have seen a decreasing rate of COVID-19 cases, we are still in dangerous territory and at risk of a second wave of infection. Therefore, the threat of prisons becoming the next cluster is ever-present, and those prisoners with chronic health issues face a particularly anxious time should infection take hold inside.
If we are all in this pandemic together, we need to ask questions of ourselves and of our governments as to what best outcomes we want for our citizens, regardless of where we see their place in civil society.

Who is monitoring state responses and implementation, and what will happen to those prisoners’ rights when restrictions are eased?

Without that transparency serious incidents can occur, particularly where there are power imbalances between staff and prisoners that have had most of their rights and societal privileges removed.

Health Minister Greg Hunt was recently asked about vulnerable people including prisoner health amid the pandemic; he stated, “people in whatever institution are very strongly taking responsibility for their own infection control management. At this point there are no known cases, to me at least, of prison infections, but that’s a watching brief”.

We need to ensure there is ongoing attention to the situation of at risk inmates and those on remand or lesser sentences during COVID19.

Whether you believe the prison system serves as punishment or rehabilitation, managing the health of prisons is critical in safeguarding our own health in the broader community.

Dr Tess Ryan is an Aboriginal woman of Biripai country in New South Wales. She has a PhD in Indigenous women’s leadership and works as a freelance academic, writer and consultant. Her multidisciplinary work involves representation, voice, social equity and social justice in areas of Indigenous Australia, women, health and missing or marginalised groups in Australia. Tess has written chapters on Indigenous women and the #MeToo movement, Indigenous women’s leadership in practice, research and education and Indigenous knowledge.

Follow on Twitter: @TessRyan1

Article link: https://bit.ly/360wmVa Published: 29 May 2020
Outrage here over George Floyd’s death must lead to end of deaths in custody in Australia

Introduction by Croakey: Leading Aboriginal and Torres Strait Islander legal and rights bodies are calling on the Australian Government to commit to end Indigenous deaths in custody in Australia, in the wake of global shock and outrage at the death of George Floyd at the hands of US police.

In a joint statement with non-Indigenous organisations, published in full below, they are urging wholesale change to end the mass imprisonment of Aboriginal and Torres Strait Islander peoples, including by repealing punitive bail laws, mandatory sentencing laws, decriminalising public drunkenness and lifting the age of criminal responsibility from 10 to at least 14 years.

The call to action comes as many Aboriginal and Torres Strait Islander people demand that Australians who have been shocked and appalled by the murder of Floyd — which has sparked protests and riots across the US — also look in their own backyard.

“If you know who George Floyd, Trayvon Martin and Michael Brown are, you need to know the stories of Dungay Jr, Ms Dhu, Aunty Tanya Day, Joyce Clarke and Kumanjayi Walker,” wrote Gamilaroi and Dunghutti woman Marlee Silva, naming just a few of the 432 Aboriginal people who have died in custody since the 1991 Royal Commission into Aboriginal Deaths in Custody.

David Dungay Jnr was a Dunghutti man who died in Long Bay jail in 2015 after being dragged by guards, held face down and injected with a sedative. His nephew Paul Silva (featured in the feature image, above) wrote this week that he had been unable to continue watching the footage of Floyd’s death, because it took him back to his uncle’s death by suffocation.
“Both men were continuously saying ‘I can’t breathe’ and begging for their lives. Both men had multiple officers restraining them, pushing them into the ground and ignoring their cries,” he said, sending a message of solidarity to those mourning and protesting in the US.

In another powerful piece, headed ‘We must bear witness to black deaths in our own country’, Darumbal and South Sea Islander journalist Amy McQuire wrote about the deaths of Joyce Clarke, who died last year from a gunshot wound after police were called to a house in the Western Australian town of Geraldton, and, just two months later, of 19-year-old Kumanjayi Walker, shot by police in the Northern Territory community of Yuendumu.

Neither death had prompted the “same level of Australian outrage” as is seen here when similar deaths occur elsewhere, she said.

“While the high-profile deaths of black men in the United States have allowed white Australians to see the racist violence perpetrated by police and the white supremacy ingrained in systems, these are lessons they are not willing to learn on this land,” she said.

In another graphic example of the violence experienced by many Aboriginal and Torres Strait Islander people, Guardian Australia reported that a NSW police officer was being investigated after a video posted to social media showed him tripping an Indigenous teenager while arresting him, “slamming the boy face-first on to bricks”.

See this Twitter thread from the National Aboriginal and Torres Strait Islander Legal Services (NATSILS).

Change the Record writes:

Statement endorsed Change the Record, National Aboriginal and Torres Strait Islander Legal Services, Human Rights Law Centre, Amnesty International Australia, ANTaR, First Peoples Disabilities Network and Community Legal Centres, Family Violence Prevention Legal Services, ACOSS.

Change the Record calls on state, territory and Commonwealth governments to commit to end Aboriginal deaths in custody in the wake of George Floyd’s death in America – which followed two fatal police shootings here in Australia late last year.

Change the Record has called on the Prime Minister and National Cabinet to implement five key recommendations, below.

The Prime Minister yesterday distanced Australia from the police brutality in America, and downplayed the ongoing injustice of the mass-incarceration of Aboriginal and Torres Strait Islander peoples in Australian prisons, and the preventable and tragic deaths of over 400 Aboriginal people in police or prison custody since the Royal Commission into Aboriginal Deaths in Custody.

Change the Record Co-Chair, Cheryl Axeley:

“432 Aboriginal people have died in custody since the 1991 Royal Commission into Aboriginal Deaths in Custody was held, which was meant to put an end to our people dying in cells. Instead, its recommendations have largely been ignored.

Aboriginal and Torres Strait Islander peoples are dying in police and prison cells for two reasons – the discriminatory policies which see us arrested at extraordinary rates, and the discriminatory treatment we are subjected to by police and correctional authorities. This must change.”

The family of Tanya Day, a proud Yorta Yorta woman and much-loved sister, mother, grandmother and advocate who died in police custody:

“Hundreds of Aboriginal people have died in police custody, yet no police officer has ever been held criminally responsible. This is a stain on this country. Our families and communities are being decimated by the racism that infects police. We know that our mum would have been treated differently and would still be alive today if she was a non-Indigenous person. We lost our mother in the cruelest of circumstances. No family should ever have to go through that. Aboriginal deaths in custody must end.”
National Aboriginal and Torres Strait Islander Legal Services Co-Chair, Nerita Waight:

“The Prime Minister, like others before him, has chosen to ignore this country’s legacy of Aboriginal deaths in custody. Only last week, a police officer entered a not guilty plea for the murder of Yamatji woman Joyce Clarke, who was fatally shot in Western Australia. This was the second fatal police shooting in the last year, including 19-year-old Walpiri man Kumanjayi Walker in the Northern Territory. There have been 432 black deaths in custody in Australia since the Royal Commission and not a single conviction for authorities involved or any sense of accountability. National leadership is needed to end this injustice and begin to write the wrongs for our communities.”

Human Rights Law Centre Senior Lawyer, Shahleena Musk:

“Hundreds of Aboriginal and Torres Strait Islander people have died in custody in the last three decades, yet governments continue to sit on their hands and have failed to act. Our governments can choose to end the racial injustice and violence in this country by committing to end the mass imprisonment of Aboriginal and Torres Strait Islander peoples, by following through on recommendations of coroners, independent experts and the Royal Commission, and by holding police to account for wrongdoing.”

Amnesty International Australia National Director, Sam Klintworth:

“Australia has a shameful record in its treatment of Indigenous people in custody, and has compounded the trauma of dispossession by allowing kids as young as 10 to be locked up, condemning them to the brutalising effect of the youth detention system which sees children caught in the quicksand of the justice system, instead of with family in community.”

END DEATHS IN CUSTODY:

1. **End the mass imprisonment of Aboriginal and Torres Strait Islander peoples** by repealing punitive bail laws; mandatory sentencing laws; and decriminalising public drunkenness.

2. **Stop imprisoning Aboriginal and Torres Strait Islander children** and raise the age of legal responsibility from 10 to at least 14 years.

3. **End racist policing and require police accountability** by ending the practice of police investigating police, and legislating for independent investigations of deaths in custody and resourcing independent police oversight bodies.

4. **Implement all recommendations** from the Royal Commission into Aboriginal Deaths in Custody and the countless independent investigations, coronial inquests and reports that have been published in the three decades since.

5. **End the abuse, torture and solitary confinement** of Aboriginal and Torres Strait Islander people in police and prison cells through legislative safeguards and by urgently establishing independent bodies to oversee the conditions of detention and treatment of people; in accordance with our obligations under the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).
Our thoughts are with the #Aboriginal families who have lost loved ones, whether through the criminal justice or child protection system. We stand in solidarity with the people in the US protesting against police brutality. #AboriginalLivesMatter

'Deaths in our backyard': 432 Indigenous Australians have died in custody since 1...
Aboriginal people whose family members have died in custody express solidarity with people on the streets of US cities protesting against the death of George ...

We’re sending solidarity to everyone protesting in the US. The similarities between how police treat Black people in the US and Aus is horrifying. We have solutions that can save lives, but where is action?

#BlackLivesMatter 🙅‍♀️ #StopBlackDeathsInCustody

Article link: https://bit.ly/33TVyJY  Published: 2 June 2020
What are the chances of reform to the prison system in the wake of COVID-19? CroakeyVOICES investigates

The spread of COVID-19 around the world has shone a light on overcrowded prisons and, in Australia, the high and growing incarceration rates for First Nations people.

In the second of two #CroakeyVOICES podcasts funded by the Judith Neilson Institute for Journalism and Ideas, Associate Professor Megan Williams, the Research Lead and Assistant Director of the National Centre for Cultural Competence at The University of Sydney, and Cate Carrigan look at calls for prison reform in the wake of COVID-19. Change the Record’s Cheryl Axleby says there’s been an 88 percent increase in incarceration rates for Aboriginal and Torres Strait Islander people over ten years, and argues it’s time to repeal punitive bail laws, end the offence of public drunkenness, raise the criminal age to fourteen and implement the recommendations of the Black Deaths in Custody Royal Commission.

We also hear from:

- Robert Houston, a former director of the Douglas Country Corrective facility in Omaha, USA, and lecturer at the School of Criminology at the University of Nebraska;
- Greg Barns from the Australian Lawyers Alliance;
- Debbie Kilroy from “Sisters Inside”;
- Thomas “Marksey” Marks, an artist and former inmate in the Victorian prison system;
- Ron Wilson, the President of Australasian Corrections Education Association; and
- Murray Cook, founder of the NSW Community Restorative Centre’s SongBirds program.

Author: Cate Carrigan and Megan Williams
Listen to the podcast [here](https://bit.ly/33Ta4lk)  

**Confined 11** – The Torch virtual exhibition, selling artworks from inmates and former inmates of Victoria corrective facilities, continues until June 7.

**Songbirds: Ballads behind Bars**

*Article link: [https://bit.ly/33Ta4lk](https://bit.ly/33Ta4lk)*  
*Published: 4 June 2020*
Looking in on the inside: why OPCAT is needed for Australian prisons, detention centres

Australia has been urged by a broad alliance of civil society and Aboriginal and Torres Strait Islander organisations, and senior academics to implement the United Nations treaty that it ratified in 2017 to prevent mistreatment in places of detention, particularly as the coronavirus pandemic has brought in greater restrictions for inmates and fewer independent eyes in facilities.

However, media outlets reported that some state governments were in “revolt” over the implementation of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

Steven Caruana, coordinator of the Australia OPCAT Network, and a former detention inspector for both the Office of the Inspector of Custodial Services Western Australia and the Office of the Commonwealth Ombudsman, responds to the criticisms below.

Croakey readers might also be interested to listen to this episode of the UK Better Human podcast on human rights with Adam Wagner, which also outlines the role of OPCAT in the UK, and speaks with Professor Sir Malcolm Evans, Chair of the United Nations Subcommittee for the Prevention of Torture.

Steven Caruana writes:

The Australian recently published a (paywalled) story, headlined ‘Revolt over Turnbull’s UN prison deal’ which reports that that Corrections Ministers around Australia see the former Turnbull Government’s ratification of the Optional Protocol to the Convention Against Torture (OPCAT) in December 2017 as an ‘absolute dud-deal’.

We pay our respects to the Traditional Custodians of the country where we live, work and travel upon, and to Elders, past, present and future.
The OPCAT is a voluntary UN treaty in which State parties commit to the introduction of a two-tiered system of independent, preventive, rights-based inspections in places where people are or may be deprived of their liberty (not just prisons).

The first tier consists of periodic visits by the UN Subcommittee for the Prevention of Torture (SPT) and the more substantial obligation is the creation of a National Preventive Mechanism (NPM) comprising existing or new domestic oversight bodies.

The network of oversight bodies in Australia that will make up the NPM is yet to be determined but will be coordinated at the Federal level by the Commonwealth Ombudsman.

In a speech, given at a prisons conference in 2018, the Commonwealth Ombudsman Michael Manthorpe assured Corrections personnel that the NPM is not ‘just another oversight body’ but should be regarded by detaining authorities as a partner in finding pragmatic solutions to mutually recognised issues.

It recognises that prevention is as much about staff safety and environmental safety as it is about detainee treatment and conditions.

Last year the Commonwealth Ombudsman reported on Australia’s existing oversight agencies and their readiness to meet the standards of independence, legislative powers, and expertise that the OPCAT requires.

He found there to be ‘some variation in terms of OPCAT readiness’ but that one or two bodies in each State or Territory could meet the requirements with legislative amendments.

Despite having presented these finding to Australia’s Corrections Ministers, according to The Australian, they have proclaimed that existing oversight is already ‘adequate’.

What are the true costs?

To this assertion South Australia’s youth justice watchdog, Penny Wright, has today stated that there is no formal oversight of police custody in remote areas of South Australia nor of young people transported, under guard, when they’re away from the Cavan Youth Training Centre.

According to the In Daily, Wright said that “our biggest concern is what we don’t know – there is no systematic program of oversight for those sorts of places at the moment in South Australia”.

Corrections Ministers have also reportedly raised concern about the ‘significant financial imposts’ of implementing the NPM. It should be noted with respect to costs that in its 2017/18 Annual Report, the WA Inspector of Custodial Services (currently the most well-funded and OPCAT ready inspectorate in Australia) stated its total budget was just 0.4 of one percent of the entire WA Corrections budget.

The Victorian Ombudsman in assessing Victoria’s readiness for OPCAT also suggested ‘an NPM conducting regular inspection of all primary places of detention in Victoria should comprise approximately 12 Full Time Equivalent staff and have an operating budget of approximately $2.5 million’.

Comparing his thematic review of Western Australia’s Banksia Hill Detention Centre, former Inspector of Custodial Services, Professor Neil Morgan said ‘issues at Don Dale triggered a Royal Commission into youth justice in the Northern Territory, with an estimated budget of over $60m. We initiated and completed a review addressing many similar issues for less than $300,000 and in a much shorter timeframe’.

Lessons from Don Dale and Oakden

A Sky News commentator last night complained about allowing the UN to “lecture us on the way our prisons are run”.

Apart from making a voluntary pledge in its campaign for a seat on the UN Human Rights Council, it should be remembered that the ratification of the OPCAT was also the Turnbull Government’s response to the atrocities that occurred at Don Dale, atrocities that even most recently are still the attention of courts and the media.

At the time of ratification, both the former National Children’s Commissioner Megan Mitchell and the former Attorney-General George Brandis commented that OPCAT could have prevented Don Dale from happening in the first place.
It is interesting to note a parallel with the Morrison Government citing the events at the Oakden nursing home as a reason for calling the Royal Commission into Aged Care Quality and Safety. According to Dr Aaron Groves, the former Chief Psychiatrist of South Australia who exposed the gross mistreatment: “Oaken would not have happened had we had an NPM in place.”

Finally, The Australian article raises concerns that such visits would lead to ‘illconsidered recommendations and/or criticism” and may ‘stymie efforts to stop contraband smuggling’.

In fact, watchdogs both domestic and international, play an important role in questioning the status quo.

For example, the Western Australian Office of the Inspector of Custodial Services found in its 2019 review into strip searching that it is ineffective, harmful and puts staff at risk of assault.

Of the almost 900,000 strip searches conducted from 2014 studied in the review, positive finds amounted for 0.06 percent of all searches. One in 10 Corrections personnel surveyed also stated they had been assaulted during a strip search. Despite the evidence, Corrections remains reluctant to change these practices.

In New Zealand where OPCAT inspections have been in place for over 10 years, evidence of its positive impact can be seen by the Minister of Justice designating the Ombudsman’s prison inspection role as an ‘essential service’ during the Level 4 COVID-19 restrictions.

OPCAT in New Zealand has seen barbaric practices that are outlawed in other countries such as tie-down beds (beds where prisoners are restrained by their legs, arms, and chest, and in waist restraints with their hands cuffed behind their back, so the prisoner can only move their head from side-to-side) banned from use there too.

Steven Caruana is coordinator of the Australia OPCAT Network, a coalition of over 90 non-government organisations, academics, statutory officer holders and interested individuals concerned with the effective implementation of oversight to Australian places of detention. Steven is also involved in policy development and regulation of aged care facilities and monitoring designated mental health units in New South Wales. Steven was formerly a detention inspector for both the Office of the Inspector of Custodial Services Western Australia and the Office of the Commonwealth Ombudsman. Steven is a Churchill Fellowship recipient and the current Australian Ambassador for the Human Rights Measurement Initiative.

Article link: https://bit.ly/302c6hV  Published: 5 June 2020
Stand with us. And clean out prisons

The COVID-19 pandemic is exacerbating the stress on prisoners and their families, according to Gunditjmara woman Tabitha Lean, who writes below why she supports calls to clean out prisons.

Tabitha Lean writes:

Let’s get this over and done with, right up front.

I have a criminal conviction. I spent two years in jail for fraud. I made mistakes, and some of them were despicable. My face was splashed across the TV and papers. My life became a magazine anyone could thumb through.

The reason I am telling you this is not to offer myself up for your judgement, but because I know how you like your news packaged in bundles wrapped with a certain amount of objectivity. Today, though, your news is completely cloaked in subjectivity, because I am bringing every ounce of my lived experience to this piece. Personally, I think that makes it authentic and genuine in a way you wouldn’t otherwise get.

So buckle up, this is not an academic exercise for me, I am telling it to you straight. I’m doing this because there are human beings sitting in cages right now… sitting ducks for all of the COVID chaos the earth can rain down upon them. And because this situation is urgent, it’s literally life or death stuff, so hold your judgement, we can get to that later, we’ve got lives to save.

Across the world we are witnessing prisoners being released – it’s happened in Turkey, Iran, and even some states in the United States. These compassionate releases acknowledge prisons and other custodial settings are an integral part of the public health response to COVID-19, and like the cruise ship, prisons are hot beds of disease with the very power to decimate whole populations.

In Australia, there are approximately 43,000 people incarcerated in prisons on any given day, one-third of whom are on remand, and to date I am not aware of there having been one single compassionate release. People inside are vulnerable. They are lonely, they are scared, and they know that the health services available in prisons will not be able to handle an outbreak.
Sick with worry

On March 20, the Prime Minister announced that all personal visits to adult correctional facilities across Australia would be suspended. Three days later, prisons in South Australia closed the gates. As I write this, the prisons have been closed for 82 days straight. That’s 82 days that mothers have not held their children, 82 days since families have been able to sit across from their loved one, hold their hand and know they are OK.

Because yes, the prisons say they will notify you if your loved one becomes ill with COVID-19 – but when exactly will they tell you, and at what moment? Will they tell you when they test the patient? Will they tell you when your family member is slung into isolation, a hard cell, to protect the rest of the prison population? Will they tell you en route to the emergency department? Will they tell you when the person you love is intubated to help them breathe? Or will you find out as the morning news breaks the story that COVID-19 is in our prisons? When? When will they tell you?

I know of families who are sick with worry. Every day, they wait for the phone call from their dad, mum, son, daughter, brother, sister, just to know they are OK. I know children, little kids, who are asking their mamas to buy soap and send it in to their dad so he can wash his hands, because they’ve heard the public health messages, and if hygiene is a factor on the outside, they know we should be even more focused on it on the inside. And when they send in the soap, the prison authorities say, “oh we checked, we have enough in stock, everyone has access to soap”.

Let me give you some insight here, real insight and not a glossed up ministerial response. Yes, there is soap in most prisons…but…when I was in mainstream wings of the prison we had three bars per wing. Three bars. These were in the communal bathrooms. We shared three cakes of soap among 12 girls. That is no way to manage hygiene.

If you wanted your own cake of soap you had to buy it, and without money for commissary items, you simply cannot and therefore were forced to share. When I was in the high dependency unit, I had my own soap. However, when it ran out I had to ask an officer for more. Whether this was given to you was up to the discretion of the officer at the time. They knew we were entitled to it, but let me tell you, officers love to use the artificial arbitrary power they’re given by the state to determine who should get what and when.

People in prison in the middle of a pandemic cannot afford to have to rely on an officer’s appropriate and fair application of their powers, or their discretionary authority.

As people are warehoused in over-crowded cells, originally built for one, but now that those cells house two, social distancing is impossible. I think about the large dorm-like buildings with more than a dozen girls all crowded in. Cleaning surfaces with anti-bacterial products will be difficult. Oh, the prisons will tell you it’s not impossible. They’ll tell you that your fellow citizens have access to cleaning supplies which are actually in a locked cupboard you have to ask for permission to access.

Compassionate leave to attend funerals has also ceased. If you are unlucky enough to lose your own parent or child while you are in prison, you will not be able to go to the funeral to say your goodbyes. And I heard from a girl recently, that when she was taken in on a parole breach, she wasn’t quarantined at all, she was placed straight into the prison population.

A public health response

But if all of that misery and suffering isn’t enough, and you don’t care about my fellow brothers and sisters in cages because, as many of you are fond of saying, “if they hadn’t done the crime, they would not now be doing the time”, I want you to know that every single day of every single week, 25,000 men and women across this country move in and out of the prisons into your communities and your neighbourhoods – some may even live next door to you. Some of their kids likely go to your children’s schools.

They’re called correctional services officers. COVID-19 doesn’t stop at the prison gates, if there’s an outbreak inside, your friendly officers will be the unwitting smugglers of the disease to you on the outside.

Cleaning out prisons is a public health response.

Don’t stand by and forget about the people locked inside because prisons are a vector for community transmission, and it will be our most marginalised communities who will be disproportionately affected.

Don’t let there be another death in custody. Stand with us, and demand the system does better by our fellow citizens.
Tabitha Lean: I am a Gunditjmara woman, born and raised on Kaurna country.

As a First Nations woman I am blessed to have my mother’s stories and the blood of all the women before me coursing through my veins. It is in their honour, that I centre their unique knowledges, and privilege their voices and stories in all my work.

I am a formerly incarcerated woman, still shackled to the system. It is part of who I am, but not all that I am.

Follow on Twitter: @haveachattabs

Article link: https://bit.ly/3mIJML7  Published: 10 June 2020
How political game-playing is putting prisoner safety at risk

Marie McInerney writes:

The Federal Government has confirmed its support for a much-heralded United Nations treaty to prevent mistreatment in prisons, police cells and other secure settings but its already long-delayed implementation appears mired in an argument with states on funding.

That’s despite the ability of the treaty to “shine a light into dark places” — ever more critical in Australia with Black Lives Matter rallies across the country demanding an end to Aboriginal and Torres Strait Islander deaths in custody.

Even as the mass protests, sparked by Floyd George’s horrific death at the hands of police in the United States, were making their way through cities and towns came news of two new traumatic incidents involving Aboriginal prisoners in Western Australia.

One man died after collapsing in a prison, and a woman was critically injured after being reportedly “body slammed” by prison guards. Shocking video footage also emerged last week showing a New South Wales police officer kicking the legs out from under an Aboriginal teenager and pinning him to the ground.

Advocates say the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), which is operational in about 90 countries including the UK and New Zealand, will allow scrutiny in places that justice watchdogs in Australia currently cannot access due to lack of authority or resources.

They say it will particularly strengthen national oversight of youth detention facilities and police lockups in remote regions, and might have prevented abuses of young Aboriginal people at the Don Dale facility in Darwin that shocked Australia in mid 2016.

“OPCAT inspections seek to improve and prevent, by shining a light into dark places,” Victorian Ombudsman Deborah Glass told Croakey.
“They can identify pressure points which if left unchecked, could result in riots. They promote rehabilitation, which makes the community safer. And while they cost money to implement, it costs far more to deal with the consequences of ill-treatment.”

**Set to “revolt”**

OPCAT was ratified in 2017 by Australia under then Prime Minister Malcolm Turnbull, but implementation was postponed for three years.

A UN visit to Australia in March to conduct inspections and provide advice on implementation was postponed due to the pandemic and new concerns for the treaty’s future in Australia arose last week following a media report that states were set to “revolt”.

However, a spokesman for the Attorney-General Christian Porter told Croakey his office was “not aware of any revolt” apart from the media report, saying:

“The Australian Government is committed to working cooperatively with states and territories to implement OPCAT and is committed to ensuring implementation is practical and effective.”

But it’s clear that state governments want the Federal Government to pick up the bill, given they say it signed the treaty. What’s not yet clear is whether they want Canberra to just fund the United Nations inspections that accompany OPCAT or also domestic operations.

A spokesperson for South Australian Corrections Minister Corey Wingard told Croakey that concerns have been raised by Corrections Ministers from around Australia about funding the costs of implementing OPCAT.

“The Marshall Government has a strong focus on the rehabilitation of prisoners and funding rehabilitation programs,” the spokesperson said.

“Minister Wingard would rather taxpayers’ money be spent on these programs rather than flying in UN officials and their entourage.”

Western Australia’s Corrective Services Minister Francis Logan said in a statement to Croakey:

“The implementation of OPCAT has significant financial implications for every state and territory in Australia, which has not been resolved by the Federal Government.

“The WA Government has lobbied the Federal Government repeatedly at every opportunity to reach a resolution on the necessary funding to make these protocols viable.”

**“Deeply disappointing”**

Deborah Glass, who has conducted an OPCAT-like investigation into solitary confinement of young people in Victoria, warned last month about “lack of official enthusiasm” for OPCAT in Australia, which she said was “deeply disappointing”.

Victoria’s Commissioner for Children and Young People (CCYP) Liana Buchanan also finds it “difficult to fathom” why OPCAT would not be supported by all governments.

She says her office provides rigorous, independent oversight of youth justice centres in Victoria, but full implementation of OPCAT will extend “consistent and fully independent oversight across Australia for youth justice centres and other places of detention”.

Buchanan said the need for OPCAT level scrutiny was to be seen with last week’s High Court finding that the use of tear gas on youth detainees at Don Dale was illegal, “and with many other instances of mistreatment of young people in youth justice detention nationwide”.

South Australia’s youth justice watchdog, Training Centre Visitor Penny Wright, was also last week seeking clarification from the State Government about its position on OPCAT.

She told local media that while her role provided oversight at the Cavan Youth Training Centre, there were “serious gaps” of other places where children are detained, including in police custody, particularly in remote communities, or in mental health wards.
She highlighted the shocking death in April of Adelaide woman Ann-Marie Smith from severe septic shock, multi-organ failure, and issues connected with her cerebral palsy, after being stuck in a cane chair for 24 hours a day for more than a year.

It was, she said, an example of “what can happen when vulnerable people are not adequately protected”.

Leading OPCAT advocate Steven Caruana said he is confident there is considerable support among Corrections Ministers for OPCAT.

He said Natasha Flyes, the Northern Territory Minister for Justice, is on the record stating that OPCAT implementation “reflects our commitment to let international best practice inform our continuous improvement of oversight of places of detention”.

Shane Rattenbury, ACT Minister for Corrections, had said the ACT’s support for OPCAT ratification “speaks to our proud history of legislating to protect the human rights of ACT citizens, including our most vulnerable”.

But Caruana, coordinator of the Australia OPCAT Network, said it would not surprise him if the sticking point was funding.

He said Network members are “firmly of the view” that the Federal Government has a responsibility to assist the state and territory governments to meet the resourcing needs of OPCAT’s implementation in Australia.

He referred to a point made about this from Greens Senator Nick McKim at the 2019-20 Supplementary Budget Estimates, that six months of operational cost to keep Christmas Island open ($30 million) is roughly equivalent to funding Australia’s strongest justice watchdog, the WA Office of the Inspector of Custodial Services, for seven years.

Addressing racism embedded within the criminal justice system

Wide-ranging efforts are needed to tackle racism within the criminal justice system, including amongst judges, juries and lawyers, according to Thalia Anthony, Professor of Law at the University of Technology Sydney.

Thalia Anthony writes:

The Black Lives Matter protests in the United States have helped focus attention in Australia on the issue of First Nations deaths in custody. The resulting protests here have placed the spotlight firmly on the endemic racism across our criminal justice system.

While much needs to change across a range of areas to reduce the level of indigenous incarceration and deaths in custody, one important part of this change is to reduce the level of implicit judicial bias.

The lead Federal Government response to pressure by First Nations families and the protests broadly has been consideration of Justice Targets to form part of the Close the Gap measures.

This is consistent with Recommendation 16–1 of the 2017 Australian Law Reform Commission’s (ALRC) Inquiry into Indigenous Incarceration:

*The Commonwealth Government, in consultation with state and territory governments, should develop national criminal justice targets.*

*These should be developed in partnership with peak Aboriginal and Torres Strait Islander organisations, and should include specified targets by which to reduce the rate of: incarceration of Aboriginal and Torres Strait Islander people; and violence against Aboriginal and Torres Strait Islander people."
Achieving targets in relation to reducing the rate of incarceration of First Nations people requires undoing biases that are inherent in the criminal justice system. This is not only relevant to police and corrections systems, but also the courts.

**Implicit bias**

A recent study on bias in Australia found that across 11,099 participants from a broad-cross section of society there was inherent implicit racism. It was based on the United States Implicit Association Test – which measures attitudes that are held without the person’s awareness. The study found that three-quarters had a bias in favour of Caucasian faces and against Indigenous faces.

This level of implicit bias in Australia was almost on a par with the bias against African American and in favour of Caucasian faces in the United States. The authors concluded that such "bias may predispose vast swathes of the population towards considering Indigenous Australians through a negative lens, perhaps unconsciously".

Magistrates, judges, lawyers and jurors, as well as those providing reports and expert evidence to criminal courts are not immune from racial assumptions and stereotypes. Their biases can have a critical impact on decisions to imprison First Nations people. Yet it is most insidious and difficult to undo where it hides behind a veil of so-called procedural fairness.

Criminal courts are substantially the domain of white decision makers. The overwhelming number of judicial officers, lawyers and experts are non-Indigenous.

And despite First Nations people comprising over a quarter of people before criminal courts, juries comprise over 99 percent of non-Indigenous people.

When institutional racism is entrenched like this, it is impossible to receive a fair hearing that is free from implicit bias.

Studies have found that courts receive information that is steeped in deficit assumptions about First Nations people, including that they pose a risk to the community and cannot be rehabilitated.

Judicial officers in sentencing First Nations people to prison can imbue their remarks with racist assumptions and at times, such as recently in the Northern Territory, make overtly racist comments about First Nations people and communities.

**Undoing the bias in criminal courts**

Redressing implicit bias in the courts requires the creation of new narratives and conditions that counter racial assumptions. Courts settings, the judiciary, advocates and experts, court information and non-custodial bail and sentence options need to be transformed.

Importantly, it requires that Indigenous perspectives, strengths-based approaches and First Nations healing and strengthening options are deployed.

There are increasing calls for the expansion of First Nations sentencing courts. In most states and territories there are Koori, Murri and other inclusive First Nations sentencing processes.

These courts engage First Nations Elders, family, victims and support people to determine the appropriate outcome. The hearings are often in places (in and out of courts) that are less formal and enact processes that are more deliberative, collective and support-based.

However, the reach of the Indigenous sentencing courts is limited, with access only being available to a small percentage of First Nations defendants across the country.

Recently, Koori courts in NSW have been shown to improve outcomes for the First Nations people before them, including lower rates of imprisonment than First Nations people sentenced in mainstream court settings. This confirms a body of research showing that Koori courts also strengthen the social, cultural and emotional and wellbeing of First Nations people.
Currently before the NSW Government is a proposal to extend the reach of Koori Courts to the District Court Level. This proposal of the ‘Walama Court’ has been developed through a collaboration between the courts and Aboriginal community members across the nations of the Sydney region as well as other key Aboriginal organisations and legal agencies.

The name “Walama” is indicative of the objective of this court. As explained by Wiradjuri/Wailwan lawyer Teela Reid, it is a Dharug word for “come back” or “return”, which represents the court’s aim to:

“ensure Aboriginal people return to the safety of their communities, come back to country and reconnect with their cultural identity, rather than languish inside a prison cell.”

In addition, these courts need to have Aboriginal background reports that are prepared by an Aboriginal organisation with the Aboriginal defendant. This would help remedy biases in current pre-sentence reports that are prepared with reference to a deficit risk tool that is more likely to draw adverse conclusions for Aboriginal people.

Recognition of the bias of pre-sentence reports that are prepared by probation and parole in Victoria has been a precursor for the Victorian Aboriginal Legal Service (VALS) proposing Aboriginal Community Justice Reports in 2017. These reports provide background information on the Aboriginal person, their family and community, and articulate the experiences and social, cultural, emotional and physical needs of the person are prepared with the family and support people and quoting their own words in the report.

The reports counterpose racial constructions of First Nations people before criminal courts. They set down non-custodial sentence options that are relevant to the person and are community-based.

The 2017 ALRC Inquiry into Indigenous Incarceration recommended what it referred to as Indigenous Experience Reports:

“6–2: State and territory governments, in partnership with relevant Aboriginal and Torres Strait Islander organisations, should develop and implement schemes that would facilitate the preparation of ‘Indigenous Experience Reports’ for Aboriginal and Torres Strait Islander offenders appearing for sentence in superior courts.

6–3: State and territory governments, in partnership with relevant Aboriginal and Torres Strait Islander organisations and communities, should develop options for the presentation of information about unique systemic and background factors that have an impact on Aboriginal and Torres Strait Islander peoples in the courts of summary jurisdiction, including through Elders, community justice groups, community profiles and other means.”

**Smarter investment needed**

VALS and the University of Technology Sydney Law Faculty are currently conducting a pilot with these Indigenous Experience Reports, but the Federal Government is yet to commit resources to their roll-out across the country in accordance with the ALRC recommendation.

Justice targets need to be applied to every stage of the criminal justice system in conjunction with requisite resources to redress entrenched racism and provide alternatives to prison, police and traditional court processes.

The investment in law enforcement and prisons, which amounts to $302 per day inmate, has not worked. Rather, it has produced a rapidly rising prison population and a system that over-incarcerates First Nations people and inflicts indirect harm on their children, communities and cultures.

We need better ways to invest this money that strengthens rather than segregates communities.

There needs to be a commitment to directly counter racism, including in courts, or otherwise racism will be left to fester unchecked.

**Thalia Anthony** is Professor of Law at the University of Technology Sydney.

Could the pandemic open the doors to prison reform?

Marie McInerney writes:

Around the world, COVID-19 has raised deep anxieties about the welfare of prisoners, but it is also leading to hope that emerging from the pandemic to a “new normal” might bring long-overdue, meaningful prison reform.

In Darwin, lawyer David Woodroffe is used to seeing prisons packed with disproportionately high numbers of Aboriginal people, many on remand because they have been refused bail, serving time often because of traffic offences and failure to pay fines, and suffering a range of chronic health issues.

As the Principal Legal Officer with the North Australian Aboriginal Justice Agency (NAAJA), he has been on tenterhooks for the past few months, amid grave concerns that Australia’s prisons will be hot spots for transmission of the novel coronavirus, as has happened in the United States.

“There’s the risk of real catastrophe, in the loss of Aboriginal lives, and the effect that would have on communities, families, and children,” he told Croakey.

But Woodroffe, who is chair of the Winkiku Rrumbangi NT Indigenous Lawyers, says the pandemic has also given him a glimpse of what justice systems might look like if the health, welfare and safety of Aboriginal people in corrections was more of a priority.

While no Australian prisons have released large numbers of prisoners, as has happened in Iran or Ireland, Woodroffe estimates that numbers of Aboriginal prisoners at the Darwin Correctional Centre have been cut by about 130 (possibly 10-15 per cent) as authorities have sought to reduce overcrowding to limit the risk and impact of a possible outbreak.

That’s been achieved in a number of ways, he says.
One has been better access to bail – something that is often denied to Aboriginal and Torres Strait Islander people, who are 11 times more likely than non-Indigenous Australians to be held in prison on remand awaiting trial or sentence.

There’s also, he said, been a more concerted effort to make sure that people have been able to get home safely when they’ve left prison or youth detention, to avoid them becoming homeless or stranded, he said. That’s often tricky for those returning home on Country, having to navigate distances of thousands of kilometres, but particularly when remote communities are in lockdown.

And the threat of the coronavirus entering remote communities led to another benefit, he says. Mainstream health and social services, including bush courts, “withdrew” from many places during lockdowns, providing the opportunity for local communities to step up and find their own ways of keeping themselves safe and well.

“Why shouldn’t this be the new normal?” Woodroffe asks.

**Keep children out of custody**

A similar question is being asked thousands of kilometres south, where the Victorian Commission for Children and Young People is urging courts and justice departments to continue their efforts begun during the pandemic to reduce numbers in youth detention.

Commissioner Liana Buchanan told Croakey that management of the pandemic has been posing unique risks in a secure setting like youth justice – not just the risk of a devastating outbreak but also issues like use of solitary confinement as a means to reduce transmission.

She said her greatest fear so far has been that any COVID-19 case in a youth facility would lead to all children and young people being in effective solitary confinement for extended periods.

“That would be devastating,” she said of the mental health impacts outlined by her office in a 2017 report that found most children and young people in youth justice centres have a history of trauma or disadvantage and faced “significant neurological and emotional harms” from isolation, separation and lockdowns.

Although they don’t yet have exact figures on lower rates of detention through the pandemic, Buchanan and her colleague Justin Mohamed, Victoria’s Commissioner for Aboriginal Children and Young People, have observed greater efforts by authorities to prepare young people for bail and parole and to keep them informed and engaged in activities in detention.

Those greater efforts include Youth Justice putting extra resources into case management to support children getting bail, an approach that “should of course be the norm”, Buchanan said.

Reduced numbers have also resulted from less ‘offending’ by young people in the community during lockdown and an apparent shift in the exercise of magistrates’ discretion, she said.

“These efforts to keep children out of custody, and to better support those in custody, should not only be applied during a pandemic, they should set the new benchmark from which we should be aiming to improve further,” she said.

**Digital connections**

Just as Australia’s overall COVID-19 numbers are among the lowest in the world, so too is the infection rate in our prisons. To date, only been a handful of cases have been reported among guards or support service staff, and none confirmed among prisoners.

That compares to the devastating outbreaks seen in the US where, as at June 2, according to tracking by the Marshall Project, more than 40,000 prisoners have tested positive for COVID-19 and at least 495 have died.

Australia’s success has come with costs for prisoners and youth detainees.

These include a stop on face to face visits from family and friends, and lawyers and support services were unable to go inside. Education has been disrupted, and new arrivals to prison and juvenile justice have had to go into mandatory 14-day isolation in some jurisdictions, a big worry for those who may be experiencing great anxiety and/or managing withdrawal from drugs.

We pay our respects to the Traditional Custodians of the country where we live, work and travel upon, and to Elders, past, present and future.
Justice watchdogs told Croakey they have worried about such costs but said they have had to be balanced to a degree by the success so far in keeping the coronavirus out of prisons. "The stakes are high," said Western Australian Inspector of Custodial Services Eamon Ryan.

While advocates have raised many concerns for prisoners and young people in detention under the pandemic restrictions, Ryan told Croakey his office has received “mixed feedback” from prisoners, staff, families and support services and staff.

Many, he says, have welcomed the long-urged expansion of ‘digital visits’ via skype or other video links, which has given some inmates the first chance in years to see their homes and pets and children playing in backyards.

“If there is any good to come of this situation, it is this initiative,” he said, adding his office had been also told that the atmosphere in many facilities "is more calm because of a reduction in contraband entering and the flow-on impact of that within prisons”.

**Act quickly**

Now some of those restrictions are lifting around the country but, like David Woodroffe, Olga Havnen believes “business as usual” is the last thing that prisoners need.

Her worries are not only about a second wave of coronavirus, but third or fourth waves, an ongoing threat of coronavirus infection that also means constant lockdowns and risks of damaging solitary confinement.

"It could go potentially for years," says Havnen, who is CEO of the Danila Dilba Health Service, which provides youth outreach into the Don Dale juvenile detention centres in Darwin, as well as community controlled health services across Darwin.

Earlier this month Haven welcomed a High Court decision which found the tear-gassing of four teenagers at Don Dale in 2014 was unlawful.

It was one of many shocking abuses at the facility that led to the Royal Commission into juvenile detention in the Northern Territory.

Havnen said it was “completely and utterly obscene”, and further proof that prison or detention should be a place of last resort for Aboriginal and Torres Strait Islander people – as urged by the Royal Commission into Aboriginal Deaths in Custody 30 years ago and multiple other reports since.

Yet, as the Law Reform Commission found in 2018, over-representation is “both a persistent and growing problem”—Aboriginal and Torres Strait Islander incarceration rates increased 41 percent between 2006 and 2016, and the gap between Aboriginal and Torres Strait Islander and non-Indigenous imprisonment rates widened over that decade.

With the pandemic now adding to that threat, Havnen and other advocates are urging the release of low-risk prisoners from prisons and youth detention: the many who are sentenced for traffic offences or non-payment of fines, those with chronic health conditions or on remand, the elderly, the young, women with children in their care.

“For Christ’s sake, get people out,” Havnen said, urging prisons to act now, before an outbreak happens and while we have a respite.

If this release does not happen, she worries that if an outbreak occurs, authorities will either lock down all prisoners or launch a large scale release without adequate supports for those released.

Havnen said there had been talk in Darwin early in the pandemic about setting up low cost accommodation options for people exiting prisons in an outbreak, and for those who live rough.

“But now that things have eased up a bit, I’m not sure the impetus and appetite is still there for that,” she said.

“There is not much point opening the doors of a prison and turfing them out on the street.”

**Transition matters**

The risks and lack of support in the transition from custody to community is one of the biggest issues that prisoners and young people face and has long been a worry for Melbourne women’s prisoner support group Flat Out, especially in the pandemic.

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*We pay our respects to the Traditional Custodians of the country where we live, work and travel upon, and to Elders, past, present and future.*
Executive Officer Elisa Buggy says it’s hard to be hypercritical of prison authorities at the moment, given how effective facilities have been at preventing an outbreak.

“But that doesn’t detract from how terrifying it must have been to be in prison”, particularly in the early days when the threats for prisons were emerging and lockdowns beginning.

Equally hard, she said, has been the experience of many women released during the pandemic from prison back into the broader community, where they were subject to heavy police surveillance.

She doesn’t have access to numbers yet of the number of women who cycled back into prison during the pandemic, but said Flat Out’s referral rates “climbed exponentially”.

“Coming out of prison into a pandemic, where if you don’t have access to housing immediately, and it’s not stable and safe, you’re going to be walking the streets,” she said.

“If so, you’re very susceptible to being picked up by police, a $1,600 fine slapped on you, police checking whether you’re breaching bail conditions, and you’re back in the system again before you can blink.”

Asked what she would like to see happen, Buggy says it’s no secret that Flat Out is an organisation that advocates prison abolition. “It would be great to see this level of social and societal disruption also have a positive impact on reducing the number of people in prison,” she said.

**Opportunity for change**

Flat Out is **not alone** in calling for dramatic cuts to prisoner numbers in Australia.

The Law Council of Australia wrote in March to Attorney General Christian Porter, saying Australian courts had already begun to factor in to bail decisions the risks to people coming before them of both COVID-19 and disruptions from the pandemic that have clogged up legal processes.

Weeks before the Black Lives Matter protests exploded across the globe, the families of Aboriginal and Torres Strait Islander people who have died in custody issued an **urgent letter** to police, prisons and governments, saying they “fear that a Black COVID-19 death in custody is only a matter of time”.

Even if we don’t have another coronavirus wave, David Woodroffe can’t bear the thought of going back to normal in the NT, “if normal is that the bars and coffee shops are open, and our courts and prisons fill up once more, with another generation of Aboriginal people lost to the justice system”.

“This is a pivotal opportunity to change the way the justice system operates,” he says.

Beyond meaningless targets: calling for real action on prisons, policing and injustice

Introduction by Croakey: Widespread anger and outrage greeted the news that 2093 was being considered as a target date for achieving parity in incarceration rates for Aboriginal and Torres Strait Islander people and non-Indigenous people.

Minister Ken Wyatt told ABC TV on 2 July that he did not expect 2093 to be retained as the target date in the new Closing the Gap agreement, following further discussions. He also said his goal was to have the new agreement signed before the Northern Territory election on 22 August.

Rather than setting targets of “parity”, Australia should be aiming instead to defund prisons and police and change the way we address crime, according to Robyn Oxley, a Tharawal woman who has family connections to Yorta Yorta, and an activist and a lecturer at Western Sydney University in Criminology.

Robyn Oxley writes:

We cannot waste another generation of Aboriginal and Torres Strait Islander people dying in custody.

Why is it OK to fail two, three or four generations of Aboriginal and/or Torres Strait Islander people with the latest update on setting targets on Close The Gap and obtaining parity on the incarceration rates of Aboriginal and/or Torres Strait Islander people?

We do not have 73 years to waste on closing this particular gap. The Government must not impose this target on incarceration rates for Aboriginal and/or Torres Strait Islander people.

We have only seen increases within the Aboriginal prison population across the country. According to the latest data from the Australian Bureau of Statistics, Aboriginal and/or Torres Strait Islander people make up 28 percent of the total prison population. In 2016, the ABS estimated the Australian percentage of Aboriginal and/or Torres Strait Islander people was 3.3 percent.
According to an article from *The Conversation* in 2018, “the rate of Indigenous incarceration has increased by **45%** since 2008”. This is not parity with the growth of Aboriginal and/or Torres Strait Islander total population.

The concern should be focusing on the criminal justice system and changing the way Aboriginal and/or Torres Strait Islander people are policed. Systemic racism plays a large part in the overrepresentation of Aboriginal and/or Torres Strait Islander people, which must be addressed if we are ever going to see a drop in the incarceration rates.

The Australian criminal justice system needs major institutional reform and Aboriginal and Torres Strait Islander communities must take back the control from the Government, and make decisions that affect their communities and people. We must see a shift to ensure that self-determination is centred for Aboriginal communities.

The latest update on Closing The Gap targets are not strong enough for the community. Despite Ken Wyatt, the Minister for Indigenous Australians, stating on *ABC TV’s afternoon briefing* with Patricia Karvelas that he does not “want to be dead and buried in the ground and this still be a target” shows there is still time to change the draft CTG plan.

We have seen failed target after failed target, year after year and the whole campaign is starting to get tiresome. There must be a whole system turn over, which employs self-determination to address the increasing numbers of Aboriginal and/or Torres Strait Islander people entering and re-entering the prison system.

In the three weeks leading up to the announcement of the new targets, we were told that there would be more ambitious ways to address incarceration. If the target is to have parity in 2093, then this is not in my lifetime.

I personally am glad that this will not be the case. For me, to have parity, feels like having Aboriginal and/or Torres Strait Islander people in prison should be as normal and within a ‘healthy’ range as having parity in the workplace. Ensuring parity in prisons is not a measure I want to see in my lifetime.

Defunding the police, through the Black Lives Matter movement was seen as radical idea, until we start to look at other areas that have been defunded, such as education, health and services to the community.

We must defund prisons and change the way we, as a country, as a society and as people address crime. It speaks volumes when a society values the prison system and believes this is the answer to the problem of crime.

It is clear from the increased incarceration of Aboriginal and/or Torres Strait Islander people that we are operating under a flawed system. The same system that failed David Dungay, Tanya Day, Mr Ward, TJ Hickey, Wayne Fella Morrison, Veronica Marie Nelson Walker, Joyce Clarke and many of the 430 plus people, that have died in custody.

If we wait another few generations, it will be too late for many more Aboriginal and/or Torres Strait Islander people and there will be many more victims from deaths in custody.

We must be examining police brutality and the powers that police hold. Police are barely held accountable when there is a death in their presence; this also extends to other people who are employed through the criminal justice system.

Craig Longman has **expressed concerns** over the accountability of police regarding Aboriginal and/or Torres Strait Islander deaths in custody and raised some important limitations. The police, in fact undertake the investigation of a death in custody and there seems to be uncertainty or fear around reporting.

Given that there have only been two cases, from 1980 to 2020, where police were held accountable for an Aboriginal and/or Torres Strait Islander death in custody, seems to be reason enough for not reporting against police.

In 1991, the Royal Commission into Aboriginal Deaths in Custody was not conducted in vain. There are 339 recommendations that must be implemented if we are to see any real changes and improve the lives of all Aboriginal and Torres Strait Islander people. These recommendations are still applicable some 29 years after the report with the recommendations were released.

The mistrust in the system should be indication enough that it is broken and cannot be fixed with a 73-year approach. We simply do not have the time to spare, nor the time, nor the lives to waste, to address overrepresentation.

It is time to call for a change. The change must be a community-by-community approach. Aboriginal and Torres Strait Islander communities are not a monoculture. Each Nation has different needs, different levels of access to services (depending on where there country is), different cultural practices, and different cultural protocols.
We must ensure that the communities are empowered to make the decisions that affect their lives. If we continue the blanket ruling, there will only ever be increases within the incarceration rates of Aboriginal people.

A realistic timeframe would be tomorrow. We need to see immediate change in the way Aboriginal and/or Torres Strait Islander people are policed. We must raise the age of criminality to 14 years of age. We must stop the over-surveillance of our youth.

We must look at what is imprisoning our people. If it is homelessness, provide adequate, quick housing. If it is employment, provide job training and opportunities for employment – before people are released from prison. If it is a breach of parole that can be easily fixed with a public transport card, provide it.

Too many Aboriginal lives have been lost to the system. A system that continues to privatise prisons and think this is the way to solve crime, lack any accountability regarding the amount of Aboriginal and/or Torres Strait Islander people dying in custody and simply places business above the lives of people who are under the scrutiny of the criminal (in)justice system.

Robyn Oxley is a Tharawal woman and has family connections to Yorta Yorta. Robyn is an activist and a lecturer at Western Sydney University in Criminology. Her field is in the space of the criminal justice system and Aboriginal rights to self-determination. Her work is primarily focused on human right, social justice and improving the outcomes of Aboriginal people in relation to the criminal justice system.

Article link: [https://bit.ly/3cAlyNm](https://bit.ly/3cAlyNm) Published: 3 July 2020
A Croakey “exclusive”: timely call for action to protect prisoners during pandemic

Introduction by Croakey: Since news broke about the novel coronavirus several months ago, public health officials in Australia have given many hundreds of media briefings. None have sounded anything remotely like what follows in the article below — in which critical public health concerns about the pandemic are raised.

The "transcript" is provided by Associate Professor Megan Williams, Wiradjuri justice health researcher and educator, and contributing editor and board member of Croakey Health Media.

Transcript of press briefing by “Chief Medical Officer” ***

Given the highest ever daily increases of COVID-19 being recorded in Australia and Melbourne particularly, I must provide you with an update about some of our most vulnerable community members, who to date have not been the focus of reporting in Australia.

However, data from around the world reminds us of the great risk they face from outbreaks that will be extremely difficult to address.

I am talking particularly about adults in Australian prisons. As you know, I am an epidemiologist, and it is my role to look at risks that specific populations face, to identify how to prevent or address these, beyond the general population.

To date we have avoided outbreaks of COVID-19 in Australian prisons, due to several effective strategies. However, we must be realistic about potential risks at this time, and we must be proactive.

Many people in prison have multiple risks for COVID-19 infection and are at increased risk of poorer outcomes if infected — they already have higher rates of viral infections, chronic diseases, smoking and poor mental health. It is...
important to acknowledge that Australian prisons contain disproportionately high numbers of Aboriginal and Torres Strait Islander people compared to the community, and they face multiple COVID-19 risks.

While healthcare is available in prison, it is not designed to cope with infection outbreaks or COVID-19. The international experience says prevention is an absolute necessity.

In recent years, and just prior to the COVID-19 pandemic, prison rates had been increasing in Australia and have been at an all-time high. Victoria has one of the fastest growing prison populations in Australia and rates of deaths of prisoners generally.

Here, I am particularly thinking through ramifications of outbreaks in Melbourne, and I must be clear I am not conflating the lockdown of public housing in metropolitan Melbourne in any way with prisoners.

However, it is my responsibility to acknowledge that people in prison, as with any people experiencing social and economic hardships, must receive all the supports required at this time to prevent COVID-19.

The hard lockdowns currently in place in Melbourne have police involved. I would like to take this opportunity to reiterate that they are working for community adherence to public health law and have no mandate to carry out routine or targeted criminal history checks. They must facilitate – not prevent – access to healthcare and social support.

I urge all community members to adhere to the orders you have been given to reduce risks of COVID-19 infection. Stay at home (this will also help reduce your risk of exposure to police). You will be provided with all you need to maintain your wellbeing.

Examples of COVID-19 infections in prisons overseas are nothing short of disastrous. Australia has done exceptionally well thus far but we must ask, ‘Is it time to redouble rather than relax our efforts?’

Usually prisons are the responsibility of each state and territory. However, the Federal Government has produced COVID-19 guidelines for detention and correctional facilities to follow.

Personal visits to prisons throughout Australia have been suspended, with easing in some jurisdictions soon – South Australia will see Stage 1 visits recommence on 13 July and stage 2 on 27 July. Increased access to telephone calls, video visits and in some instances email are being trialled; however these remain very limited, despite increased demand.

The small number of infections in Australian prisons to date have been among staff. Prisons have their own infection control protocols including routine screening, temperature testing, personal protective equipment (PPE), additional cleaning and remote service delivery and staffing. Many centres have had periods of lockdown to contain prisoners, to make system changes and respond to risks.

Physical distancing is a challenge in prisons generally. Overcrowding has been reported in some Australian prisons, which presents a great risk for infection spread. Further, prisoners share bathroom, laundry and food preparation facilities.

Prisoner health experts have warned of the negative impacts of disrupted healthcare, lockdowns, minimal family and social contact, and fears of infection. Prisoners must not be held in solitary confinement as an infection control measure.

Our national data indicates that people in prison already have a risk of death higher than the general population, from natural causes and suicide, particularly among Aboriginal and Torres Strait Islander people. I must acknowledge an important point made in Black Lives Matter campaigning during the pandemic: the need to see prisons as part of our community not separate.

New entrants from the community to prisons are an important focus. Prison staff are deployed to manage quarantined sections of prisons for entrants and those in contact with diagnosed or potential sources of infection. Prisoner education programs and their access to personal hygiene items have improved but require further attention.

Reducing new and overall prisoner numbers, however, and the high turnover of people between prisons and the community are what we must action to prevent COVID-19 in prisons.

I commend jurisdictions such as NSW in its temporary Crimes Act 1999 measure to grant parole to some prisoners at higher risk and with an impending release date. I understand the use of such legislation has been slow; we have not
yet heard outcomes from prisoner release programs overseas, such as 600 on temporary release in Ireland.

I call on other jurisdictions to amend legislation to enable the release of prisoners most at risk, those with a short time until release, and those sentenced or on remand for offences able to be addressed through community corrections orders.

Recent NSW data has indicated a reduction in some types of crime, which may see a decline in prisoner numbers. However, there is also a reported increase in domestic violence, with experts linking this to the pressures of pandemic-related community lockdowns. I am currently in discussions with the various jurisdictions to identify trauma-informed, culturally-safe services to urgently invest in, to support the wellbeing and safety of families during lockdown.

There is an expectation crime rates will return to pre-pandemic rates and that prison numbers may rise due to pandemic-related increases in risk factors: poverty, homelessness and poor mental health playing out in illegal drug use, theft and violence.

So, we must think ahead and be prepared for potential outbreaks. Our pandemic response should also be aiming to address and prevent poverty and homelessness, and ensure access to drug treatment services, as part of our strategy for reducing prisoner numbers.

Public drunkenness, a major risk for police contact, must be treated as a health issue; diversions for this and less-serious offences from police custody to community corrections are required at this time to protect the public’s health and health systems. I understand jurisdictions are working to ensure that those released from prison have supports to remain COVID-19-free.

It is my responsibility to champion and coordinate efforts to protect the health of the community, and I reiterate the need to view prisons as part of the community. Being imprisoned must not come with increased risks of infection or death from COVID19.

Experts and international experiences highlight this reality.

Without continued effort, Australia risks further outbreaks that will be much harder and more expensive to contain than prevention in the first place.

*** ICYMI, this is not an actual transcript, although it is published in the hope that it might help inform public health officials’ priorities and messaging, and encourage journalists to ask more questions about these issues. It is available for use by federal, state and territory health officials.

Article link: https://bit.ly/3635qUz Published: 10 July 2020
Public health lessons from “the world’s leader in incarceration”

Australia can learn much from the United States about what NOT to do when it comes to prisons and the pandemic, reports Dr Lesley Russell, a contributing editor at Croakey, and an Adjunct Associate Professor at the Menzies Centre for Health Policy.

Lesley Russell writes:

In the United States, the novel coronavirus poses an additional threat to racial minorities and First Nations people in prisons, who already are at increased risk from coronavirus infection and death and significantly over-represented in incarcerated populations.

International human rights activists have called out to governments to address this threat which is potentially catastrophic.

How has the United States responded?

Inherently biased system

The United States incarcerates more people — both in absolute numbers and as a percentage of the population — than any other nation in the world.

There are approximately 2.3 million adults and young people behind bars in 1,833 state prisons, 110 federal prisons, 1,772 juvenile correctional facilities, 80 Indian Country jails as well as immigration detention facilities, military prisons, and prisons in US territories. There is an enormous churn of people in and out of these facilities.

This mass incarceration consumes large portions of government budgets with negligible impact on crime rates but huge impacts on the individuals who are incarcerated, their families and communities, and major consequences for achieving social and health equity.
The racial disparities that permeate American society are particularly apparent throughout the criminal justice system, from routine police stops to long-term imprisonment to wrongful convictions and even to the time those exonerated of a criminal offence wait for release.

Minority and First Nations people are over-represented among those incarcerated – the racial and ethnic makeup of American prisons looks substantially different from the demographics of the nation as a whole.

In 2017, African Americans were 12 percent of the adult population but 33 percent of the sentenced prison population. Hispanics represented 16 percent of the adult population but accounted for 23 percent of inmates.

The imprisonment rate (the number of prisoners per 100,000 population) for African Americans in 2017 was 1,549, nearly six times the imprisonment rate of 272 for white Americans, and nearly double the rate of 823 for Hispanics. It is shocking that the statement, “There’s more African American males in the penal system right now than there were (enslaved) at the height of slavery” has been found to be substantially true.

Data from the Prison Policy Initiative show that the total incarceration rate for First Nations people in the US is more than double that of white Americans and in states with large First Nations populations, such as North Dakota, incarceration rates can be up to seven times higher. Nationally, First Nations youth are approximately three times more likely to be confined than white youth.

Huge financial costs

The direct and indirect costs of American incarceration are huge. The Prison Policy Initiative estimates that the US spends more than US$80 billion per year on public correctional facilities and an additional US$12.3 billion on health care and US$2.1 billion on food. Private prisons cost US$3.9 billion a year.

Most states spend more on their prison system than on schools. For example, in 2018 California spent US$64,642 per prisoner compared to US$11,495 per child in the states’ school system.

There are also substantial direct costs for prisoners and their families who must pay for extra food, all but the most basic necessities, phone calls, and even to send emails through the prison system. The cost to families is estimated at US$2.9 billion annually.

The majority of families struggle to meet these costs. The US prison system has been described as “bursting at the seams” with people who have been shut out of the economy because they have neither a quality education nor access to adequate employment. One study found incarcerated people – regardless of gender, race or ethnicity – had a median annual income that was 41 percent less than non-incarcerated people of similar ages.

Health disparities

In the community, African Americans, Native Americans and Alaska Natives fare significantly worse than white Americans across most health status indicators and Hispanics also face large disparities for certain measures. Disparities in HIV/AIDS diagnosis and overall death rates are particularly striking for African Americans, Hispanics, and First Nations people.

Studies show that, when compared to the general population, Americans who are incarcerated are in poorer health. Their racial, ethnic and socio-economic backgrounds presage this and then incarceration exposes them to a wide range of conditions, such as poor sanitation and ventilation and solitary confinement, that are detrimental to long-term physical and mental health.

Jail and prison inmates of both genders are more likely to have mental health disorders, to be addicted to alcohol and/or drugs, to have high blood pressure, asthma, cancer, arthritis, and infectious diseases, such as tuberculosis, hepatitis C, and HIV.

Women face a greater burden of disease than men; they are at greater risk for sexually transmitted diseases and are more likely to have experienced childhood trauma, physical and sexual abuse. Older individuals comprise the fastest growing demographic in the US prison system and they have high rates of diabetes, cardiovascular conditions, liver disease and mental health disorders.

Although access to health care is a Constitutional right in the US correctional system, the quality of care, especially for mental health disorders, is variable and is characterised by patients’ widespread distrust. Often patients have to pay for access to primary care services which can preclude them from seeking preventive care.
Petri dishes for infection

The Marshall Project has been tracking the spread of coronavirus in US prisons among inmates and staff. The first cases of COVID-19 diagnosed in prisoners were reported in Georgia and Massachusetts on 20 March 2020.

The prison infection rate now eclipses that of the general population and these figures are almost certainly an under-count. There are major gaps in information about testing in prisons; the Marshall Project states that the Federal Bureau of Prisons and 15 state systems are not releasing any information about testing and many other state systems have very low testing rates.

The situation inside America’s jails and prisons amid the coronavirus pandemic has been described as “the stuff of nightmares”.

Currently, data collected by The New York Times shows that nine of the nation’s top ten COVID-19 hot spots are correctional facilities. The number of infected inmates and prison staff has topped 70,000 — the count doubled between mid-May and mid-June — and there have been at least 627 virus-related deaths.

A recent article in JAMA confirms the dreadful rate of infections and deaths and highlights the lack of accurate information on this.

Preventing the spread of coronavirus in American prisons and jails is an incredibly challenging task for several reasons. Prison staff are in close contact with inmates and move backwards and forwards between their workplaces and the communities where they live. There is also an enormous churn of inmates in and out of these facilities — the average time in jail is 25 days — and many people come into the facilities already infected. Correctional facilities are dangerously overcrowded.

According to a report by the Justice Department, the inmate population in federal prisons exceeds the rated capacity by 12 to 19 per cent. Prisoners often sleep in bunk beds in large dormitories.

There are numerous reports that inmates and staff do not have sufficient soap, cleaning products and personal protection equipment, like masks.

Prison factories around the United States have stayed open even as the coronavirus has spread despite the fact that prison healthcare facilities are ill-equipped and under-staffed. Additionally, there is a significant cohort of older and sicker inmates with chronic conditions.

US governments’ responses

A wide array of American public health experts and advocacy groups has drawn attention to the disproportionate risk of coronavirus infection detained people face.

At the federal level, the Department of Justice actually foresaw what was happening, but has completely bungled its response.

On 26 March, Attorney General William Barr directed the Federal Bureau of Prisons to release eligible nonviolent inmates from federal correctional institutions in Ohio, California and Louisiana to home confinement because of the threat the disease posed to vulnerable prisoners. Such moves also address the overcrowding in prisons.

Barr expanded the order on 3 April — when it was obvious coronavirus was erupting in prisons — by using the authority granted to him under the Coronavirus Aid, Relief and Economic Security Act. He ordered officials running federal prisons to “immediately maximize” the release of prisoners to home confinement, urging them to focus on the most medically vulnerable in facilities with COVID-19 deaths.

The criteria in Barr’s directives — prioritising prisoners housed in low and minimum security facilities and considering whether a prisoner would face a higher risk of infection if released to home confinement — tend to favour the release for white-collar prisoners to a greater degree than others.

From the beginning, federal prison officials were slow to act despite Barr’s statement that “time is of the essence”. The process has been hamstrung by policy chaos and bureaucratic sluggishness.
In the three months since his original directive, only around 4,500 inmates have been moved to home confinement — less than three percent of the federal inmate population. Another 500 or so have been granted compassionate release — immediate release based on special circumstances not foreseeable at the time of sentencing. In most of these cases, the courts ordered the release over the objections of the Justice Department.

Almost all the states have recognised some form of compassionate release generally covering elderly, sick prisoners, those whose term is almost up, and those incarcerated for minor offences. The most aggressive action has been taken in Colorado where the population of the state’s jails is now 31 percent less than it was in January.

Release into the community during pandemic conditions that prevail in some parts of the United States has been traumatic for some and support systems are lacking. For those who must remain in confinement, the conditions are reported as chaotic and stressful. To prevent the spread of infection inmates in lockdown don’t get exercise, don’t get fresh air and often don’t get hot meals.

The American Civil Liberties Union is pushing for reductions in custodial arrests for minor offences, estimating this would save 12,000 lives in prison facilities and 47,000 lives in the community.

**Catastrophic consequences**

Michelle Bachelet, the UN High Commissioner for Human Rights, states that, during a global pandemic, “the consequences of neglecting [the prison population] are potentially catastrophic”.

In the US this is demonstrably the case. The manifold failures of the Trump Administration and many of the states to adequately address the coronavirus pandemic mean that it is almost impossible for authorities to see and address coronavirus infections in prisons and jails as a public health problem that affects everyone.

The upcoming November elections, held in the context of growing support for the Black Lives Matter movement, overwhelming support for criminal justice reform, a broader consensus on racial injustice, and the obvious disproportionate impact of the coronavirus pandemic on people of colour, offer real possibilities for change.

Polls currently show Trump’s responses to Black Lives Matter and coronavirus have severely damaged his standing. American voters will have a clear choice on these issues between Trump and Biden.

**Suggested reading**


*Article link: [https://bit.ly/2ZZUV0i](https://bit.ly/2ZZUV0i)  Published: 13 July 2020*
No child belongs in prison.” Australian governments condemned for failure to act on minimum age

Aboriginal and Torres Strait Islander, health and medical, legal and human rights organisations have condemned state, territory, and federal Attorneys General for failing at their meeting to commit to raise the age at which children can be imprisoned from 10 to 14 years.

The decision of the Council of Attorneys General (CAG) to “kick the can down the road” defied evidence presented to hundreds of inquiries over many years, including to the Royal Commission into abuses at the Northern Territory’s Don Dale facility, said Roxanne Moore, Executive Officer of the National Aboriginal and Torres Strait Islander Legal Service (NATSILS).

“They’re saying they still need more time, but the evidence is clear,” Moore told Croakey. “This is a matter of political will and what it says to me is our young people’s lives do not matter to the political leaders of this country.”

The lack of action came as a major blow to the national #RaiseTheAge campaign, led by a range of justice, human rights and health groups, including the Australian Indigenous Doctors Association (AIDA), the Royal Australasian College of Physicians, and the Australian Medical Association.

It also came just ahead of the announcement of a new national Closing the Gap agreement, which will include justice targets, growing concern about Aboriginal and Torres Strait Islander deaths in custody, amplified by recent Black Lives Matter protests, and fears of a coronavirus outbreak in Victoria’s prisons and juvenile detention facilities.

The Victorian Chief Health Officer on Monday said there were six confirmed COVID19 cases now in connection to the Parkville juvenile facility in Melbourne, raising concerns not only about the potential of infection but also the mental health impacts of ongoing lockdowns of facilities.
“In Australia 10-year-old kids are still detained,” the Victorian Aboriginal Legal Service (VALS) said in a statement. “During a pandemic. In locked down facilities, as we have seen in the past week in both the Parkville and Malmsbury Youth Detention facilities (in Melbourne). It is past time for us to catch up to the rest of the world, and close this shameful chapter.”

The AMA said it was “in disbelief” that the Councils of Attorneys-General had postponed the decision to #RaisetheAge on the basis that more work was needed regarding adequate processes and services for children who exhibit offending behaviour.

“The AMA is extremely disappointed that state, territory and Commonwealth governments have failed to listen to medical advice and raise the minimum age of criminal responsibility from 10 years old to at least 14,” President Dr Tony Bartone said.

“By leaving the age of criminal responsibility at the unacceptably low age of 10 years old, we run the risk of further traumatising already disadvantaged and vulnerable children instead of giving them the help and healthcare that they deserve,” Bartone said in a joint statement with NATSILS, Amnesty Australia, and the Human Rights Law Centre.
Health and justice at stake

Hopes had been high leading up to the meeting that the CAG would finally act. Instead its **communique** said only: “Participants noted the Working Group’s work to date and noted that the Working Group identified the need for further work to occur regarding the need for adequate processes and services for children who exhibit offending behaviour.”

New South Wales Attorney General Mark Speakman was **quoted** by the *Sydney Morning Herald* as saying further work needed to be done “to identify what is the alternative for children who would otherwise be subject to the criminal justice process”.

“What are the therapeutic interventions the behaviour interventions, the social support, the educational interventions that offending children need if they are not going to be dealt with by the criminal justice system?” he asked.

#RaiseTheAge says the evidence is clear that children’s brains are still developing, especially the parts that regulate judgement, decision-making and impulse control, which means they cannot foresee the consequences of any action and cannot fully understand the criminal nature of their behaviour.

It has been urging action from Australia, saying countries like China, Russia, Germany, Spain, Sierra Leone, Azerbaijan, Cambodia and Rwanda have responded to calls from the UN Committee on the Rights of the Child to raise the age to at least 14 years old.

The Smart Justice for Young People coalition **said** the majority of children aged under 14 who were forced through the criminal legal system have experienced neglect, trauma and abuse and been let down by institutions and adults.

Successive Royal Commissions and inquiries into failing youth legal systems had revealed punitive practices within youth prisons, including solitary confinement and routine strip searching, that harm children and reinforce the very factors that lead to offending, compared with community-based services that support children to reach their potential, it said.
A “highly disappointed” Public Health Association of Australia (PHAA) also said the decision of the Council of Attorneys-General was “an abject failure to protect children from the unnecessary trauma of incarceration and the lifetime of disadvantage that often follows”.

It was also “out of step” with other countries and recommendations by health, medical, legal and human rights experts.

PHAA CEO Terry Slevin said a law that allowed children as young as ten to be handcuffed, placed in a cell and processed through the criminal justice system was “cruel and archaic”, but also counterproductive, with earlier incarceration proven to kickstart more interactions with the legal system and lead to more years in prison, not fewer.

“We cannot say we are genuinely working as a nation to Close the Gap while we continue to put Aboriginal and Torres Strait Islander kids in prison from the tender age of ten.”

Aboriginal and Torres Strait Islander children are disproportionately impacted, accounting for 65 per cent of the younger children sent to prison, advocates say.

“You cannot claim to support the Black Lives Matter movement, if you don’t think little Black lives matter,” VALS CEO Nerita Waight said.

The #RaiseTheAge campaign had built momentum over the past week on social media, with high profile Aboriginal and Torres Strait Islander people, including former Olympian and Federal MP Nova Peris, musician and comedian Adam Briggs, actor Miranda Tapsell and author/playwright Nakkiah Lui to share photos of themselves at aged 10.

Roxanne Moore urged other medical and health groups to join the #RaiseTheAge campaign, to focus now on urging individual states and territories to take action, rather than wait for a national position.

“This is as much a medical and health issue as it is a justice and legal issue,” she said.
Croakey readers can sign the #RaiseTheAge petition here.

Reactions on Twitter

Close the Gap Campaign @closethegapOZ · 13m
Lack of understanding about alternatives to locking up kids is an appalling excuse not to #RaiseTheAge. Community controlled services with consistently better results/ positive outcomes should be acknowledged, supported and funded. Solutions are there.

Elizabeth Elliott is Professor of Paediatrics, University of Sydney

Elizabeth Elliott @ProfEElliott · 30m
There are alternatives to incarcerating 10 year-olds - and they are more effective, more humane and much cheaper! #RaiseTheAge

Elizabeth Elliott @ProfEElliott · 49m
We must #RaiseTheAge od incarceration in Australia. I have seen the adverse lifelong outcomes for far too many remote-dwelling indigenous kids detained in the justice system and this must stop.
Dr Jacki Small is a paediatrician, and President Elect of the RACP.

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**Jacki Small @DrJackiSmall · 15h**

It remains the case that children under 14 years are physically, cognitively and emotionally immature. On top of this, most children in jail have a disability, have been traumatised and are Indigenous. Alternative paradigms do exist.

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**Mark Morrissey @MB_Morris · 15h**

Today's decision to delay raising the minimum age of criminal responsibility is an unnecessary and deeply disappointing outcome. There are a range of evidence informed therapeutic alternates available for these younger children.

@SNAICC

#RaiseTheAge @TheRACP

@PIACnews #politas twitter.com/DrJackiSmall/s...

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**Jacki Small @DrJackiSmall · 14h**

Alternative services do exist. We need wrap around culturally aware services to engage the child and family and for these to be whole of system and trauma informed.

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**Nancy Baxter MD PhD @enenbee**

#RaiseTheAge

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**Alina Leikin @AlinaLeikin · 9h**

I worked with a 12 yr old boy at Don Dale - he asked me to bring lollies and stickers to our legal visit. It was utterly heartbreaking.

TODAY AGs can change the lives of our most vulnerable kids and #RaiseTheAge. It is time. @Change_Record theage.com.au/national/putti...

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**Prof Anita Heiss @AnitaHeiss**

In just 1 year across Australia close to 600 children aged 10-13 years were locked up & thousands more were hauled through the criminal legal system.

Children belong in classrooms & on the playground not prison cells. We need to #raisetheage Please sign

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Raise The Age

Children belong in classrooms and playgrounds, not prison cells. Join the call to #RaiseTheAge.

raisetheage.org.au
We pay our respects to the Traditional Custodians of the country where we live, work and travel upon, and to Elders, past, present and future.

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**Federation of Community Legal Centres Victoria**

@CommunityLawVic

We're disappointed the Council of Attorney Generals has missed a historic opportunity today to raise the age of criminal responsibility from 10 to 14. Children should be in school, not jail.

#RaiseTheAge

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**Human Rights Law Centre**

@rightsagenda

Media Release: Australian governments continue to fail kids by refusing to #RaiseTheAge at which children can be locked in prison @NATSILS_ @Change_Record @amnestyOz @ama_media

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**Benjamin Law**

@mrbenjaminlaw

Appalling no action to #RaiseTheAge will be taken until at least 2021 now.

Denmark/Finland/Norway/Sweden/Austria/Spain/Hungary/Italy/Germany—even China & Russia—agree kids under 14 shouldn’t be in prison.

Oz attorneys general have missed an opportunity for basic human decency.

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**Koorie Youth Council**

@KYC_Vic · 3h

KYC stands with VALS calling for the Victorian Government to proceed with raising the age of criminal responsibility to at least 14. Children belong with their families, culture & communities. Children do not belong in prison. #RaiseTheAge twitter.com/thevalsmob/sta...
We pay our respects to the Traditional Custodians of the country where we live, work and travel upon, and to Elders, past, present and future.

Nerita Waight @IndigenousX

Today is a difficult day not only due to lack of courage shown by COAG to #RaiseTheAge but also because it seems like we constantly put forward evidence based arguments for change and hit a brick wall each time.

Nerita Waight @IndigenousX

Generations of my family have been fighting for equality before the law from Thomas and Shadrach James, to William Cooper, to Mary Hamilton, to my great aunts and uncles, to my mum and yet we see ever increasing amounts of our people criminalised and incarcerated due to poverty...

Nerita Waight @IndigenousX

How many more generations have to pass into the dreaming before we get meaningful change and address the systemic racism within our justice system. Today was a chance for COAG and @JillHennessyMP to do that and once again it was squandered #RaiseTheAge

Matthew Rimmer @DrRimmer

I don’t quite understand why NSW AG @MarkSpeakman is unconvinced about the need to #raisetheage - as the evidence is quite compelling theguardian.com/australia-news...
abc.net.au/radio/programs...
twitter.com/isabellahiggin... #auspol #auslaw

Isabella Higgins @isabellahiggins • 4h

NSW AG @MarkSpeakman says no major updates on raising the age of criminal responsibility from CAG meeting. Says more work to be done to understand alternatives to imprisonment. Report will be handed to the council next year.

Show this thread
We pay our respects to the Traditional Custodians of the country where we live, work and travel upon, and to Elders, past, present and future.
Public Health Association Australia @PHAA - 18h
Highly disappointing to see lawmakers maintain the age of criminal responsibility at 10 years old – it should be at least 14 to prevent a potential lifetime of harm. Aboriginal and Torres Strait Islander children suffer the most. #RaiseTheAge
phaa.net.au/documents/item...

Media Release
Public Health Association of Australia
27 July 2020

Children should be protected, not placed in handcuffs and prison cells

The Public Health Association of Australia (PHAA) is highly disappointed by the decision of the Council of Attorneys-General today to maintain the age of criminal responsibility at 10 years old instead of raising it to 14 years old. 

The decision is an abject failure to protect children from the unnecessary trauma of incarceration and the lifetime of disadvantage that often follows. 

It is also out of step with other countries and recommendations by health, medical, legal and human rights experts.

Simon Rosenberg @simon_rosenberg - 2h
Replying to @CroakeyNews and @Change_Record
If anyone wanted an example of systemic racism, the Council of Attorneys General have stepped up.
#RaiseTheAge

Article link: https://bit.ly/2HlmCKF  Published: 27 July 2020
Calling out a lack of pandemic policy action for prisoners and other vulnerable groups

Introduction by Croakey: The lockdown of Queensland prisons after a trainer at a Queensland Corrective Services academy tested positive for COVID-19 underscores longstanding concerns about the pandemic’s impact on the most vulnerable sectors in Australian society.

The case was one of two COVID cases confirmed in the state in the past 24 hours. The second confirmed case was in a person in hotel quarantine.

The news follows yesterday’s announcement of an eleventh COVID-19 case linked to the Brisbane Youth Detention Centre cluster. Queensland Deputy Premier and Minister for Health Dr Steven Miles told a press conference that case was in a known close contact and already in quarantine, “therefore not posing an ongoing infection risk to the community”.

While there has only been one confirmed COVID-19 case in a NSW prison, Victorian Attorney-General Jill Hennessy told a parliamentary inquiry yesterday that more than 50 inmates and staff in correctional facilities in the state had contracted COVID-19 since the beginning of the pandemic.

According to a report in The Canberra Times, Hennessy told the Public Accounts and Estimates Committee’s COVID-19 Inquiry that 23 adult prisoners and six staff had tested positive.

In addition, 19 juvenile inmates, five young people on community supervision orders, and four prison staff had also tested positive, she said.

The Federation of Community Legal Centres and the Law Institute of Victoria this week released a nine-point plan to reduce the number of people in Victoria’s prison system to protect Victorians from further outbreaks of COVID-19.

In response to the Brisbane COVID-19 outbreak, Debbie Kilroy, CEO of Sisters Inside, told The Guardian this week that the group was seeking to secure the release of as many children as possible.
“We are pulling a legal team together this week to undertake as many bail applications as we can to get as many children out as we can,” Kilroy said, adding that children should be released into “safe appropriate accommodation”.

“This is supposed to be a health response to a pandemic. But in prison, the response is about keeping children locked in. We know the majority are kids in care of the state, the majority are on remand, the majority can’t get accommodation because the state is not providing that.

“Seventy percent are Aboriginal and Torres Strait Islander children. Set them free.”

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We have pulled together a legal team to assess all the girls in the Wacol youth prison & to take legal action to have children released. Other lawyers & parents are reporting that their children are locked in isolation. Why are we continuing to punish children #COVID
#FreeThemAll

Tweet by Debbie Kilroy, CEO of Sisters Inside, on 24 Aug

Last week, the National Aboriginal and Torres Strait Islander Legal Services (NATSILS), together with Change the Record and the Human Rights Law Centre, also called on the Queensland Government to take urgent steps to reduce the number of children and young people detained in its youth prisons “by opting for release wherever possible”.

The organisations said in a media release:

“With reports today [21 August, 2020] of nearly 130 young people — some as young as 13 — being locked in their cells indefinitely due to the threat of COVID-19, Aboriginal and Torres Strait Islander, legal and human rights organisations are calling on the Palaszczuk Government to reduce the number of children locked away in Queensland prisons rather than isolating and harming them.

Youth prisons are hot spots for the transmission of COVID-19.

Like cruise ships or nursing homes, they are closed, crowded environments where large numbers of people touch the same surfaces, share facilities and cannot physically distance from one another.

Once the virus enters a youth prison, it risks spreading like wildfire.”

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NATSILS 🔄 @NATSILS_ · Aug 21

About 130 children as young as 13 are being locked in their cells indefinitely due to the threat of COVID-19. @NATSILS_ @Change_Record and @rightsagenda are calling on the QLD Government to reduce the number of children locked away in prisons. bit.ly/3iXE8Cg
Earlier this month, NATSILS issued an open letter — signed by more than 400 Aboriginal and Torres Strait Islander leaders, health and legal experts — calling for the safe release of adults and children from prisons and youth detention centres and protection of their rights and health in the COVID-19 pandemic.

The letter says:

“Measures to release people from correctional centres and reduce incarcerated populations need to be implemented with urgency.

This is necessary to protect the lives of people in prisons and youth detention centres, to ensure there are necessary hospital beds for all who need it and to prevent the further spread of COVID-19 to the community.”

And an Aboriginal Legal Service NSW/ACT petition, #CleanOutPrisons, has collected more than 19,300 of its target of 20,000 signatures.

Croakey’s #JusticeCOVID series has also raised significant concerns about the impact of the pandemic on the welfare of prisoners in Australia and across the globe, with one article canvassing the idea that the pandemic may pave the way for prison reform.

In the article below, Professor Stephen Duckett and Will Mackey from the Grattan Institute write that – as we have seen in residential aged care facilities – prisoners and people living in overcrowded housing are at heightened risk of COVID-19. They say that protecting the most vulnerable members of our community will help to protect us all.
Stephen Duckett and Will Mackey write:

Wherever it goes, COVID-19 shines a light on injustice and inequality embedded in each society and community it touches. The COVID pandemic has exposed just how vulnerable people in residential aged care facilities are to being infected. But two other groups don’t get the same policy attention: prisoners, and people in overcrowded housing.

The design and nature of prisons mean that people are in close proximity to each other, making social distancing impossible. Outbreaks are likely to spread quickly if COVID-19 infects some prisoners. The only way to slow this spread is to isolate, which is harder in older facilities, and keep prisoners in their cells for most or all of the day, or to make room for social distancing by releasing low-risk prisoners.

Prison outbreaks

There have been major outbreaks of COVID-19 in prisons around the world. In the UK, health authorities put prisons into pre-emptive lockdowns after identifying the risk. All 80,000 prisoners in the UK remain locked in their cells for 23 hours a day, which has limited the spread to about 500 cases. Prisoners in the US have fared worse: there have been more than 70,000 cases, and 700 deaths, reported in prisons since April.

Prisoners tend to have poorer physical and mental health than the general population. One-third of prisoners in Australia have a chronic condition such as cancer, heart disease, diabetes, or asthma. The risk of outbreaks in prisons is starting to be realised in Australia. In Victoria at the end of July, six prisons were placed into lockdown — similar to that implemented in the UK — after a corrections officer tested positive to COVID-19.

The risk of incarceration, and so the risk of being exposed to COVID-19 in the prison system, doesn’t fall on all Australians equally. Aboriginal and Torres Strait Islander are enormously overrepresented in Australian prisons. Children as young as 10 — who are just as likely to contract COVID-19 as young adults — are imprisoned, unable to have visits from their family since March.

The National Aboriginal and Torres Strait Island Legal Services has made clear that, although there was fast preventative action by the community, the pandemic has ‘highlighted the drastic under-resourcing of health, education, legal, and social services, safe and secure homes, and community infrastructure for Aboriginal and Torres Strait Islander communities’.

Immigration detention facilities — which are densely populated and require sharing of facilities — are also high risk for COVID-19 outbreaks. People in these facilities have also been without visitors since March.

Overcrowded housing

Overcrowded housing has been shown in the US and Singapore to be a significant risk for the spread of COVID-19. Severe outbreaks in a public housing tower in Melbourne, where 11 percent of residents were infected with the virus, illustrated this risk in Australia.

There were 8,000 people living in public housing in Flemington and North Melbourne at the most recent Census (in 2016). A third of those were in homes that required more bedrooms. People who live in these public housing towers were the only Australians to be subjected to lockdowns without the option of leaving their accommodation for any reason. With no prior notice, in early July police placed at each floor of the towers to enforce the lockdown.

Overcrowded housing is not limited to public housing towers. Census data shows that about 1.5 million Australians live in homes with not enough bedrooms; 50,000 live in homes that need four or more bedrooms. Newly arrived migrants to Australia often room-share — where two or more adults not in a relationship share a bedroom.

It’s impossible to social distance or self-isolate if you live in overcrowded housing. In the US at the height of the pandemic, people living in wealthier neighbourhoods sheltered at home earlier, and for longer, than people living in poorer neighbourhoods. These risks were identified by healthcare workers before the June outbreaks in Victoria.

People who live in overcrowded housing are more likely to work in jobs that require close physical proximity to others, such as retail and foodservices. Many of the same people who are unable to socially distance at home are also required to have close interactions with others during their working day or night. This creates a vicious cycle of COVID-19 transmission in the community.
Vulnerable at risk

The Victorian Department of Health identified that the outbreak continued because people were not self-isolating when they felt sick or were waiting for COVID-19 test results. But for some, skipping work isn’t an option. They don’t have the savings to miss their casual work hours. These people feel they have little choice but to continue working – and hoping that COVID-19 doesn’t head their way.

Australian governments have failed aged care residents during this pandemic – leading to unnecessary deaths – and they are failing prisoners and people who live in overcrowded housing. There have been no announcements of special programs to reduce the risks for people in these two vulnerable groups.

For prisoners, it might mean bringing forward parole a few months so that a custodial sentence doesn’t become a death sentence.

For people in overcrowded accommodation it might mean extending JobSeeker so that they can return to their previous living arrangements. It might mean more targeted testing programs in these neighbourhoods to catch outbreaks earlier, and information programs – in multiple languages – so poor people know about pandemic leave provisions.

The lesson from the tragedies of residential aged care is that governments must do much more to protect other vulnerable groups. Because in the fight against COVID-19, protecting the most vulnerable means protecting us all.

Stephen Duckett and Will Mackey are with the Health Team at Grattan Institute.

Five critical lessons from Behind Closed Walls, an investigation into prisons and COVID-19

Without transparent data and compliance with rights-based policy, people in prison are in danger of being the forgotten and discarded when it comes to COVID-19.

The article below, by Dr Tess Ryan and Andy Arch, comes as legal organisations sound the alarm over people on remand and serving custodial sentences in Queensland being held in solitary confinement and denied access to lawyers and adequate medical care.

These human rights breaches have been prompted by Queensland’s COVID-19 Declaration of Emergency, according to a statement by Caxton Legal Centre and Prisoners Legal Service.

Tess Ryan and Andy Arch write:

The COVID-19 pandemic has brought many issues to light that need addressing, as seen by numerous articles critiquing the aged care sector and government management of the crisis.

The prison complex system and its duty of care to incarcerated people is another concern, and Croakey has been highlighting this through the #JusticeCOVID series.

Discussions about prisons open deeper concerns involving transparency in policy and action, democracy, power imbalances and how we prioritise some populations over others.
In this article, we summarise five key lessons from an in-depth investigation of prisons by Andy Arch, *Behind Closed Walls*.

1. **The importance of open access to timely data and accountability**

   In 2015, the Federal Government released a [Public Data Policy Statement](#) to make data more freely available. This resulted in the creation of numerous portals containing machine-readable geocoded data, such as Australia’s data portal data.gov.au and the Department of Prime Minister and Cabinet pmc.gov.au.

   Five years on, data available on prisons from government agencies is scant, dated, and incomplete. A data search on prisons shows, for example, Queensland adult prisons with geolocations, but no capacity numbers, as well as out-of-date data and a 2016 dataset of detention and correctional facilities.

   This lack of detail and coherence in data is concerning. Data must be provided clearly, and made accessible to citizens to allow for a more accountable government and the opportunity for constituents concerned about prison-related matters to judge a government’s appropriateness to govern.

2. **Lack of transparency and compliance**

   The lack of transparency makes the understanding of issues related to COVID-19 more difficult and leads to misinformation. Also, of major concern is a lack of compliance with legislation, conventions and agreements made by governments to protect prisoners.

   The United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) aims to prevent abuse of people in detention where people are deprived of liberty, such as prisons, through opening these places up to regular independent inspections.

   The Federal Government coordinates inspection bodies with states and territories. Independent inspection bodies known as National Preventive Mechanisms (NPMs) and places of detention will also need to be open to inspections from a UN committee. Australia has committed to having these NPM inspection bodies conducting regular inspections by December 2020.

   According to the [OPCAT Readiness Report](#) from September 2019, only three states and one territory were currently in a position to implement an NPM.

   Reviews conducted across the states and territories show consistent themes arising throughout prisons – overcrowding, facilities poorly maintained, punitive measures such as strip searches and solitary confinement and staff shortages. Other issues of concern include limited staff training, higher rates of physical and mental health issues in prisoners and a patchwork of departments and processes for complaints.

   In a time of COVID-19, a lack of compliance with these important aspects of governance can be disastrous.

3. **Poor operations by prisons even more pronounced in privately run facilities**

   Privately operated prisons are under pressure to show how they are managing the care of their prisoners. An audit from the [Victorian Auditor General](#) discovered two out of three private prisons delivered cost savings of up to 20 percent, yet did not evaluate the effectiveness of their safety measures, failed to investigate the causes of incidents and had incident rates higher than the average of other Victorian prisons.

   These facilities have a duty of care to protect prisoners against risks that are reasonably foreseeable and a standard of care that would be regarded as reasonable, as laid down in the National Report to the [Royal Commission into Aboriginal Deaths in Custody](#), 1991.

   Despite this, state legislatures such as NSW attempt to legislate this duty of care away by placing the responsibility solely on private operators. Governments have been actively choosing to insulate themselves from being held accountable, making recourse of prisoners or their families all but impossible.
4. Systemic racism

The disproportionate representation of Indigenous Australians in prisons reflect power imbalances and systemic racism in wider society.

The convergence of events in 2020 has done much to demonstrate who we are and who we want to be as a society. From George Floyd’s death captured on phone cameras and reported globally, highlighting racism within institutional domains, to commentary suggesting that elderly and unwell people should be sacrificed to keep economic stability, we have seen an individualism in rhetoric, juxtaposed with throw-away statements of ‘all being in this together’.

Yet we have also heard great advocacy across numerous areas. George Floyd’s death reiterated (almost verbatim) concerns raised by the death of David Dungay Jnr, and reminded us that Aboriginal and Torres Strait Islander people have long been campaigning against brutality from the justice system.

COVID-19 has almost seemed like a dam buster – leading to wider discourse on how we treat our aged and most vulnerable, our Black and Brown citizens, and those within the carceral system.

5. Implications for all

The failure of governments to properly address COVID-19 and the prison system has far reaching implications for the greater society. Much has been said elsewhere about the need for better preparation to address the COVID-19 threat for people confined in prison and other places of detention.

While state and federal authorities attempt to assure the public that they are doing the right thing by the prisoner population, anecdotal evidence from prisoners and review findings from a Supreme Court shows that no real preparation has occurred.

If a prison does become the epicentre of a COVID-19 outbreak, it runs the risk of affecting all of us, as that outbreak seeds the rest of the population. We only need to cast our eyes overseas to see how devastating an infection in a place of detention can be.

It is imperative that we lift the veil of secrecy over places of detention. While respecting a person’s right to privacy, we need to make available in the public domain as much information as possible, holding places of detention, staff, and operators accountable for their actions.

Healthy democracies are built on transparency and accountability. Governments should be providing access to their data in a timely manner to facilitate data democratisation as this makes institutions accountable.

Until we achieve this, we all become unwitting accomplices in the ongoing transgressions visited on the most vulnerable in our society, making a mockery of the view that Australia is the land of the ‘fair go’.

Andy Arch is a Melbourne based Solutions Architect with a previous history working in clinical environments within the health sector. Andy is passionate about understanding data and has a strong interest in equity and social justice issues.

Dr Tess Ryan is a strong Biripi woman with a PhD on Indigenous women’s leadership in Australia. Her multi-disciplinary work involves Indigenous women, media representation, Indigenous research, health, and leadership. Dr Ryan works at The Australian Catholic University and is the President of The Australian Critical Race and Whiteness Association.

Article link: https://bit.ly/35M1xU3 Published: 18 September 2020
#FreeHer – calling for the release of women and children from prison

Introduction by Croakey: Urgent action is needed to address the national emergency of Aboriginal and Torres Strait Islander deaths in custody, with five such deaths recorded since June, according to the National Aboriginal and Torres Strait Islander Legal Service (NATSILS).

The NATSILS call follows the recent death of a 49-year-old Aboriginal woman, Aunty Sherry Fisher-Tilberoo, in the Brisbane Watchhouse while on remand.

Meanwhile, the National Network of Incarcerated and Formerly Incarcerated Women and Girls has called for the release of all women and children in prisons, and for the voices of criminalised women and girls to be centred in public discourse.

As outlined in the article below, the National Network has released a ten-point decarceration plan as preliminary steps to complete decarceration.

Debbie Kilroy, Tabitha Lean and Vickie Roach write:

As we bear witness to another two deaths in custody, our prisons in lock downs and children in cages sitting ducks for all of the COVID chaos that can rain down upon them, the National Network renew our persistent call for the immediate decarceration of all women and children locked in prisons across this country.

This pandemic has presented challenges for everyone: it has taken lives, isolated us, disrupted our work life and restricted our social activities…and for our sisters inside, the pandemic has severed all physical contact with the outside world.

Prisons across this country have been in lock down since the pandemic broke. That’s months since mothers have held their children. Months since people have embraced their loved ones. People inside are suffering, and they are not ok, and we must act now.

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We pay our respects to the Traditional Custodians of the country where we live, work and travel upon, and to Elders, past, present and future.
The National Network is a group of women who are or have been incarcerated. We are dedicated to driving our own collective vision for the future, our way.

Right across this country, people are speaking about us, without us. This National Network will recentre the voices of criminalised women and girls in the public discourse. We have the lived experience and the expertise to drive our own agenda.

Now more than ever is a time for formerly incarcerated people to be heard. We know what it is like to sit in an overcrowded cell once built for one but now housing two or three, we know what it feels like to not have access to Medicare funded health services and we are hearing first-hand the ongoing hardships and health risks experienced by those inside during the pandemic. We have the expertise and we have the answers, hear us, join us, work with us.

While the National Network is fundamentally committed to decarceration, the need to move away from using prisons and other systems of social control in response to crime and social issues, we are especially vocal about the need to decarcerate during a pandemic.

The Network argues that no woman or child should be imprisoned in this country, for the abolition of all prisons, including those that cage children. As women and girls with lived experience, we will not accept conceding our demands because those that are arguing to reform the youth “justice” space by raising the age do not have to live with the compromise.

The National Network remains concerned and outraged at what is happening inside our prisons right now.

**An outrage**

We are hearing that people are being prevented from using the phones to call home, it’s been months since mothers have held their children, there have been attempted suicides and an increase in self harm, and the National Network are advised that in the past month three people have died from suicide in Western Australian prisons, and we have had another two women die in a watch house and a prison in six days this month of September 2020.

It’s an outrage that we aren’t hearing a whisper, let alone a roar about the human rights violations of women and kids inside.

Women and children in prison are facing extensive lock downs, cessations of visits, restricted access to phones, programs and service support and limited health care.

As a result, the National Network is calling very publicly for the immediate release of all children and women who are currently incarcerated in prisons in the middle of the pandemic.

Long term strategies to increase connection between women and children in prison, and their families need to be enacted immediately. These include the expansion of access to video calls, and the implementation of free calls, and outgoing mail across all Australian prisons.

Plans to ensure access to programs, meaningful employment, psychological care, and education must be maintained through the pandemic. The deafening silence from “corrections” departments about the support being offered to people inside, and their families, to remain healthy and connected is extremely concerning. The silence speaks volumes about the disposability of human lives behind bars.

People believe that women in prison are being kept at arm’s length from the community; however, the outbreak of COVID-19 in our prisons indicates just how closely connected we all are.

While people may like to think they lock people up and “throw away the key”, women and children are already being released into the community through bail, parole, and at the cessation of their sentence with little or no support.

**Work with us**

We are worried for every single person tethered to the criminal punishment system in this country. Decarceration is very possible, and we invite governments to work with our Network to develop plans for the safe, supported release of all women and children incarcerated in prisons immediately.

There have been confirmed COVID-19 cases in our children and adult prisons right across the country, with the most recent scare this week in Adelaide. This has resulted in wide scale prison lock downs, cancellation of family visits, and women and children being placed in lockdown, which is solitary confinement.
The permanent, negative impacts of solitary confinement and community isolation are well recognised, and include paranoia, anxiety, severe psychological suffering and permanent psychiatric disability. These harmful effects can commence immediately whilst in the prison cell and continue following confinement.

Across the globe we are seeing prisons continue to release vulnerable people in prison to help flatten the curve, to protect people and to mitigate the potential of a devastating health crisis.

Yet in this country, we have not had one single compassionate release. We know that COVID-19 is in our children’s prisons and we know that children inside are scared, they’re suffering, their mental health is being affected. We must act now if we want to prevent any more deaths in custody because the lives of women and children in prisons should be an integral part of the health response to COVID-19.

We do not have the luxury of time here, and we do not have the luxury of being able to just take small steps and hope that this problem is going to go away.

We need to urgently release people in order to protect them and while we are doing that, let us into the prisons, let us run programs, let us support women and kids inside.

We must #FreeHer.

Post Script

While the National Network is advocating for immediate and total decarceration, we acknowledge that governments may favor a staged approach and offer the following ten-point decarceration plan as preliminary steps to complete decarceration.

Decarceration could look like:

1. The immediate release of all children in custody to home and to safe accommodation. This virus is a youth prison crisis and our young people must be protected.
2. Immediately release all people on remand. There is potential to release people onto bail and provide safe, affordable accommodation for them all.
3. All Aboriginal prisoners should be immediately transitioned onto relaxed regimes. This could mean early release and early parole. It should be noted that during the 2009 swine flu outbreak, Aboriginal and Torres Strait Islander people made up 11 percent of all identified cases, 20 percent of hospitalisations and 13 percent of deaths. The problem with COVID-19 is it has a 3.4 percent fatality rate, which is high, but with our cohort, if it gets into our communities and families, it’s going to be devastating.
4. Parole hearings should be accelerated. People should be immediately transitioned onto parole. In many states, the membership of the Parole Board could be temporarily split into two groups enabling them to hold simultaneous hearings while still maintaining their quorum, but doubling their output (Qld has a COVID-19 parole sitting board that other jurisdictions could replicate as a matter of urgency).
5. All community corrections meetings onsite must be cancelled, which include parole sign-ins and “youth justice reporting”. These appointments must be undertaken by the phone.
6. Community corrections home visits must NOT allow staff to enter our homes during this period, rather should be door stop appointments, if at all necessary (Officers go house to house and cannot guarantee they will not bring the virus from one home to the next).
7. Release all elderly and vulnerable people in prison immediately into safe accommodation with medical support in the community.
8. As any pandemic control measures, including lockdowns caused by staff shortages, could have a significant impact on mental health, immediately suspend the cost of outgoing phone calls so that people in prison can stay connected to their loved ones (especially as visitation has ceased). The prison must facilitate a hands-free telephone system so people can phone their children and families without using the prison phone system.
9. Any prisoners unable to be transitioned home into the community should be provided with additional free stamps during this period, enabling them to correspond with family.
10. All people who are presently on home detention must be provided one six-hour period of free movement to travel to whatever supermarket necessary to collect supplies to feed their children. The current single three-hour shopping leave to a single shopping centre one day per week is not sufficient with the current supply/stock shortages we are witnessing in our shops.

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