

OFFICE OF THE  
**CUSTODIAL INSPECTOR**  
TASMANIA

# Capacity Utilisation Review 2021



### *About this review*

This review describes the Custodial Inspector's review of capacity utilisation within Tasmanian prisons and custodial facilities. The review was completed in 2021.

It is available in print or electronic viewing format to optimise accessibility and ease of navigation. It can also be made available in alternative formats to meet the needs of people with a disability.

Requests should be directed to the Office of the Custodial Inspector at:

Telephone: 1800 001 170

Email: [custodial.inspectorate@custodialinspector.tas.gov.au](mailto:custodial.inspectorate@custodialinspector.tas.gov.au)

### *Enquiries about this review should be directed to:*

Level 6, 86 Collins Street, Hobart, Tasmania 7000

Telephone: 1800 001 170 (Free call)

Facsimile: 03 6173 0231

Email: [custodial.inspectorate@custodialinspector.tas.gov.au](mailto:custodial.inspectorate@custodialinspector.tas.gov.au)

Website: [www.custodialinspector.tas.gov.au](http://www.custodialinspector.tas.gov.au)

ISSN: 2208-682X (Print)  
2209-8038 (Online)

# Contents

<b>Contents</b> .....	<b>3</b>
<b>1 Custodial Inspector’s overview</b> .....	<b>4</b>
<b>2 Executive summary</b> .....	<b>6</b>
2.1 Introduction.....	6
2.2 Background .....	6
2.3 Key findings.....	7
<b>3 Recording and reporting</b> .....	<b>8</b>
3.1 Tasmania’s reporting of prison capacity utilisation and recent trends.....	8
3.2 Comparative measures of prison utilisation .....	9
3.3 How does TPS report on prison utilisation? .....	10
3.4 TPS capacity and utilisation reporting – a practical example.....	11
<b>4 Capacity utilisation per custodial centre</b> .....	<b>14</b>
4.1 Audit of prison cells in TPS Custodial Facilities.....	14
4.2 How are temporary beds captured in TPS reporting?.....	16
4.2 Use of temporary beds in custodial centres.....	17
4.2 Compliance with Inspection standards, prison standard guidelines and international conventions .....	19
<b>5 Impacts of prison overcrowding</b> .....	<b>21</b>
5.1 Prisoners.....	21
5.2 Impact on operational staff & correctional services .....	21
5.3 Implications for COVID-19 quarantine and transmission management.....	22
<b>6 Recommendations</b> .....	<b>23</b>
<b>7 Definitions and Abbreviations</b> .....	<b>24</b>
7.1 Definitions.....	24
7.2 Abbreviations .....	24
<b>Appendix I</b> .....	<b>26</b>
Department of Justice response to recommendations.....	26

## I Custodial Inspector's overview

The *Custodial Inspector Act 2016* requires me as Inspector to carry out a mandatory inspection of each custodial centre in Tasmania at least once every three years and to report to the responsible Minister and Parliament.

Apart from mandatory inspections, section 6 of the Act sets out the broad range of my functions, including reviewing particular issues:

### 6. Functions

(1) *The Inspector has the following functions:*

.....

(b) *to carry out an occasional inspection and review of any custodial centre at any time, of his or her own accord or as requested by the responsible Minister;*

.....

(e) *to report to the responsible Minister or Parliament on any particular issue or general matter relating to the functions of the Inspector if, in his or her opinion, it is in the interest of any person or in the public interest to do so;*

.....

My office has been aware for some time, of issues associated with overcrowding within Tasmanian custodial centres, in particular the Risdon Prison complex.

In January 2021, my office conducted a review of prison cells at all five Tasmanian adult custodial facilities to assess the extent of overcrowding and whether the floor area in cells at the five facilities meet the prescribed dimensional requirements as set out in the *Standard Guidelines for Prison Facilities in Australia and New Zealand 1990* (SGPFANZ) recommended guidelines for habitable rooms.

The Tasmanian Prison Service (TPS) provided floor plans for each of the custodial centres. My staff measured each cell to determine whether it was being used for single, double or triple occupancy, and to assess compliance with my *Inspection Standards for Adult Custodial Centres in Tasmania* (the Tasmanian Inspection Standards). TPS also provided performance information regarding the cells included in its design capacity and operational capacity reporting.

The review assessed all prison cells including segregation, holding, buddy and disability cells.

<b>Cell Type</b>	<b>Definition</b>
Segregation	A cell where a prisoner is kept in isolation from other prisoners with minimal contact all day or almost all hours of the day.
Holding	A temporary secure area for holding persons away from the judiciary or public or when they first arrive at a prison and are waiting to be processed
Buddy	A cell with a door to an adjacent cell, designed to allow for a vulnerable prisoner (i.e. a prisoner at risk of self-harm) to be housed next to another prisoner.
Disability	A cell specifically designed to accommodate prisoners with a disability including features such as wider door entrances, greater floor space and accessible furniture and fixtures.

The O'Hara Cottages, the independent living units in the Mary Hutchinson Women's Prison (MHWP) and other prison areas accessible by prisoners such as common areas, kitchenettes, separate ablution facilities and exercise cells/yards were excluded from the review.

I want to acknowledge the cooperation and assistance we have received from key personnel in TPS in replying to our many requests for information and clarification over the course of the review, and the assistance provided by correctional staff in providing access to each cell across all TPS facilities.

Richard Connock  
**Custodial Inspector**

October 2021



## 2 Executive summary

### 2.1 Introduction

The purpose of this review is to:

- Provide a breakdown of all prison cells and whether they meet the prescribed volume and dimensional standards.
- Streamline and consolidate standards into a uniform, general baseline.
- Identify concerns surrounding inconsistent definitions and reporting standards for modifications to existing cells.
- Highlight issues regarding prisoner standard of living.
- Provide an analysis and commentary of current legislative frameworks governing the Tasmanian Prison Service (TPS) in regard to the minimum standards for prison cell size.
- Propose recommendations to improve the non-compliance of current prison cells with standards.

### 2.2 Background

Tasmania's prison population has been rising rapidly over the past few years. Tasmania has one key custodial complex at Risdon which houses male prisoners and includes the MHWP, which is located in the prison complex. Increases in the prison population over the years have been managed by adding additional beds within existing prison facilities, which has resulted in overcrowding.

The latest Report on Government Services 2020 (RoGs) shows that Tasmania's custodial centres have recorded an upward trend in prison capacity utilisation rising to 94.7 per cent utilisation for all prisons in 2018-19.

The Custodial Inspectorate conducted an audit during January 2021 of the utilisation of prisoner cells and beds at four adult custodial facilities in Southern Tasmania. An audit of cells and beds in Launceston Reception Prison was undertaken in late February 2021.

The five adult custodial facilities audited were:

- Risdon Prison Complex (RPC) – maximum and medium security
- Ron Barwick Prison (RBP) – minimum and medium-low security
- Mary Hutchinson Women's Prison (MHWP) – minimum to maximum security
- Hobart Reception Prison (HRP) – maximum security
- Launceston Reception Prison (LRP) – maximum security

I established two teams of two staff and measured the area of all habitable prison cells in the

above facilities. The analysis and recommendations of this report are based on this data.<sup>1</sup>

The prison system has largely absorbed the extra prisoner numbers by adding bunk beds to single cells, placing mattresses on cell floors and adding new accommodation units or refurbishing older, sometimes decommissioned, units in existing prisons. In the Lockdowns Review released in June 2021 I noted that, with respect to prison population, the new Southern Remand Centre, which is due to open in 2022 may alleviate some pressures on current prison infrastructure.

This report provides information on the existing design capacity of the five custodial centres, my findings with regard to utilisation of custodial facilities during its review in January 2021 and makes recommendations to assist in ensuring that the TPS works towards compliance with the Tasmanian Inspection Standards and the SGPFANZ Standard Guidelines.

This report also compares the prison utilisation measure used by TPS and makes recommendations with regard to future measurement and reporting.

## 2.3 Key findings

- The TPS daily reporting for management includes capacity measures based on both operational capacity and design capacity, with design capacity utilisation rates used for RoGS reporting. However with the exception of the MHWP, design capacity and operational capacity utilisation rates are reported as the same in TPS management reporting due to the exclusion of temporary bed numbers from the calculation of current capacity.
- Temporary beds are installed in prison cells to accommodate growing prisoner numbers, which have been increasing over time. Temporary beds are either mattresses placed on floors or beds installed in bunk bed or single bed configurations in cells. The majority of 'temporary' beds are effectively permanent bed installations.
- The majority of prison cells at the five custodial centres do not meet the SGPFANZ minimum cell area for single and double cells with ablutions.
- No formal risk or profile assessment is performed by TPS when determining which prisoners should be housed in multiple occupancy cells.
- Single or double cells that have been converted to multiple occupancy cells considerably reduce the accommodation and living standards for prisoners in terms of mobility, privacy and dignity, mental health and storage/security of private possessions.

---

<sup>1</sup> 'All' prison cells were measured apart from cells which were not in use, inaccessible, and uniformly constructed – therefore just requiring the measurement of one (1) unit.



### 3 Recording and reporting

Each year the Productivity Commission releases a report on the equity, effectiveness, and efficiency of Australian public services compiled from performance information provided by State and Territory Governments. The Report on Government Services (RoGS), Part C Justice which includes police, courts and corrective services, contains performance indicators on the equity, efficiency and effectiveness of custodial system services. A key indicator of governments' intention of providing a safe, secure and humane custodial environment is Prison Utilisation.

The Productivity Commission defines Prison Utilisation as:

*the annual daily average prisoner population as a percentage of the number of single occupancy cells and designated beds in shared occupancy cells provided for in the design capacity of the prisons.*

The recommended target measure for this indicator is a utilisation rate that is close to, but not exceeding 100 per cent recognising that *prisons require spare capacity to cater for the transfer of prisoners, special-purpose accommodation such as protection units, separate facilities for males and females and different security levels, and to manage short-term fluctuations in prisoner numbers.*

#### 3.1 Tasmania's reporting of prison capacity utilisation and recent trends

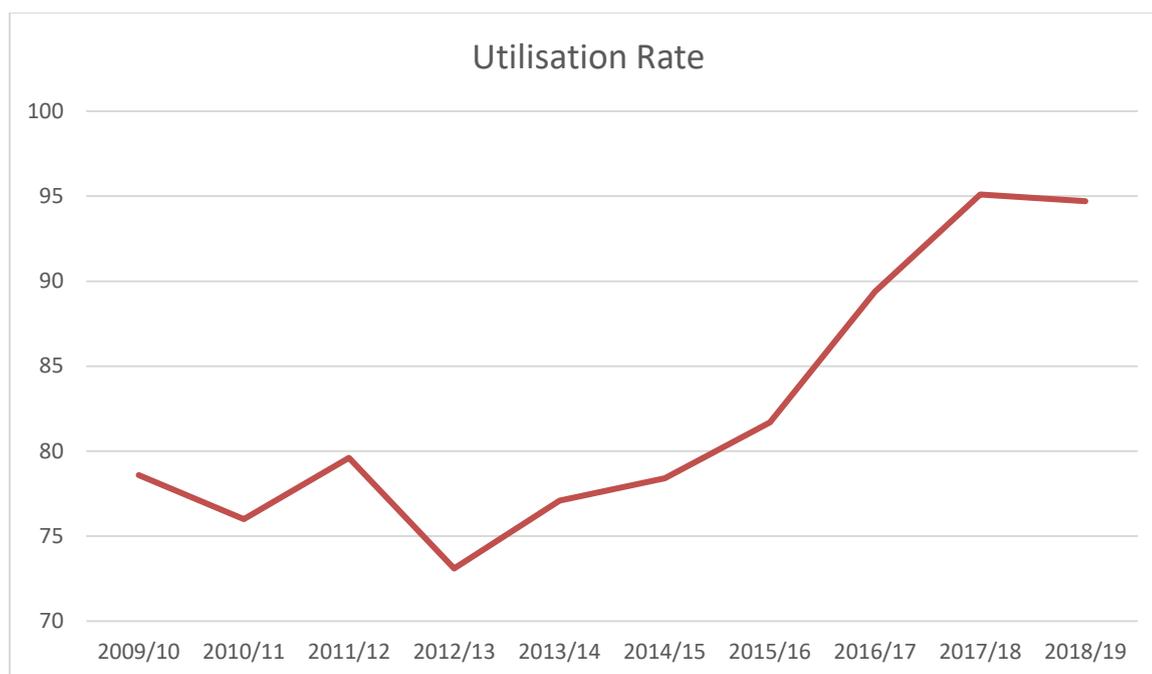
The national maximum limit for prison utilisation rate is 95 per cent. Utilisation rates of 95 per cent and below, allow for the proper operation of custodial facilities with regard to the safety and welfare of both prisoners and TPS staff.<sup>2</sup> If custodial facilities are operating above the maximum threshold of 95 per cent, the capacity of the TPS to manage risk is materially jeopardised.<sup>3</sup>

The Productivity Commission Report into Government Services has found that the TPS custodial facilities are in danger of exceeding the maximum threshold for utilisation – with utilisation rates increasing from 73.1 per cent in 2012-13 to a high of 95.1 per cent in 2017-18 before decreasing marginally to 94.7 per cent in 2018-19 (latest data).

---

<sup>2</sup> Victorian Auditor-General's Report, Prison Capacity Planning, 9.

<sup>3</sup> Productivity Commission, *Report on Government Services*, Chapter 8: Corrective Services Interpretative Material, 8.9.



On face value, TPS facilities seem to be coping relatively well and managing to stay below the maximum utilisation rate threshold. However, upon closer inspection, there are concerns that the reporting standards used by the TPS may actually be masking the true extent of facility overutilisation.

### 3.2 Comparative measures of prison utilisation

The PC definition of prison utilisation is based on the design capacity of prisons. Design capacity is generally defined as the number of persons that a prison is originally designed to hold, taking into account the type of security that is required at each facility. It should be noted that RoGS does not provide a definition of Design capacity.

An alternative, albeit less easily comparable, measure of prison utilisation can be made using operational (or current) capacity. Operational capacity is generally defined as the maximum number of prisoners that a prison can safely hold based on factors such as the availability of staffing and services, the structural design of the building and compliance with legislative obligations and relevant standards. Operational capacity must therefore take into account two important elements - design capacity, and the resourcing and services of the facility. Design capacity includes consideration of the security level (or levels) of the facility as well as structural considerations such as materials used and the construction of walls and boundaries.

A third measure of prison utilisation can be made based on a rating capacity where the number of prisoners or cells is determined by a rating official. This capacity measure is used in countries such as the United States but not in Australia.



### 3.3 How does TPS report on prison utilisation?

TPS utilises both design capacity and operational (current) capacity in its management reporting. TPS includes design capacity in order to meet its national reporting obligations (RoGs data) but calculates the utilisation rate based on Operational (current) capacity as it should include changes in bed numbers to meet operational demands and is a better indicator of the staffing resources and services needed to support the facilities.

The TPS daily report is a key management report which provides a daily census of both bed and cell utilisation. The daily report calculates the utilisation rate based on operational (or current) capacity.

The national standard for calculating the utilisation rate employed by the Productivity Commission is based on design capacity. This methodology calculates utilisation rate as a percentage of the 'annual daily average prisoner population' over 'the number of single occupancy cells and designated beds in shared occupancy cells provided for in the *design capacity* of the prisons'.<sup>4</sup>

Design Capacity Utilisation – Productivity Commission methodology
<p>Utilisation Rate</p> $= \frac{\text{Annual daily average of prisoner population}}{\text{Total Number of cells and beds intended for use based on design capacity}} \times 100$

Current Capacity Utilisation - TPS methodology
<p>Utilisation Rate</p> $= \frac{\text{Annual daily average of prisoner population}}{\text{Total Number of cells and beds intended for use based on current/operational capacity}} \times 100$

Operational (or current) capacity differs from design capacity in that it refers to the number of prisoners that can be safely held based on the capacity of the facilities offered, the architectural design of the building and the number of prison staff available to operate the facilities.

A review of the TPS Daily report by my staff has revealed that the TPS calculation of current capacity includes 15 additional beds installed at MHWP but does not include a significant quantity of temporary beds (85 beds reported at 30 June 2021) installed in the remaining custodial facilities. My staff have queried why the additional beds in MHWP have been included in operational capacity but additional beds in other complexes are reported as temporary beds. The TPS has advised that, "*an additional 17 beds have been added to existing cells in MHWSP and have been approved by the Director of Prisons for ongoing and*

<sup>4</sup>

regular use. These beds are in addition to the original design capacity, which differs from ‘surge beds’ that are to be used only for temporary use when capacity pressures exist.” When queried on the definition of a temporary bed, TPS has advised that ‘...Temporary beds’ are additional surge beds installed as a temporary measure when prisoner numbers exceed the total capacity.’

The implications of under-reporting the number of temporary beds as part of operational capacity is discussed further in this report.

### 3.4 TPS capacity and utilisation reporting – a practical example

The following summary table from the TPS daily report of 30 June 2021 and diagram demonstrates how the TPS measures prison utilisation based on current capacity as well as design capacity.

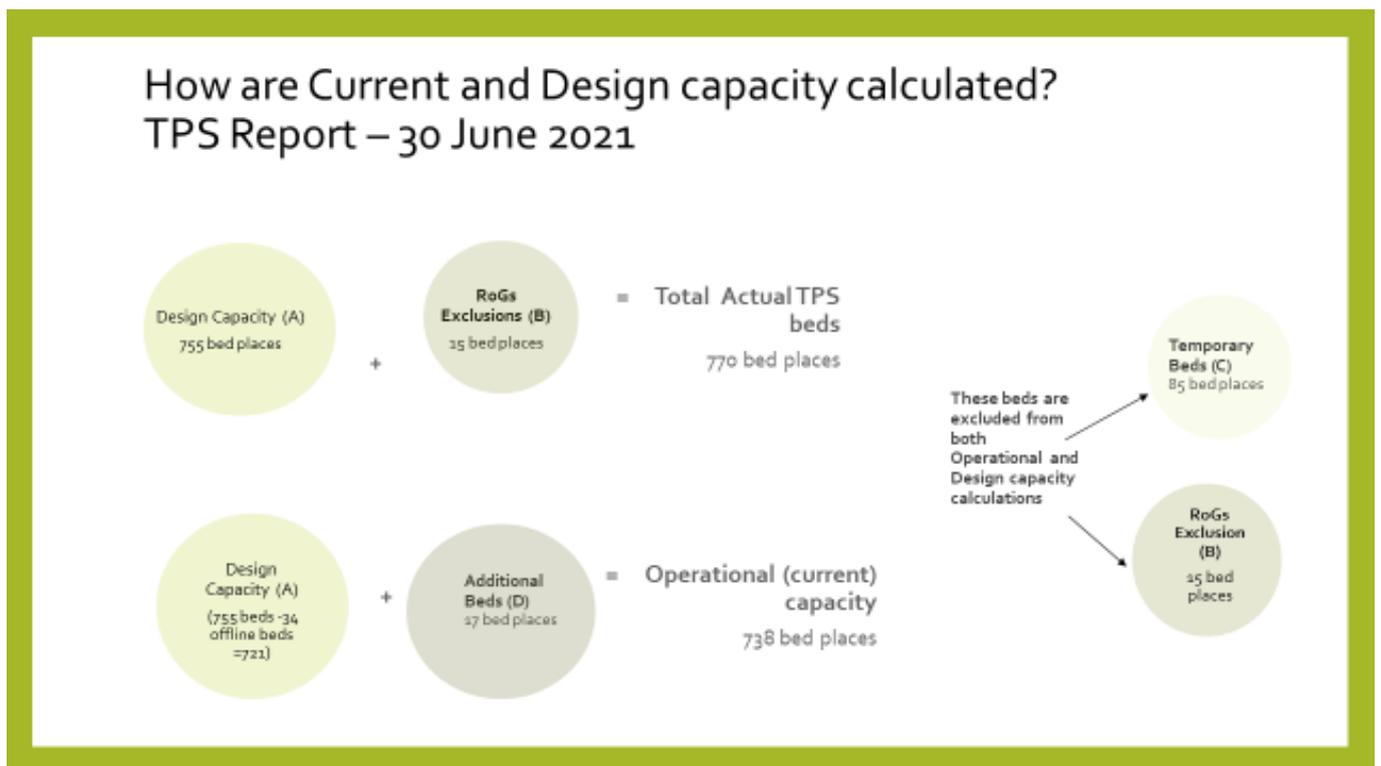
**Table 1: Daily Prison Capacity and Utilisation – as at 30 June 2021**

Prison Capacity and Utilisation Beds / Rooms									
Prison	Design capacity *	Offline cells / rooms	Additional Beds ~	Current capacity	Prisoners	Utilisation rate based on current capacity	Available cells / rooms	Temporary beds #	COVID-19 Isolation Beds •
	A		D					C	
Hobart Reception Prison	36			36	34	94%	2	16	10
Launceston Reception Prison	26			26	25	96%	1	8	10
Mary Hutchinson Women’s Prison	63		17	80	51	64%	29	-	
Risdon Prison Complex	299	-		299	294	98%	5	54	
Ron Barwick Prison	331	34		297	220	74%	77	7	34
<b>Total (ROGS)</b>	<b>755</b>	<b>34</b>	<b>17</b>	<b>738</b>	<b>624</b>	<b>85%</b>	<b>114</b>	<b>85</b>	<b>54</b>
Beds / Rooms excluded from Prison Capacity and Utilisation Calculation (above)									
Risdon Prison Complex	12			12	12				
Launceston Reception Prison	2			2	0		2		
Mary Hutchinson Women’s Prison	1			1			1		



External (not included in utilisation rate below)					5				
<b>TOTAL (ROGS EXCLUSIONS) B</b>	<b>15</b>	<b>-</b>	<b>-</b>	<b>15</b>	<b>17</b>	<b>80%</b>	<b>3</b>	<b>1</b>	<b>-</b>
<b>Total (Actual) Men</b>	704	34	-	670	586	87%	87	84	54
<b>Total (Actual) Women</b>	66	-	17	83	55	66%	30	2	-
<b>Total (Actual) ✓</b>	<b>770</b>	<b>34</b>	<b>17</b>	<b>753</b>	<b>641</b>	<b>85%</b>	<b>117</b>	<b>86</b>	<b>54</b>

Diagram 2: How are Design and Current Capacity calculated?



TPS reports on the utilisation rate according to its operational capacity – expressed in TPS operating terminology as ‘current capacity’.

The following table compares the utilisation rate as at 30 June 2021 based on current capacity

against the utilisation rate based on design capacity, based on the national standard methodology. It should be noted that temporary beds reported (85 beds) are excluded from both bed numbers used to calculate either total design capacity or total current capacity. However, the MHWP additional beds have been included in the current capacity calculation for MHWP and is reported in the utilisation rate *for this prison only*.

My staff assessed the available cells in each custodial centre and total cell count for each centre arising from the audit against the cells counted by TPS for its design capacity calculations (as at 20 January 2021). The total cell count per custodial centre was consistent with the design capacity reported by TPS. However a key difference between the audit cell count and the TPS cell count was the inclusion of Division 8 in the design capacity calculation for the daily report. Division 8 has 34 single cells which are not actively used as prison cells and have been set aside to be used for COVID-19 isolation if required. These cells are included in the design capacity calculation and also appear in the TPS daily report under the COVID-19 Isolation Beds column. Division 8 cells are not actively used as prison cells as they are not fit for purpose. The condition of Division 8 cells has been raised with TPS by my staff during previous inspections. In my view, Division 8 cells should be removed from the design capacity calculation as they are effectively decommissioned cells and cannot be used as COVID-19 isolation beds. The inclusion of Division 8 cells in both the design and operational capacity counts for RBP artificially increases the number of available cells and therefore results in a lower utilisation rate for RBP than is actually the case.

**Table 2: Utilisation Rates as at 30 June 2021**

Prison	TPS-reported Utilisation Rate – based on Operational Capacity As at 30 June 2021	National Standard Utilisation Rate – Based on Design Capacity
Hobart Reception Prison	94%	94%
Ron Barwick Prison	74 <sup>5</sup> %	68%
Launceston Reception Prison	96%	96%
Risdon Prison Complex - <i>Maximum Security</i> - <i>Minimum Security</i>	98% (113%) (91%)	98% (113%) (91%)
Mary Hutchinson Women's Prison	64%	81 <sup>6</sup> %

<sup>5</sup> The Operational 'current' capacity utilisation rate is higher than the Design Capacity due to 34 beds that have been reserved as COVID-19 isolation beds.

<sup>6</sup> The Design Capacity utilisation rate is higher than the Current Capacity Utilisation Rate due to the addition of 17 beds installed to increase operational capacity which, unlike other TPS facilities, have not been classified as temporary beds.



## 4 Capacity utilisation per custodial centre

### 4.1 Audit of prison cells in TPS Custodial Facilities

The SGPFANZ establishes the following guidelines with respect to the minimum areas for single and double cell types:

SGPFANZ minimum recommended floor areas for Accommodation	
Cell type	Minimum habitable area
Single person bedroom with ablution facilities	8.75m <sup>2</sup>
Single person bedroom <i>without</i> ablution facilities	7.5m <sup>2</sup>
Double habitable room with ablution facilities	12.75m <sup>2</sup>
Double habitable room <i>without</i> ablution facilities	11.5m <sup>2</sup>

With the exception of buddy cells, all cells in the five TPS facilities were originally designed for single occupancy. As discussed earlier in this report, increases in prisoner numbers over time have resulted in additional beds being installed in cells to accommodate the prison population.

The following table shows the total number of habitable prison cells in each TPS facility as audited in January 2021 and the number of cells converted from the original prison design to multiple occupancy. My audit of actively used prison cells shows that across the five custodial centres, 92 single prison cells have been converted to double occupancy and 14 single or double cells have been converted to triple occupancy.

**Table 3 – Summary of TPS prison cell types by custodial facility**

Prison	Cell type (based on bed numbers)	Total No. of Habitable Cells inspected	Original Design Intention
Hobart Reception Prison	Single	30	Original prison design has been maintained. 4 cells did not have beds.
	Double	16	All 16 cells were originally intended for single occupancy. One cell comprised of two beds and one floor mattress.
Ron Barwick	Single	264	Cell count does not include the O'Hara Cottages. One cell has been used as an office.
	Double	7	All seven (7) cells were originally

Prison <sup>7</sup>			intended for single occupancy.
RPC Medium Security	Single	172	
	Double	18	All eighteen (18) cells were originally intended for single occupancy.
	Triple	14	
RPC Maximum Security <sup>8</sup>	Single	77	
	Double	28	All 28 cells were originally intended for single occupancy.
Mary Hutchinson Women's Prison	Single	20	Cell count does not include the Vanessa Goodwin units. Includes one safe cell.
	Double	18	8 cells were originally intended for single occupancy.
Launceston Reception Prison	Single	26	
	Double	6	All six (6) cells were originally intended for single occupancy.
<b>Total number of 'Temporary' beds in double or triple cells</b>		<b>106</b>	

My office took measurements of all of the habitable cells at the custodial centres and assessed if the cells met the inspection standards and SGPFANZ Guidelines for habitable cells. The results of this audit are shown in the following table.

**Table 4 – Summary of TPS prison cell types measured by the Custodial Inspectorate by custodial facility**

Prison	Cell type (based on bed numbers)	Total No. of Habitable Cells inspected	Cell with ablation facilities?	Meets inspection Standard 20 for minimum cell size? S - 8.75m <sup>2</sup> D - 12.75m <sup>2</sup>	Meets SFPANZ guidelines for minimum size for cell without ablutions? S - 7.5m <sup>2</sup> D - 11.5m <sup>2</sup>
Hobart Reception Prison	Single	30	Yes	No (28) Yes (2) N/A (1)*	Not relevant as cells have ablation facilities
	Double	16	Yes	No (15) Yes (1)	Not relevant as cells have ablation facilities
Ron Barwick	Single	264	Yes	No (264)	Not relevant as cells have ablation facilities

<sup>7</sup> Division 8 cells were not audited as cells in this Division are not in active use and do not meet current cell standards.

<sup>8</sup> Includes Inpatients, the Franklin Unit and Mersey CSU unit, which are excluded from TPS design capacity as RoGs exclusions.



Prison <sup>9</sup>	Double	7	Yes	No (7)	Not relevant as cells have ablution facilities
RPC Medium Security	Single	150	No	No	No
	Double	18	No	No	No
	Triple	14	No	No	No
RPC Maximum Security <sup>10</sup>	Single	77	Yes	No (66) Yes (5) N/A (6)*	Not relevant as cells have ablution facilities
	Double	28	Yes	No (27) Yes (1)	Not relevant as cell have ablution facilities
Mary Hutchinson Women's Prison	Single	20	Yes	No	Not relevant as cell have ablution facilities
	Double	18	Yes	No	Not relevant as cell have ablution facilities
Launceston Reception Prison	Single	27	Yes	No	Not relevant as cell have ablution facilities
	Double	8	Yes	No	Not relevant as cell have ablution facilities
<b>Total number of 'Temporary' beds in double or triple cells</b>		<b>108</b>			

\* Some cells were audited but could not be measured for privacy or security reasons.

As can be seen from the above table, none of the five custodial centres fully met the Tasmanian Inspection Standards for minimum cell size for the cell type apart from a few exceptions recorded for HRP and RPC. These exceptions are predominantly double rooms (i.e. buddy or disability rooms) which house two prisoners.

## 4.2 How are temporary beds captured in TPS reporting?

My office has examined its count of additional temporary beds against the TPS report of 20 January 2021. The number of additional beds counted by the Inspectorate (108 in total) is equal to the total number of temporary beds in the TPS daily report of 20 January 2021 plus the 17 additional beds reported against MHWP. Four beds were counted by my staff in the Derwent unit of RPC as temporary beds, however these concrete-plinth beds have been counted by TPS as part of the original prison design and therefore included in the design capacity bed numbers. Two double rooms were also counted in LRP which are excluded as temporary beds by TPS as they are Observation cells and excluded from both design and operational capacity calculations.

The number of temporary beds reported by TPS for 20 January 2021 is shown in the following table.

<sup>9</sup> Division 8 cells were not audited as cells in this Division are not in active use and do not meet current cell standards.

<sup>10</sup> Includes Inpatients, the Franklin Unit and Mersey CSU unit, which are excluded from TPS design capacity as RoGs exclusions.

Table 5: Daily Prison Capacity and Utilisation – as at 20 January 2021

Prison Capacity and Utilisation Beds / Rooms									
Prison	Design capacity *	Offline cells / rooms	Additional Beds ~	Current capacity	Prisoners	Utilisation rate based on current capacity	Available cells / rooms	Temporary beds #	COVID-19 Isolation Beds •
Hobart Reception Prison	36			36	26	72%	10	16	10
Launceston Reception Prison	26			26	15	58%	11	8	10
Mary Hutchinson Women's Prison	63		17	80	43	54%	37	0	
Risdon Prison Complex	299	7		292	290	99%	2	53	
Medium Security	196	7		189	172	91%	17	32	
Maximum Security <sup>^</sup>	103	0		103	118	115%	- 15	21	
Ron Barwick Prison	331	36		295	239	81%	56	8	34
<b>Total (ROGS)</b>	<b>755</b>	<b>43</b>	<b>17</b>	<b>729</b>	<b>613</b>	<b>84%</b>	<b>116</b>	<b>85</b>	<b>54</b>

<sup>^</sup> includes four cells that contain an additional concrete-plinth bed and have been included by TPS in its Design capacity bed numbers.

## 4.2 Use of temporary beds in custodial centres

The TPS has installed temporary beds in each of its five custodial centres to accommodate excess prisoner numbers. With the exception of MHWP, these beds are excluded from the TPS daily reporting of bed numbers that form the basis of the design capacity and current (operational) capacity utilisation rates. For the MHWP, 17 additional beds have been installed and are included in the bed numbers used to calculate current capacity and the reported utilisation rate.

Table 1 in Section 3.2 above shows that the total number of temporary beds recorded in the TPS daily report for 30 June 2021 was 85. A comparison of the TPS Daily Report for 20 January 2021, which coincides with the time period of my audit, shows the total number of temporary beds was also 85 beds.

The original design of the cells in RPC are for single occupancy. In terms of design capacity, the TPS daily report notes that, 'with the exception of a small number of 'buddy cells', all cells are designed for single occupancy'.<sup>11</sup>

During my audit of habitable cells and beds, it was found that a number of single cell rooms had been converted to double or triple bed cells by installing one or two beds in either bunk

<sup>11</sup> TPS Daily Report, footnote explanation of design capacity.



bed or separate bed configurations. In a smaller number of cases, bed mattresses had been placed on the floor to provide additional sleeping facilities for prisoners. In all cases, my staff found that the additional beds were occupied by prisoners and that temporary beds were not vacant or available to accommodate surges or periods of excess prisoner numbers.

**Image 1: Double bunk installation in a standard single cell room – Maximum Security Derwent Unit, Risdon Prison Complex**



As shown in Image 1, many of the additional beds have become fixed installations in cells and cannot be considered 'temporary'. Standard single cells that are designed for single prisoner occupancy house two prisoners which results in prisoners having to share toilet and ablution facilities in the room and severely reduces the available free space for storage or movement within the cell. As can be seen in the above image, cell ablution, shower and toilet facilities in single cells are not fully separate from the main habitable room, further compromising personal privacy.

All of the additional beds in the Risdon Prison Complex are fixed installations, either in standalone or bunk bed configurations. Only one floor mattress (located in the Hobart Reception Prison) was sighted during my audit.

Based on the findings of my audit, I am of the view that the temporary beds reported by TPS in its daily report are not temporary in nature and are being used on a permanent basis to address the issue of overcrowding in Tasmanian custodial centres, most notably in RPC.

## 4.2 Compliance with Inspection standards, prison standard guidelines and international conventions

My staff measured the cell area and assessed prison cells in active use at the five Tasmanian Custodial Centres against the Tasmanian Inspection Standards as well as the SGPFANZ.

### **Applicable SFPGANZ Guidelines**

Guidelines 6.7 and 6.17 state that for both secure and minimum security cells:

*Each cell should provide a prisoner with the functions of sheltering, sleeping, grooming, sanitation, studying and relaxing. These should occur without the interference of other prisoners.*

The SFPGANZ guidelines also reference the United Nations Minimum Rules for Treatment of Prisoners.

Guideline 6.2, which references the UN Minimum Rules, states that:

*Where there are individual cells only one prisoner should occupy the room. If for special reasons there is an exception to this rule, it may be desirable to have two prisoners in a cell.*

### **Applicable Inspection Standards**

The following Standards contained in the Tasmanian Inspection Standards are relevant in assessing the size and facilities of prison cells.

Inspection Standard 12.1 states:

*Multiple occupancy accommodation should only be provided for prisoners with appropriate risk and need profiles and who have agreed to such placements.*

Inspection Standard 20.4 states:

*There are no clear international standards on cell size. However, SGPFANZ sets 8.75m<sup>2</sup> as the minimum size for a single person cell including ablutions, and 12.75m<sup>2</sup> for a double cell.*

Inspection Standards 20.8 states:

*Multiple occupancy cells should provide adequate unencumbered space and privacy when toilets or ablutions are used.*

Inspection Standards 21 states:

*The number of prisoners should not exceed a prison's design capacity. Where this is temporarily unavoidable, compensatory processes should be implemented to mitigate risk and disadvantage to both staff and prisoners. "Doubling up" should not be portrayed as increased design capacity.*

Inspection Standard 21.1 states:

*Where the number of prisoners sharing a cell or accommodation unit exceeds the design capacity,*



*prison management must give consideration to reducing the number of hours locked in cells, enhancing the availability of activities, or implement other compensatory means to mitigate the reduced amenity.*

In assessing cell areas and accommodation arrangements, my staff found that:

- No formal risk or profile assessment was performed by custodial officers when determining which prisoners should be housed in multiple occupancy cells. As part of the assessment, custodial officers were consulted on how the TPS determined which prisoners should be housed in multiple occupancy cells. Custodial officers confirmed that verbal consultation was held with prisoners that were to be located in the same cell and that decisions were made based on static and dynamic intelligence of prisoners. There was, however, no evidence of any formal risk or profile assessment being undertaken.
- Following the escape of prisoners into the general community in September 2019, the security rating of the RBP was reviewed and increased. This resulted in an uplift in security rating for some RBP accommodation units from minimum security to medium security. The change in ratings and increasing prisoner numbers resulted in prisoners being relocated to more stringent maximum security units without consultation and a transparent process.
- I am also aware of instances where prisoners classified as major offenders have been assessed by the Classification Review Panel and a recommendation made but the prisoner has experienced long delays in receiving notification of the outcome of their classification review as the panel's recommendation must be reviewed by a higher authority. The delays in the review and notification of the outcome have been raised with my staff by prisoners as delays can have adverse impacts on prisoner mental health (as appeals cannot be made at the time the prisoner is informed in writing of the Review Panel's decision). Delays can also prevent prisoners from participating in rehabilitation programs (due to their existing security classification) and act as a disincentive for maintaining good behaviour during incarceration.
- With the exception of three cells in HRP and six cells in RPC maximum security, the remaining single and double prison cells did not meet the Tasmanian inspection standard minimum cell area for single and double cells. This outcome is not surprising given the age of the facilities and the fact the custodial centres pre-date the Tasmanian Inspection Standards and the SGPFANZ. The non-compliance with Tasmanian Inspection Standards was due to both cell dimensions failing to meet the recommended minimum cell area and a lack of privacy when toilets or ablution facilities were in use. The toilet and ablution facilities in single cells are not fully partitioned from the rest of the cell and therefore do not provide adequate privacy when cells are converted to multiple occupancy.
- Single or double cells which have been converted to multiple occupancy cells beyond their original design reduce the clear floor space for each prisoner and reduce the



living standards of prisoners through the loss of individual privacy and dignity. The installation of additional beds, either in bunk bed or standalone configuration, further reduces the available unencumbered space for prisoner storage, movement and privacy.

- My audit found no evidence that prisoners sharing multiple occupancy cells beyond the original design capacity of the cell had extra hours out of cells in comparison to prisoners in cells that had not been altered from the original design. Feedback from prisoners was that privacy and space restrictions in multiple occupancy arrangements were exacerbated during periods of prolonged lockdown (two consecutive days or longer).

## 5 Impacts of prison overcrowding

### 5.1 Prisoners

As discussed earlier in this report, the majority of the single cells in Tasmania's five custodial centres do not meet the Inspection Standards and SFPGANZ minimum requirements for cell size. For the vast majority of habitable single and double cells, the cell size areas are clearly inadequate to accommodate one or two further prisoners.

While prisoners may agree, on consultation with correctional officers, to be accommodated with other prisoners their decisions are predominantly based on safety and relationship considerations without regard to broader human rights, privacy and physical and mental health issues.

Floor space, storage and access to relaxation tools and to reading material, radio and television are very limited in cells. Sharing cells requires good communication and negotiation skills for the use of shared furniture and equipment.

In terms of toilet and ablution facilities, the lack of fully partitioned rooms in cells for ablutions means that toilets must be used in front of other prisoners. While showers are partially screened, the space is minimal and in some cases where cells have been fitted with bunk beds, it is impossible to contain water from the shower, with the cell floor easily wet and in some cases flooded. Dressing normally occurs in the limited habitable space of the cell. Similarly, it is difficult to fully accommodate the sleeping and relaxation needs of prisoners in a shared cell environment.

All of these factors impact on the mental health, dignity and privacy of prisoners through the inability to keep the private and personal aspects of their lives separate from another prisoner.

### 5.2 Impact on operational staff & correctional services

A key difference between design capacity and operational (current) capacity is that design capacity only takes into account the original design and construction of prison facilities whereas operational capacity includes consideration of the human resources and services required to operate prison facilities.



As highlighted earlier in this report, prisoner numbers have been increasing over time in Tasmania which has necessitated an increase in the number of correctional officers and non-correctional staff. My recent report into prison lockdowns highlighted my concerns about the frequency of lockdowns at RPC. Lockdowns may be implemented for a number of reasons and my report has shown that staff resourcing is the second most common reason that lockdowns are implemented.

In its response to the lockdown report, DoJ has advised that when lockdowns occur, essential services and prisoner supports are maintained. While DoJ is to be commended on continuing to maintain operations during periods of staffing constraints, I am aware that lockdowns can result in many prisoner support services for the day being cancelled and essential services may need to be delivered in a different way. For example, the dispensation of medication may occur in accommodation units rather than at the medical clinic.

The provision of prison services and the availability of staff resources to deliver or coordinate services is further exacerbated if prison facilities are overcrowded. I am concerned that the bed numbers used to calculate both operational capacity and report on the utilisation rate do not include temporary bed numbers. This is particularly concerning as TPS reports show that temporary bed numbers have remained at around 85 beds since the Inspectorate's audit in January 2021. As discussed earlier in this report, these beds should not be classified as 'temporary' as they are used on a daily basis. Excluding these beds from the calculation of operational capacity indicates that, with the exception of MHWP, TPS is not providing staff resourcing and services to cater for these additional prisoner numbers in its remaining custodial centres.

### 5.3 Implications for COVID-19 quarantine and transmission management

While TPS' COVID-19 quarantine and outbreak management procedures were not examined directly as part of this review, it is timely given recent COVID-19 events in other jurisdictions that I make some observations about the impact of overcrowding on COVID-19 management in prison environments.

Prisoners are at heightened risk of COVID-19 due to a range of factors including close and restricted living environments, underlying medical conditions and higher proportions of 'at risk' COVID-19 groups such as aboriginal and Torres Strait islander populations than the general community. The inspectorate commends TPS on ensuring that its prisoner population has been vaccinated to protect prisoners against any potential inadvertent spread of COVID-19 into the State's custodial centres.

While TPS has implemented COVID-19 safety measures in its custodial facilities including the quarantine of new prisoners prior to full on boarding into prison facilities, temperature measurement of persons accessing the prison and QR code scanning, it is clear that overcrowding makes it far more difficult to maintain COVID-19 safety in prisons.



Thankfully, there is currently no COVID-19 transmission in Tasmania's custodial centres. TPS is urged to implement the recommendations of this report to ensure that overcrowding issues are addressed, and do not increase the risk of a possible COVID-19 transmission within the prison system.

## 6 Recommendations

I recommend that:

- DoJ ensures that any new custodial centres including the new Southern Remand Centre meet the Standard Guidelines for Prison Facilities in Australia and New Zealand particularly with regard to cell area and prisoner living standards.
- In the interim, prior to the completion of the new Southern Remand Centre and northern prison, TPS develops immediate strategies to address the issue of doubling or tripling of prisoners in single or double cell accommodation.
- TPS reviews its methodology for counting bed numbers used to calculate operational capacity in the TPS Daily Report and include an explanation of how temporary beds are being treated for reporting purposes.
- TPS reviews whether RBP Division 8 should be included in design capacity and operational capacity calculations given that the single cells are not actively used due to their condition and audit its fitness for purpose.
- Where there are special or exceptional reasons for accommodating prisoners beyond the original design capacity of the cell, TPS review its risk or profile assessment procedures for accommodating prisoners and ensure that decisions for accommodating multiple prisoners for the particular cell type are clearly documented.
- For reasons outlined in this report, TPS reviews its operating procedures for reclassifying prisoners identified as major offenders, with a view to minimising time delays associated with the Classification Review Panel's reclassification recommendation and a final determination of the reclassification, as well as the overall timeframe to implement the transfer to a lower security unit, where warranted.
- TPS develops open and accountable processes and reporting as to how staff resourcing and prison services are projected and planned in order to meet the operational capacity of each custodial centre.



## 7 Definitions and Abbreviations

### 7.1 Definitions

Buddy Cell	A cell with a door to an adjacent cell, designed to allow for a vulnerable prisoner (i.e. a prisoner at risk of self-harm) to be housed next to another prisoner.
Design Capacity	The capacity of a facility when it first opened.
'Double-up' Cells	Single bed cells which have been converted for habitation by two (2) prisoners with the utilisation of two-person bunk beds.
'Triple-up' Cells	Single or double cells which have been converted for habitation by three (3) prisoners with the utilisation of two-person bunk beds and single beds.
Operational Capacity	The total number of available prison beds.
Utilisation Rate	The capacity of the prison facility in use which is reported as a percentage.

### 7.2 Abbreviations

CIS	Custodial Information System, the prisoner record management system used by TPS
CO	Correctional Officer
DoJ	Department of Justice
MHWP	Mary Hutchinson Women's Prison, the only female prison in Tasmania, accommodating minimum security, medium security and maximum security prisoners
RBP	Ron Barwick Prison, the medium and medium/minimum security men's prison in Tasmania.
RoGS	Report on Government Services, an annual report produced by the Australian Government's Productivity Commission which provides information on the equity, effectiveness and efficiency of government services in Australia
RPC	Risdon Prison Complex, comprising the maximum security and

	medium security men's prisons in Tasmania
SGPFANZ	Standard Guidelines for Prison Facilities in Australia and New Zealand
TPS	Tasmania Prison Service

## Appendix I

### Department of Justice response to recommendations

The Department of Justice (the Department) appreciates the work undertaken by the Custodial Inspector and his staff in relation to the Utilisation Review. The Department acknowledges that Reviews are valuable tools in ensuring we are publicly accountable in terms of prisoner management. The Review provides valuable insight into how we can continue improving our approach to prisoner mental health and wellbeing.

The Department appreciates the Custodial Inspector's opening comments acknowledging "the cooperation and assistance ... received from key personnel in TPS in replying to ... many requests for information and clarification over the course of the review, and the assistance provided by correctional staff in providing access to each cell across all TPS facilities".

As the Custodial Inspector's review was undertaken in January 2021, it is important to provide some more recent information regarding prison utilisation in Tasmania. In 2020-21, an average of 640 people per day were held in Tasmanian prisons, of whom 8.1 per cent were female. The daily average prisoner population decreased by 3.6 per cent (or 24 prisoners) from 664 in 2019-20, essentially due to a decrease in the male population. Over the same period, the female population remained at a similar level to 2019-20. This decrease in population, although minimal, does impact overall prison utilisation.

According to the *2021 Report on Government Services* (for the period 2019-20), Tasmania's prison design capacity utilisation rate was 92.6 per cent. The national average was 103.1 per cent – only five Australian jurisdictions reported on this indicator (WA, NSW, TAS, ACT and QLD). It is pleasing to note that Tasmania has not exceeded its total design capacity in recent years, bucking the trend of other jurisdictions.

Due to considerable investment in both staff and infrastructure, Tasmania remains under capacity in many areas of the prison. The Tasmania Prison Service is however exceeding capacity across some of the male accommodation units, particularly in the Risdon Prison Complex, with accommodation pressures being most prevalent in the maximum-security precinct. This is because this area has the lowest design and operational capacity of any accommodation area, with the exception of the Reception Prisons.

As acknowledged in the Review, the new Southern Remand Centre that is due to open in mid-2022 will increase overall capacity. In the interim, a number of strategies have been developed to enable the TPS to effectively manage capacity pressures, this includes the installation of a number of temporary beds, as detailed further below, and the phased introduction of a dedicated Vacancy Management Unit as part of the broader Sentence Management Division to oversee the assignment of prisoners to accommodation.

It is important to note that when assigning prisoners to accommodation the TPS ensures compliance with the regulation 7 of the *Corrections Regulations 2018*, being:

(1) *Each prisoner or detainee is to be accommodated –*

(a) *If practicable, in a separate cell; or*

(b) *If it is not practicable to do so, in a cell with no more than 2 other prisoner or detainees.*

(c) Each prisoner or detainee is to be provided with a separate bed.

## 1. Future planned infrastructure

The fastest growing prison population group in Tasmania has been remandees. The new Southern Remand Centre will significantly increase the capacity of the Tasmanian prison system and will mean that remandees can be housed separately from sentenced prisoners, providing 156 beds when it begins operation in mid-2022.

The Southern Remand Centre is being constructed as a modern, purpose-built facility that will meet international standards for the treatment of detainees

In addition to the Southern Remand Centre, the Tasmanian Government is investing \$270 million into the Northern Regional Prison project. The new Northern Regional Prison will be constructed in two stages and on completion will accommodate up to 270 prisoners and remandees.

## 2. Utilisation Reporting

The Department notes the differing views on how the TPS is reporting utilisation and offers in response to this the following explanation.

The Department reports on prison utilisation in accordance with the National Corrections Statistic Group's *Corrective Services Data Collection Manual 2020-21 (for the Report on Government Services and the Comparative Analysis Report)*. This manual guides adult corrective services agencies nationally on the collection of data for annual performance measurement indicators. Utilisation of design capacity is published in the annual *Report on Government Services*. Prison capacity utilisation (in previous years known as utilisation of operational capacity) is included in the *Comparative Analysis Report*. As the review accurately states, the *Report on Government Services* publishes data on design capacity, however the Department is also required to report on 'prison capacity utilisation' as part of the *Comparative Analysis Report*.

The TPS has over recent years installed temporary beds in a number of facilities to account for increases in prisoner population. These beds are recorded as 'temporary beds' by the TPS and are in accordance with 'contingency beds' as defined in the Business Rules of the *Corrective Services Data Collection Manual 2020-21 (for the Report on Government Services and the Comparative Analysis Report)* as per the below extract. It should be noted that the business rules did change for the 2020-21 reporting period, and prior to this temporary or 'contingency beds' were included in the operational capacity.

### Contingency Beds:

- Are temporary beds used to accommodate prisoners in times of crisis when prisoner numbers surge and additional beds are required to increase prison capacity for a period of time.
- Contingency beds may include, for example:
  - Any temporary beds not intended for permanent ongoing use including fixed beds;
  - Beds that are not fixed and can be moved to different locations including bunk beds and mattresses on floors.

- Contingency beds are excluded from the 'operational capacity' count.

The Department supports that cells originally designed for single use should be used for that purpose wherever possible to ensure optimal living conditions for prisoners. While it is acknowledged that a number of the temporary beds, particularly in the Risdon Prison Complex, are securely fixed to ensure safety and some are regularly used due to current high prisoner numbers, they are not intended for permanent ongoing use. This is expected to be addressed early next year through the additional 156 beds added to the overall capacity upon the opening of the Southern Remand Centre. When this occurs the Department will evaluate the current temporary beds across the facilities, with the intention of removing them from cells, or ensuring that those that remain in place are only utilised for the purpose of managing surging populations.

The additional bunks added in the MHWP (Hartz) have been approved by the Director of Prisons for ongoing permanent use (and are therefore included in the Comparative Analysis Report) as there are no immediate planned infrastructure builds to increase capacity for female prisoners. Additionally the cells that contain the bunks have larger floor space availability as they do not contain showers / bathrooms. Due to the design and security level of the Hartz accommodation unit the bathroom facilities are shared. The Hartz (low) section of the unit (which contains eight cells with bunks), also do not contain toilets in the cells as prisoners are freely able to leave their cells to use these facilities. It should be noted that the bunks are not regularly used in this area because of the lower female prisoner population, and are only used in times of surging prisoner population. There are also some incidents where prisoners request to be accommodated in the shared cells, and due consideration is given to these requests.

#### *TPS Daily Report*

The TPS Daily Report, as referenced in the review, is a report generated by the TPS to meet internal reporting requirements only. To meet external reporting requirements the TPS maintains an annual utilisation spreadsheet to count the number of beds on each day of the year, taking into account cells out of commission for maintenance, and temporary beds. Due to recent changes in the Comparative Analysis requirements, Prison Capacity Utilisation no longer counts temporary beds or off-line cells, however the Utilisation of Prison Design Capacity does take into account cells out of commission for maintenance. A separate spreadsheet enables the TPS to pivot the data, based on the specific business rules for each indicator.

As correctly noted in your review, the TPS Daily Report does not count temporary beds in the current capacity. The Current capacity is calculated by design capacity, minus off-line cells, plus additional beds approved for ongoing use. The TPS Daily Report has been designed to be transparent, showing the extent to which the current capacity meets the demand for prisoner accommodation. In addition, the report also includes the number of temporary (contingency) beds. Including temporary beds in the count of capacity (as suggested by the Custodial Inspector) would ultimately result in a reduction of the utilisation rates for certain areas of the prisons, and would not be a fair indication of prison crowding and its impact on prisoner living conditions, therefore rendering it unfit for the purpose that this internal reporting was created for.

In summary, the Department is satisfied that the current methodology used by the TPS to calculate capacity is in line with national reporting requirements. Further, recording the use of temporary beds outside of the count of capacity in the TPS Daily Report, allows prison management to immediately see when the prison population exceeds the current capacity of the unit/area and when the temporary

beds are utilised; allowing contingency planning and review of resourcing to occur to address the bed pressures.

### **3. Division 8**

The Department does not support the claim that the cells in Division 8 of the Ron Barwick Prison are not fit for purpose and that they should not be included in the design capacity count. It is acknowledged however that the division was not used for prisoner accommodation for a number of years following the opening of the Risdon Prison Complex in 2006. Over recent years considerable works have been undertaken to upgrade the aged infrastructure to make it again suitable for prisoner accommodation.

The cells are currently not used for general prisoner accommodation because they are being held for isolation purposes as part of the TPS COVID-19 strategy. In early 2020 the TPS moved to the process of automatically isolating all new receptions into custody for a 14 day period. Division 8 was successfully used as a designated isolation unit to accommodate all medium and minimum security male prisoners. The unit was closed in September 2020 as part of the TPS Recovery Plan. The division has continued to be maintained by the TPS so that it can immediately be used if the isolation of prisoners is required, and this has occurred once since that time.

The Department continues to assess the best use for Division 8 for ongoing delivery of prisoner accommodation and service delivery.

### **4. Risk Assessment on Shared Cell Accommodation**

In March 2021, the TPS introduced a documented process to ensure that prisoners are assessed for suitability to be placed in shared cell accommodation. It is noted that this process was introduced following the Custodial Inspector's inspection in January 2021, and as such it has not been referenced in the review.

As part of this process, the area supervisor is required to interview prisoners to assess their suitability to be placed in shared cell accommodation by considering factors such as their personal relationship, current offences/charges, criminal history, compatibility, age, vulnerability, any history of predatory behaviour, physical and mental health issues, security considerations and intelligence data.

Following this assessment the relevant outcome is recorded on the prisoner's case file on the Custodial Information System (CIS), which will alert staff as to whether the prisoner is suitable for shared cell accommodation. The assessment is then reviewed by the Vacancy Management Unit and an appropriate risk level is assigned.

This process will be incorporated into *Director's Standing Order 2.05 (Accommodation Placement)* which is anticipated to be issued early next year as part of the Director's Standing Order Renewal Project.

### **5. Classification Review 2019**

The Classification Review Panel was established to review the current classification of all prisoners in September 2019.

The Panel reviewed the security classification of all prisoners in then Ron Barwick Minimum Security Prison and O'Hara Cottages, a number of units within the medium precinct and a number of prisoners within the maximum precinct.

Of those reviewed within the minimum security facility, 24 prisoners were identified by the Panel as having been classified to a lower security rating than the risk they presented. Accordingly, those prisoners were reclassified to a higher security rating and transferred to the Risdon Prison Complex. A number of these classifications were made pending further information regarding risks to the safety, security and good order of the prison.

Transparency around this project was achieved by each prisoner receiving a letter from the Classification Review Panel, advising them of the reasons for their transfer and their right to appeal the decision. Each prisoner was also spoken to in person by the Correctional Supervisor facilitating the moves. Prisoners who were relocated from minimum security facilities to higher security facilities were met on arrival by staff from the Therapeutic Services Unit and offered support throughout their transition.

## **6. Classification and Transfer of Prisoners Process**

In response to the Custodial Inspector's comments regarding delays around assigning classification ratings and transfer of prisoners between facilities, the following clarity is provided.

The Classification Review Panel meets on a weekly basis to assess the security classification of prisoners, in accordance with *Director's Standing Order 2.04*. Following a decision to lower a prisoner's classification rating, the prisoner will be generally transferred to a facility with a lower security rating within a week. Delays may arise if the prisoner is a 'Major Offender' or if the prisoner has association risks or conflict issues with a prisoner housed in the area to which they have been reclassified. Where there are conflicts, an interview will be conducted by the Security and Intelligence Unit to ascertain the currency and validity of that risk. If the risk is no longer current, the prisoner will be transferred. If the risk is assessed as current, then the prisoner cannot be transferred for safety reasons and will remain in their current accommodation unit safe accommodation can be assured.

The Vacancy Management Unit generates a report every week following the sitting of the Classification Review Panel, which identifies prisoners housed in areas above their security rating and the reasons for their current placements. Any prisoner identified on the report that does not have valid reason for remaining in the higher security accommodation is transferred.

## Responses to Recommendations

Recommendation	Response/Acceptance Level
<p>1. DoJ ensures that any new custodial centres including the new Southern Remand Centre meet the Standard Guidelines for Prison Facilities in Australia and New Zealand particularly with regard to cell area and prisoner living standards.</p>	<p>Supported - Existing Initiative</p> <p>Australian Standards and Guidelines are considered with any planned infrastructure builds. The Operating Model for the Southern Remand Centre provides relevant information regarding cell area sizes and where these meet the Standard Guidelines. The model also provides overview of the planned delivery for contemporary living standards for detainees.</p>
<p>2. In the interim, prior to the completion of the new Southern Remand Centre and northern prison, TPS develops immediate strategies to address the issue of doubling or tripling of prisoners in single or double cell accommodation.</p>	<p>Supported - Existing Initiative</p> <p>A number of strategies have been developed to enable the TPS to effectively manage capacity pressures, this includes the installation of a number of temporary beds, and the phased introduction of a dedicated Vacancy Management Unit as part of the broader Sentence Management Division to oversee the assignment of prisoners to accommodation.</p>
<p>3. TPS reviews its methodology for counting bed numbers used to calculate operational capacity in the TPS Daily Report and include an explanation of how temporary beds are being treated for reporting purposes.</p>	<p>Not Supported</p> <p>The TPS Daily Report is an internal report used by prison management, as outlined above, and is designed to transparently show the extent to which the current capacity meets the demand for prisoner accommodation. Temporary Beds are reported in line with national reporting requirements.</p>
<p>4. TPS reviews whether RBP Division 8 should be included in design capacity and operational capacity calculations given that the single cells are not actively used due to their condition and audit its fitness for purpose.</p>	<p>Supported in Principle</p> <p>As outlined above the Division 8 is included in the design capacity as it is classified as prisoner accommodation. The accommodation is currently being reserved as part of the COVID-19 strategy in case isolation of prisoners is required. The Department continues to assess the best use for Division 8 for ongoing delivery of prisoner accommodation and service delivery.</p>

Recommendation	Response/Acceptance Level
<p>5. Where there are special or exceptional reasons for accommodating prisoners beyond the original design capacity of the cell, TPS reviews its risk or profile assessment procedures for accommodating prisoners and ensure that decisions for accommodating multiple prisoners for the particular cell type are clearly documented.</p>	<p>Supported - Existing Initiative</p> <p>As noted above, the TPS introduced a documented process in March 2021 to ensure that prisoners are accessed for suitability to be placed in shared cell accommodation. This process will be incorporated into Director's Standing Order 2.05 (Accommodation Placement) which is anticipated to be issued early next year as part of the Director's Standing Order Renewal Project.</p>
<p>6. For reasons outlined in this report, TPS reviews its operating procedures for reclassifying prisoners identified as major offenders, with a view to minimising time delays associated with the Classification Review Panel's reclassification recommendation and a final determination of the reclassification, as well as the overall timeframe to implement the transfer to a lower security unit, where warranted.</p>	<p>Supported - Existing Initiative</p> <p>As noted above, unless the prisoner is a 'Major Offender, or association or conflict issues exist, prisoners are generally transferred within a week. The updated Director's Standing Order regarding Classification is anticipated to be issued early next year as part of the Director's Standing Order Renewal Project.</p>
<p>7. TPS develops open and accountable processes and reporting as to how staff resourcing and prison services are projected and planned in order to meet the operational capacity of each custodial centre.</p>	<p>Supported - Existing Initiative</p> <p>Work in this area has been undertaken during recent roster reviews and in preparation for the Southern Remand Centre. Review of prison populations and staff requirements is continual, and will always form the basis of accommodation planning and recruitment strategies going forward.</p>



OFFICE OF THE  
**CUSTODIAL INSPECTOR**  
TASMANIA

