



# Contact rules

at the new Darwin Correctional Precinct pose unacceptable barriers for prisoners and families\*

■ **Amelia Noble**

*Please note: To obtain this article in full, with complete footnotes/references, go to: <http://www.demosproject.net/contact-rules-at-the-new-darwin-correctional-precinct/>*

For over thirty years, research has demonstrated that prisoners who maintain regular contact with family and friends throughout their time in gaol are less likely to reoffend or breach parole upon release. Visits are also vital in reducing prisoner isolation and the likelihood of suicide or self-harm. Despite this, the process for contacting and visiting prisoners at the new Darwin Correctional Precinct (DCP) is riddled with barriers. Visits can be costly and difficult to organise, and the security screening process is excessively onerous. There is little regard for the extra challenges facing Indigenous Australians, and contrary to national and international guidelines, the opportunity for visits and telephone correspondence can be revoked as a response to misconduct.

The Northern Territory has a higher incarceration rate than any national jurisdiction in the world, and over three times that of any other Australian State or Territory. In September 2015, Indigenous Australians made up eighty-four per cent of the NT adult prison population and ninety-six per cent of those in juvenile detention. In the words of John Lawrence SC, “the reality of life in the Northern Territory is that, along with cyclones and crocodiles, Aboriginal men, women and children behind bars are the real and true life symbol of this part of Australia.” Accordingly, Aboriginal

prisoners and families are most affected by severe restrictions to visits and communication.

**The barriers** First on the list of barriers is access to the prison. The DCP is one of the few Australian facilities that is inaccessible by public transport. A bus service was a condition of the prison’s construction, but to date both the Department of Transport and the Department of Corrections have refused to accept responsibility for providing one. Consequently, visitors can only access the DCP by car, creating a problem for many Aboriginal people who rely on public transport. A taxi from the Darwin CBD costs upward of \$45 each way, an expense that inhibits many from visiting.

Upon arrival, visitors must pass through a rigorous security procedure involving sniffer dogs, biometric testing and drug screening. The metal detectors are so sensitive they frequently pick up the underwire of women’s bras, causing embarrassment and distress for family and professional visitors alike. Only one hour is allowed per visit. No extensions are granted, even if time is cut short by delays through security that are no fault of the visitor. Anyone who arrives late has their visit cancelled. The suggestion on the Department of Corrections’ website that visitors simply ‘reschedul[e] their

visit for another day,’ disregards the barriers resulting from transport and accommodation costs. It also denies the reality that many family members travel long distances to visit from remote communities.

Perhaps the most arbitrary barrier to contact relates to telephone correspondence. To make a call, prisoners must register a phone number with the prison superintendent. There is only one day each month when this registration can take place. If a prisoner misses this date, they must wait until the next month. Once a number is registered, the DCP contacts the family member to obtain their permission to receive calls. This alone can take up to three weeks. In one example, a prisoner serving a two-month sentence was unable to phone his wife in Arnhem Land. Although he had registered her number and money had been transferred to his prison account, he was unaware he needed to complete a form to transfer the money to a phone account. He was only informed of this the week before his release. Some prisoners have been prohibited from speaking with their families via video link until they themselves provide written permission. No such permission is required for telephone conversations, fostering the belief that DCP communication rules are ad hoc, inconsistent and punitive.

**Effects of these practices** The effects of enforcing strict contact rules can be devastating. In 2009 the NT Ombudsmen investigated the NT Correctional Service in response to two complaints. The first came from a prisoner whose elderly mother hitch-hiked 1550 km from Darwin to Alice Springs Correctional Centre (ASCC) to see him, the only visit she could make in four years. When she arrived, she was only allowed a one-hour visit. Staff also refused to waive the rule that her son could only be visited once a fortnight. The mother returned to Darwin having seen her son for less than 60 minutes. In the second case an elderly Aboriginal woman travelled 350 km on dirt roads with a community worker also to see her son at the ASCC. She was refused entry for not carrying photo identification, despite being able to present valid concession and pension cards. She returned home without seeing her son at all.

The Ombudsmen released eleven recommendations for the NT Correctional Service in response to ‘the human suffering created by slavish adherence to rules without regard to consequences’. The DCP’s strict adherence to a rigid and inflexible policy framework demonstrates a disregard for these recommendations and appears contemptuous of established best practice.

In 2014, the Productivity Commission found that the Indigenous suicide death rate was double that of non-Indigenous Australians. The hospitalisation

rate for intentional self-harm also increased by almost fifty per cent for Indigenous Australians between 2004–05 and 2012–13, while the rate for non-Indigenous Australians remained stable. The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) found that a denial of family contact was a factor contributing to several of the suicides investigated. In one of these, the deceased had requested a visit from family immediately prior to committing suicide but the request was denied because the Remand Centre only allowed for weekend visits.

**The legal framework** The standards for visitor access at the DCP fall well below the government’s obligations. The RCIADIC, now almost twenty-five years old, included several recommendations relating to prison visits that are still yet to be implemented in the Territory. Recommendation 168 provides that Indigenous prisoners should be housed as close as possible to their place of residence. Where this is impossible, recommendation 169 advises that governments provide financial assistance to families wishing to visit. Recommendation 169 has been implemented by all states and territories except for the NT, where it has been openly rejected. The Australian Social Justice Commission labelled this lack of support ‘alarming’ and released a separate recommendation directing the Territory Government to give effect to the RCIADIC immediately. This has also been ignored. The Queensland Government funds

free buses or shuttle services to all correctional centres. They also cover escort costs so Aboriginal inmates can visit their home communities for funerals.

International law also protects the opportunity for family contact. The United Nations *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* states:

“A detained or imprisoned person shall have the right to be visited by and to correspond with ... members of his/her family and shall be given adequate opportunity to communicate with the outside world.”

While international guidelines and rules do not give rise to binding obligations for Australia, they imply that contact with family is a *right* and not something that should be taken away or limited, even if a prisoner has engaged in misconduct.

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The NT Government has recognised the relevant international law on family visits by signing up to the *Standard Guidelines for Corrections in Australia, a set of performance standards based on the United Nations Standard Minimum Rules for the Treatment of Prisoners and the Council of Europe Standard Minimum Rules*. Guideline 3.27 is of particular relevance to the current entry practices adopted by the DCP, because it sheds light on the true rationale behind booking procedures. It states:

“Proper planning and booking arrangements should be established to minimise visitors waiting to commence a visit and to enable the length of visits to be extended, subject not to disadvantaging other prisoners ...”

Guideline 3.21 *promotes* contact between prisoners and the community "in recognition of the important role families have in assisting the reintegration of prisoners back into the community upon release and the advantages to be gained from reducing isolation." Under the Guidelines prisons must also ensure that facilities are 'conducive to prisoners receiving visitors' in a 'dignified manner', and that visiting arrangements accommodate for Indigenous family structures.

It is clear that the booking process in Australian prisons is designed to make visiting easier, not more difficult. The DCP's invasive and inflexible visiting process not only contravenes national and international standards, it discourages families from visiting at all. Considering

an adult prisoner costs the Government over \$260 per day, and recidivism rates decrease with regular visits, the Territory should be striving to facilitate rather than hinder visitor access.

The *Correctional Services Regulations* (NT) enable the withdrawal of family visits and calls in response to misconduct as minor as smoking tobacco, gambling, lending something to another prisoner, exaggerating an illness, or making a 'frivolous complaint' about an officer to the general manager. Ironically, regular visits mean prisoners are less likely to engage in misconduct during custody. Most importantly, the Regulations highlight how significantly the NT's treatment of family visits has diverged from the purpose expressed in the RCIADIC and the Australian Standards. Visits and calls are being manipulated to punish inmates, rather than being valued as a key component of prisoner health and wellbeing. Taking away visits from family is effectively like denying visits from a doctor, and the implications can be as catastrophic.

**What is needed?** The current visitation policies and practices adopted at the DCP disadvantage Aboriginal people and lag behind those in prisons around the country. The Territory Government appears to have lost sight of the positive role regular communication plays in reducing prisoner misconduct and recidivism and improving mental health. Failing to address barriers to family contact will exacerbate the incarceration rate, at continuing cost to the NT taxpayer.

There is an urgent need to give effect to the RCIADIC, the Australian Guidelines, and the relevant international law. Practical changes that could be implemented immediately include the installation of a regular bus service, financial support and greater flexibility in visiting times for people from rural and remote areas, reform to the DCP's unnecessarily bureaucratic communication rules, and the widespread distribution of visitor information to communities and families.

