

## **QUESTION TAKEN ON NOTICE**

**ADDITIONAL ESTIMATES HEARING : 27 February 2017**

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

**(AE17/168) - Compliance and Detention - Dry Cells - Guidelines and procedures - Programme 1.3: Compliance and Detention**

Senator Carr, Kim (L&CA) written:

Are there limits on how long a person can be locked in a solitary cell? Please provide the guidelines and procedures regarding solitary detention. Please provide a copy of any reports undertaken into detainees being held in solitary confinement in the past 5 years.

*Answer:*

Detainees may be placed in high-care accommodation, an environment where a higher degree of supervision and engagement of the detainee can be maintained, and is only used when in the best interest of the detainee, for the health and safety of others and for the shortest time possible.

### **Placing detainees in high-care accommodation**

High-care accommodation is to be used only as a last resort and on a short-term basis, when other intervention methods have been unsuccessful or assessed as unsuitable. Including closer supervision and engagement, when used for a detainee located within the general detention population.

### **Placement in high-care accommodation will depend on:**

- advice from a qualified medical professional
- the assessed level of risk posed by the detainee
- the limitations required on their movements (for example, access to other detainees, activities and non-essential services) and
- the availability of suitable accommodation.

### **Placement in high-care accommodation may take place when a high-risk detainee:**

- exhibits violent and/or unlawful behaviour and repeatedly refuses an order or direction to cease such behaviour
- is pending transfer to state/territory mental health facility or
- seeks relocation to high-care accommodation and is assessed as requiring temporary respite.

### **Moving a detainee to high-care accommodation will include:**

- the establishment of a clear plan for the detainee's future exit from high-care accommodation in consultation with the department, HSM, the FDSP and the detainee as soon as practicable
- the detainee being made aware of the reasons for their relocation, in a language they understand
- observation of all duty of care obligations relating to all people involved in the relocation process
- if use of force is required, the video recording of planned relocations, and if operationally practicable, videoing of unplanned relocations
- the use of monitoring protocols to ensure the management of the safety and wellbeing of the detainee while in high-care accommodation
- avoidance of isolation in all but the most extreme cases and with appropriate departmental senior officer oversight, as isolation may be perceived by detainees as punitive and/or an automatic consequence of disclosing emotions. It may discourage honest communication in future, or lead to further disruptive behaviour.

### **Health considerations**

Health considerations are to take precedence over behaviour management requirements to ensure physical and mental health issues are dealt with as a matter of priority and appropriate urgency. The three key risks to a detainee's physical and mental health, which are to be subject to ongoing review while in high-care accommodation, are:

- pre-existing health conditions
- the actions of the detainee prior to relocation to high-care accommodation and
- the location of the accommodation used.

### **Placing detainees in high-care accommodation pending their external referral**

Detainees diagnosed as having a serious mental or psychological health condition or assessed as posing a significant risk to the good order and security of the facility, may be placed in high-care accommodation, withdrawing them from the remaining detainee population pending their transfer to a state/territory mental health or correctional facility. Placement in high-care accommodation will only be implemented following an assessment of the detainee by the FDSP and HSM and on approval by DIBP.

### **Detainees seeking relocation to high-care accommodation**

A detainee may seek to be placed in high-care accommodation, separating them from the main detention population. However, high-care placement should only be made available on approval by DIBP following an assessment by the DIBP, FDSP and HSM of:

- the detainee's wellbeing and level of care required
- availability of suitable accommodation and
- consideration of associated operational priorities.

If relocation is found to be appropriate and approval is given, it is to be utilised only on a short-term basis.

### **Review of detainees placed in high-care accommodation**

All parties should work together to move a detainee from high-care accommodation as soon as practicable. Detainees should not remain in this level of care for more than 24 hours without review. Placements requiring greater than 24 hours will be reviewed, including a health review by the HSM.

It is an unreasonable diversion of resources to provide all reports relating to the Department's use of High Care Accommodation.