

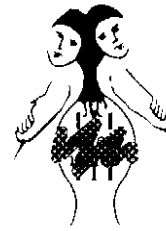
Sisters Inside Inc.

ABN 94 859 410 728

P.O. Box 3407
South Brisbane Qld 4101

Ph: (07) 3844 5066
Fax: (07) 3844 2788

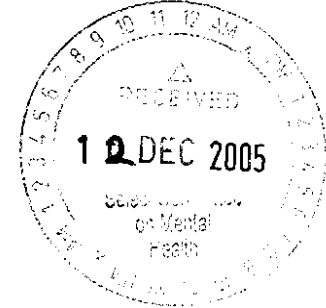
Email: admin@sistersinside.com.au
Web: www.sistersinside.com.au



Sisters Inside Inc. is an independent community organisation which exists to advocate for the human rights of women in the criminal justice system

30th November 2005

Committee Secretary
Senate Select Committee on Mental Health
Department of the Senate
Parliament House
CANBERRA ACT 2600



Dear Sir/Madam

Sisters Inside response to letter from Department of Corrective Services Queensland

I refer to a letter directed to the Senate Select Committee on Mental Health from Mr Neil Whittaker, Acting Director-General of the Department of Corrective Services Queensland (the Department) dated 7 September 2005.

I have had the benefit of reading Mr Whittaker's letter which seeks to discredit the testimony of Debbie Kilroy and Michelle Tanin as given to the Senate Select Committee on Mental Health (the Committee) on 4 August 2005. This letter is intended as a response to Mr Whittaker's letter. I take the opportunity to point out that Mr Whittaker's letter provides yet another example of the way in which our organisation is targeted by the Department. Furthermore, Mr Whittaker's letter is reflective of a Department that is indulging in window-dressing, preferring to disguise rather than confront the issues that our organisation is trying to bring to the attention of the public.

Investigations

In paragraph two of his letter, Mr Whittaker attempts to generally discredit the allegations made by Ms Kilroy and Ms Tanin by stating that the majority of the allegations made by them to the Committee have been fully investigated in the past and found to be without substance. I am able to instruct the Committee that out of approximately 20 incidents Ms Tanin discussed at the Inquiry only one of the incidents described by Ms Tanin and Ms Kilroy to the Commission have been previously investigated. The incident that was investigated was where Ms Tanin was body belted and double handcuffed and carried by the handcuffs by prison officers. During this time her face was injured as her face hit the concrete very hard and she had visible damage under her eye.

I would also like to highlight for the attention of the Committee that, in our view, Mr Whittaker falls short of his duty as Acting Director-General by failing to make any commitment to determine whether there is any substance supporting the balance of the allegations made. Indeed, it seems sufficient for him to state that the balance of

allegations “simply lack sufficient particulars” which, in our view, tends to suggest a disinclination to seek further information.

I note that Ms Tanin at page 80 of the transcript explains to the Committee herself that she had complained of an incident of assault to the General Manager of the BWCC and the Ombudsman. Ms Tanin and Ms Kilroy both discussed the shortcomings of the investigation. Of particular concern to our organisation was the fact (uncontradicted by Mr Whittaker) that Ms Tanin’s legal counsel were denied access to tapes which recorded the assault of which she had complained. This particular fact should be of major concern to the Committee as it suggests a failure by the Department to meet policy and legislative standards of transparency and accountability for the treatment of mentally ill women in prison.

Following Sisters Inside submission to the ADCQ, an investigation regarding the submission allegations was ordered by the Department. The investigation was conducted by Mr Chris Watters, an employee of the Department and head of the Department’s Ethical Standards Unit. Despite involving Ms Kilroy in the investigation process, Mr Watters findings proved to be a creative exercise in indifference and manipulation of the testimony of women prisoners. Sisters Inside has in its safe keeping 15 recorded interviews taken during this investigation. Sisters Inside is willing to forward these tapes as evidence of mistreatment and abuse that the women experienced in Brisbane Women’s Correctional Centre.

Sisters Inside does not shrink from making it plain that abuse occurs in our prisons. Likewise, we do not shirk our responsibility to refute the findings of cynical or hamstrung investigations that arrive at sanitised conclusions which clearly contradict our experience and understanding of the facts. We will not accept the findings of investigations that fail to provide objective and critical analyses of the condition and issues faced by women in prison.

“The Lockout” or “Modification to Sisters Inside access to BWCC”

Sisters Inside, is currently more accurately described as “Sisters Outside”. As previously discussed, our organisation lodged a complaint to the Anti-Discrimination Commission of Queensland (the ADCQ) on the 14th June 2004. By way of letter dated 17 June 2004 we were advised by the Department:

“I am writing to you to implement a set of protocols between the department and Sisters Inside during this period when a number of investigations and reviews are taking place.”

As a result of “The Lockout”, Sisters Inside has made a complaint of victimisation against the Minister for Corrective Services, Ms Judy Spence and the Director-General of Corrective Services, Mr Frank Rockett to the ADCQ. That matter was to be dealt with as a compulsory mediation before the ADCQ on Friday, 26 November 2005. This has now been deferred until a later date. As such, it is quite clear that Ms Kilroy’s statement to the Committee regarding the reason for “The Lockout” is consistent with our complaint of retaliation as lodged with the ADCQ.

The effect of the imposed “protocols” on Sisters Inside provision of services to women prisoners is summarised as follows:-

- No Management Committee Meetings inside the BWCC since June 2004;
- No access to the Crisis Support Unit (S4) to provide assistance and support to mentally ill women;
- Provision of counselling and other services restricted to visits area. Sisters Inside is no longer allowed within the prison to visit the specific units where women are contained. Women now have to be approved by the General Manager of the prison before they can access any of Sisters Inside’s services. In the past when Sisters Inside was permitted inside the prison to provide counselling and support we were escorted to units by prison staff and at no time where we unescorted.
- Sisters Inside is funded to provide 11 programs to women in prison and post release. Only 4 of these programs are permitted to operate in the visits area of the prison.

There is little doubt that the above restriction of services has had a detrimental impact on the welfare and well-being of women in prison who were previously able to access our services in a meaningful and responsive way.

It is important to point out that Mr Rockett decided to impose these changes on our organisation without providing us with an opportunity to comment or respond to the reasons given for his decision. From 17 June 2004, Sisters Inside presence in the prison was banished to the controlled and patrolled environment of the visits area.

In our view, Mr Rockett’s complete disregard for standards of natural justice is further evidence of a Department that is anxious to circumvent legislated standards of transparency and accountability.

“Industrial unrest”

Ms Kilroy’s statements drawing parallels between the mistreatment of prisoners at Abu Ghraib and BWCC has been blamed by Mr Whittaker and Mr Rockett for “industrial unrest” and has allegedly placed the Department’s staff and families at risk. I have a number of observations to make in respect of these concerns.

The Abu Ghraib prisoner abuse scandal had recently hit the headlines at the point in time that Ms Kilroy’s media statements were made. The Sisters Inside submission to the ADCQ contained allegations of prisoner abuse and mistreatment (particularly inside the CSU/S4). These allegations included Ms Tanin’s complaint of assault, the body-belting, sexual humiliation and unnecessary use of brutal force in the treatment of women prisoners at BWCC. The parallels to us an organisation fighting for the dignified treatment of women prisoners were obvious and needed to be brought to the attention of the community.

Sisters Inside rejects the arguments of the Department that the lockdown was necessary in order to prevent further “industrial unrest”. It has never been made clear to this organisation in what way and on what evidence the staff and families of the Department were endangered by media statements made by Ms Kilroy.

I would suggest that certain officers in the Union over-reacted to the comments made by Ms Kilroy. As the Department was already in receipt of the ADCQ submission and were considering an investigation into the matter (as detailed in Mr Rockett's letter to us) it was convenient for the Department to include the issue of "industrial unrest" as a further ground supporting the decision to lock us out. Thus, it is an interesting development in the narrative of "The Lockout" that the Department now appears to be suggesting that it was Union threats which precipitated the lockout. If so, it is a matter of serious concern to the community as it calls into doubt the security of the institution.

Sisters Inside will not be threatened into silence and submission by the Department. The right to free speech is fundamental to our role as an independent lobby group and our ability to critically analyse and agitate for change on behalf of women prisoners.

Crisis Support Unit (CSU)

The evidence of Ms Tanin and Ms Kilroy to the Committee does not suggest that Crisis Support Orders (CSO) do not have to be made in order for a prisoner to be admitted to the CSU. Clearly that is mandated by the legislation. What their evidence suggests is a much more subtle circumvention of the legislation. The allegation is that prisoners without CSO's are (or were) being placed in a unit called S4. However, S4 is essentially the state of being in custody in the CSU without CSO's.

It is to be noted that Mr Whittaker's letter does not attempt to explain or negate Ms Tanin's assertions to the Committee that she never saw a doctor during the whole time that she was in custody in S4/CSU. This is despite the fact that he has made reference in his letter to the fact that s42(1)(b) of the *Corrective Services Act 2000* (the Act) states that a doctor must examine the prisoner in the CSU after admission to the Unit and at intervals of not more than 7 days.

Ms Tanin's evidence regarding the absence of medical and professional visits during her time in S4/CSU should be a matter of serious concern to the Committee. Her evidence stands uncontradicted and is indicative of a failure by the Department to provide medical or professional support and assistance to mentally ill women in prison. Not only are these women being sent to prison instead of a mental health facility, but they are also being denied their statutory rights to see a doctor or psychologist.

In the absence of proper medical and professional diagnosis, these women are imprisoned and isolated in cells that whilst physically designed to prevent self-harm, are critically bereft of the skills and support needed to prevent further psychological trauma which may lead, at a later date, to self-harm. Ms Tanin's story regarding the denial of access to sanitary items during her time in S4/CSU is a compelling example of the degrading, dehumanising treatment endured by women under the care of the Department (I note that these assertions were also uncontradicted by Mr Whittaker). On two occasions in the last 2 years women who have been released from the CSU have been diagnosed with post traumatic stress syndrome.

Male officers in S4/CSU and strip searching

I note that Mr Whittaker's letter fails to directly contradict Ms Tanin's assertions regarding high male staffing levels in the S4/CSU. Instead he makes reference to gender staff figures in the context of the whole of BWCC prison staff.

It may also be of some interest to the Committee that Mr Whittaker's letter does not contradict Ms Tanin's allegations regarding the nature of strip-search procedures in the S4/CSU. As Ms Tanin has alleged to the Committee, these searches require a full naked undressing, rather than the partial undressing process undertaken in the general prison population. Again Ms Tanin's evidence tends to suggest that mentally ill women in the BWCC are being handled in a distressing and insensitive manner that may lead to further psychological trauma.

The mistreatment of Michelle Tanin

It would be a matter of some concern to the Committee that Ms Tanin was referred to the S4/CSU on the referral of a psychologist who apparently never saw her prior to or during her stay in the CSU. This fact as asserted by Ms Tanin to the Committee stands uncontradicted by the Department.

Further the Department has not refuted that Ms Tanin was given the wrong medication and has not elaborated on the processes in place for the provision of medication to women in S4/CSU generally.

In Conclusion

I must emphasise in conclusion that whilst Mr Whittaker claims that the "...correction system in Queensland operates in an open, accountable and transparent manner." The details revealed in his letter tend to expose the opposite.

Mr Whittaker's letter does not disturb the allegations made by Ms Kilroy and Ms Tanin that the operation of S4/CSU fails to provide:-

- access to doctors or professional psychological help as mandated in the Act,
- proper availability of surveillance material to the legal representatives of S4/CSU prisoners,
- proper dispensing of medication to S4/CSU prisoners;
- proper dispensing of sanitary items to S4/CSU prisoners; and
- denial of access to outside help or support for S4/CSU prisoners.

In what way do the above mentioned points demonstrate an "open, accountable and transparent..." system for dealing with mentally ill women? In what way does the S4/CSU system "increase their potential for successful community reintegration following discharge"? These are questions the Committee may wish to ask the Department.

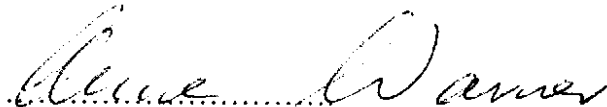
Sisters Inside is committed to ensuring that mentally ill women incarcerated in these facilities are not further damaged by the gross inadequacies inherent to a justice system that criminalises women suffering with mental illnesses.

Sisters Inside would like to make the following recommendations to the Committee in addition to those previously submitted:-

- That mentally ill women should not be charged by police for behaviour that is related to their medical condition;
- That mentally ill women should not be sent to prison;
- That the S4/CSU in BWCC be critically reviewed by an external, independent 3rd party;
- That Sisters Inside be given permission to regularly visit women detained in the S4/CSU;
- That independent doctors and psychologists be permitted to visit women detained in the S4/CSU;

I would sincerely like to thank the Committee for the opportunity to submit further material in response to Mr Whittaker's letter of 7 September 2005.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'Anne Warner', written in dark ink.

Anne Warner

| President,
Sisters Inside Inc