



How you should be treated in custody



Office of the
Custodial Inspector
Tasmania

Acknowledgements

Traditional Custodians

In recognition of the deep history and culture of this Island, we acknowledge Tasmanian Aboriginal people, the original and continuing Custodians of the Land, Waterways, Sea and Sky.

We acknowledge and pay our respects to all Tasmanian Aboriginal people, all of whom have survived invasion and dispossession, and continue to maintain their identity, culture and Aboriginal rights.

We commit to working respectfully to honour their ongoing cultural and spiritual connections to this land.

Development of this resource

The Office of the Custodial Inspector Tasmania developed this booklet in partnership with the Australian Human Rights Commission.

This booklet is based on a longer document called Expectations on the treatment of people deprived of their liberty in adult custodial centres. 2025.

Lived experience

We would like to thank the people in custody who provided feedback on the first draft of this booklet.

We heard that the expectations described in this booklet are not the reality of life in custody for most people.

- Lockdowns occur frequently. This has a big impact on people's wellbeing.
- Visits with family and friends are not as frequent or easy to organise as the expectations say.
- Health appointments and education options are limited.
- People in custody are not always treated with respect.
- People who speak out about not being treated with respect can be treated worse as a result (be victimised).

Increasing prison resources, staffing numbers and working towards changing the prison culture may help improve people's experiences in custody. We acknowledge that these changes will take time.

We encourage you to share your experiences of custody (good or bad) with the Office of the Custodial Inspector as one way of contributing to change. The other contacts on page 40 of this booklet may be useful if you want to raise concerns about your individual situation. This booklet may help guide you in talking to these organisations about what you think should be happening. If you're worried making a complaint might make things worse, you can talk to the Office of the Custodial Inspector anonymously.

Who is this booklet for?

THIS BOOKLET IS FOR PEOPLE IN CUSTODY.

This booklet describes standards you should be able to expect:

1



in prison

2



during remand (remand is when you have been charged with a crime. The Court has ordered that you be kept in prison until you go back to court)

3



while travelling to and from prison

The booklet may also be useful for **family and friends** of people in custody.

WHERE CAN I FIND COPIES OF THIS BOOKLET?

You can find **printed copies** of this booklet in the Ron Barwick Prison Library, the Visitor Reception Centre in Hobart and you can request copies from prison staff.

You can find this booklet **online** at
www.custodialinspector.tas.gov.au

This booklet is based on a longer Expectations document. If you want to read the full document you can get a copy from the Ron Barwick Prison Library, ask prison staff for a copy or find it on the Office of the Custodial Inspector website.

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You should be treated fairly in custody



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You should be treated with dignity and respect.

You should not be treated cruelly or experience torture or inhumane treatment.



Who helps to make sure you are treated fairly in custody?

The Custodial Inspector and The Tasmanian National Preventive Mechanism (NPM). These are two bodies set up by law, independent from government and from prison services. In prisons, the Custodial Inspector has both NPM and Custodial Inspector responsibilities.



HOW DO THEY MAKE SURE YOU ARE TREATED FAIRLY IN CUSTODY?

To make sure human rights are being upheld, they:

- inspect prisons and talk to people about their experiences
- work with government and other similar bodies across Australia
- provide information, advice and education
- publish reports based on these inspections with recommendations for changes, and
- check prison systems and records regularly

What are ‘Expectations’ documents?

Expectations documents are created by the Tasmanian **National Preventive Mechanism (NPM)** and **Custodial Inspector**. They help people understand what the NPM and the Custodial Inspector will look at to prevent inhumane treatment and make sure people are treated with dignity in custody.

The core Expectations apply to everyone in custody as well as staff, visitors and service providers.

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THERE ARE ALSO SOME SPECIFIC EXPECTATIONS THAT APPLY TO YOU IF YOU ARE:

- **Aboriginal**
- **on remand**
- **under 18 or 18 to 25 years old**
- **older**
- **a woman**
- **part of the LGBTQIA+ community**
- **living with disability**
- **not an Australian citizen.**

Having specific expectations for these groups helps to make sure all people in custody are treated fairly.

THE EXPECTATIONS DO:

- help to identify concerns
- focus on **outcomes** for the person in custody, **rather than processes**.

THE EXPECTATIONS ARE A GUIDE, THEY DON'T:

- decide if the human rights of a person in custody are being upheld.



Please note The expectations outline the minimum standards a prison should aim to meet. Some expectations will require significant resources and time to achieve. Unfortunately, some of this may be outside the prison's control. Nevertheless, the prison should aim to meet these expectations and always uphold people's human rights.

What should you be able to expect in custody?

You should be treated with respect.

You should be safe and secure (this also applies to staff, service providers and visitors).

Personal responsibility, respect and dignity should be encouraged and the difference between life inside and outside prison should be minimised.

Your age, gender, language needs and culture should be considered.

Your individual needs should be catered for (particularly if you are more vulnerable, more at risk, or have specific mental and physical health needs).

You should be able to access rehabilitation and reintegration activities, programs, and services.

Staff should have the right attitudes and be properly trained.

The prison should have effective leadership and good on-site management.

Proper records about what happens in prison should be kept.

You should not be discriminated against because of race, colour, age, gender, gender identity, intersex status, sexuality, disability, language, religion, political opinion, national or social origin, property, birth, or any other status.

You should be protected from inhumane treatment.

WHO CAN I TALK TO IF THESE EXPECTATIONS AREN'T BEING MET?

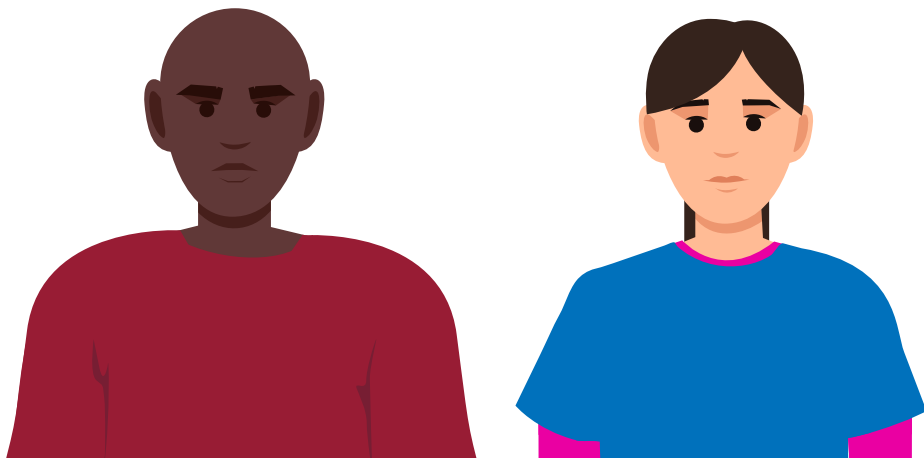
You can contact the Custodial Inspector to talk about:

- things that you think should be included in the expectations
- areas for improvement
- things that the prison does well

This information will help with inspections and reports to Parliament. Reports make recommendations for improvements.

Feedback can be anonymous.

See page 40 of this booklet for contact details.



When you first enter custody

You should be transported to and taken into prison in a respectful way.

Your specific needs should be identified and supported and your risks addressed. This includes physical and mental health – especially risks of suicide, self-harm, and harm from others. Your privacy should be respected, and only relevant information should be shared between staff.

You should be able to let your family, a friend or legal representative know that you are in custody, and you should be able to access support services.

You should receive information about prison rules, schedules and services in a way you can understand.

You should not immediately be placed with the general prison population if it is your first time in custody.

You should be told how to make internal and external complaints **(see useful contacts at the end of this booklet).**

You can ask to be connected with a peer support worker if your unit has one. Peer support workers usually wear a yellow wristband.

Contact with the outside world

You should be able to keep and develop relationships with family, friends, and community. Your contact in person and over the phone may be monitored.

The booking system for visits should be easy to navigate.

You should be able to have physical contact with your visitors unless there is a safety or security risk.

You should be able to visit family members in custody.

You should be able to visit sick family members and attend funerals of family members if it is safe. Visits should be organised in a timely manner.

You should be able to access information about news and current events.



Requests and complaints

The prison should have a prisoner advisory group which meets with management to raise concerns of people in custody. The group does NOT look after individual complaints.

You should be able to make requests and complaints that relate to you. This can be done in a confidential way.

You should be able to make requests and complaints without being treated unfairly because you made a request or a complaint.

Your complaint should be dealt with quickly.

You can appeal decisions.

You can lodge complaints with external bodies, including the Ombudsman, the Health Complaints Commissioner, the Integrity Commission and the Anti-Discrimination Commissioner.

See page 40 for more information about useful contacts.



If you want to make a **complaint** about an issue impacting you in prison, you should try to use the **internal prison complaints process**.

If the response you get from the prison doesn't address your complaint, or you don't feel safe complaining to the prison you can contact the **Ombudsman** or another external complaints body. There is a list of useful contacts at the end of this booklet.

Managing your legal issues

You should have confidential access to lawyers when needed.

You should be able to access legal resources.

Time and resources should be available to help you prepare for court and tribunal hearings.



Conditions, clothing, bedding, and food

Your environment should be clean, safe and well maintained.

You will be encouraged to keep yourself, your cell, and common areas clean.

Cell sizes should be big enough and if you are sharing a cell, you should feel safe.

Regular maintenance should be carried out and safety concerns addressed quickly.

You should have decent quality, clean and comfortable clothing and bedding.



You should be allowed to wear cultural and religious clothing items unless there is a good reason not to.

You should be able to wear non-prison clothing when going to court.

Good quality drinking water should be available.

Food should be prepared, stored and served in a clean and safe way.

You should have a healthy diet with a variety of food that meets your needs and preferences.



Daily life

You should be able to spend at least two hours outside each day.

You can have a fair amount of personal property in your cell. Anything else should be securely stored and accessible on reasonable request.

You should earn privileges for good behaviour.

You should be able to engage in meaningful employment in prison.

You should be paid for engaging in employment, education or being willing to do so.

You should be able to buy things through the prison canteen system.

You should have access to support services, including peer support programs.

Freedom of religion will be respected and you should be able to safely practice your beliefs.

You should be able to access different activities during your time in custody, such as:

- life skills courses including healthy lifestyles, budgeting, and legal rights and responsibilities
- education and employment courses
- community work outside of custody
- outside time each day
- exercise and recreational activities inside and outside of your cell
- a library.



Opportunities available should be appropriate to your age, culture, gender and employment goals.

Rehabilitation

You should be held at the security classification (minimum, medium or maximum) appropriate to you (not higher).

A case management plan should be developed with you to support your release.

You should have access to programs and activities that address offending behaviour – you will be encouraged to join these.

Rehabilitation programs should be linked with community-based programs.

Information about your participation and progress in rehabilitation activities should be shared with courts and other relevant parties.



Returning to community (Reintegration)

You should be told how long you will be held in custody and other important dates, like parole eligibility.

You should be released at the end of your sentence.

You can expect to receive practical information and support to help you return to the community, including:

- getting identity documents
- financial management advice, help with bank accounts, and accessing financial support through Services Australia
- life skills
- support with housing, health and employment.

When you are close to returning to the community, you should be placed in minimum-security facilities unless there is a clear reason not to.

On the day of release, you should expect practical support and information including:

- access to your identity documents, money, clothing and other property
- access to phone calls or to charge your phone
- a summary of your health status and referral to community health care.

Health

Your access to healthcare should be the same as in the community.

A doctor or a nurse should see you within 72 hours of being brought into custody.

You should be supported and encouraged to improve your physical and mental health.

Support and care should be carried out respectfully and should be easy to access.

Information and services should be available in a language that you understand.



Informed consent: means you understand important information, about medical treatment, including any risks of that treatment, and you agree freely.

Your informed consent should be given before any medical treatment.

Health care providers should consider your gender, culture, age and other personal factors.

Health facilities should be private, clean and up to date.

You should be examined and treated by qualified health and mental health staff.

Your health status and care should be confidential unless this creates a risk of injury, self-harm, or harm to others. If any sensitive information is shared, it should only be shared with people who need to know.

You should be able to access products to keep you safe. For example, condoms, dental dams and sterilising products.

If you experience ill health or mental health, you should have a care plan that changes as your needs change.

Treatment and support for physical or mental health issues should continue as long as needed.

Alcohol and other drugs

Health staff should ask about substance use when you enter custody to see if you need any help.

Detox programs should be available.

Services and information should be gender-sensitive and culturally sensitive.



Abuse or trauma

You are encouraged to tell staff or a trusted person if you have experienced abuse or trauma.

You should be able to access health and counselling services.

You should be supported to apply for compensation.

Services and information should be gender-specific and culturally appropriate. Information should be tailored to your needs.

Risk of self-harm, and death

People in custody are at a higher risk of self-harm and suicide. If you have thoughts of hurting yourself or ending your life, you should tell someone.

Responses to risks of self-harm and suicide should be gender-specific, culturally appropriate, and individualised.

Confidential support that considers your life experiences, gender and culture should be available.

Your family and support system should be told about any risk and consulted if appropriate.

If a person dies in custody, or there is any serious self-harm, their next of kin should be told.

Support should be available for people in custody and staff who are affected by a death in custody or serious incident.

If a person dies in custody, that person's cultural and religious practices should be respected.

An independent investigation should take place if there is any serious incident. Victims or witnesses should be protected. Authorities should be told about the incident or death.

Searches

Searches should only happen when necessary.

Staff should show respect for your dignity and privacy.

Records should be maintained, including the reason for the search, the results of the search, and who was involved. This helps if you make a complaint about the way the search was done.

Force

Staff should try to de-escalate situations before using any force. This means they should encourage everyone to be calm and safe and try to avoid using force.

Force should never be used as punishment.

Force should only be used as the last resort, and for the shortest time necessary.

When force is used, records should be kept.

Restraint

Special high security accommodation, mechanical restraints and anti-rip clothing should be properly authorised. They should only be used for the shortest time necessary.

Accurate records should be kept.

You should not be held in special high security accommodation if you experience serious mental health issues or are at risk, except in exceptional circumstances.



Photos of a Custodial Inspector officer wearing anti-rip clothing

You should be monitored while in this accommodation and returned to your normal cell as soon as possible.

Transport

You should be transported safely, and with respect and dignity.

Expectations for specific groups

There are also some specific expectations that apply to you if you are:



Aboriginal



on remand



**under 18
or 18-25**



a woman



older



LGBTQIA+
part of the community



**not an
Australian
citizen**



**living with
disability**

Expectations for Aboriginal people



In Tasmania, Aboriginal people make up 23% of the prison population, yet only 5% of Tasmania's overall population.¹

As an **Aboriginal person**, you should be able to expect that:

- Everyone will be asked on admission if they identify as Aboriginal or Torres Strait Islander.
- Aboriginal people and organisations should be delivering services and supports.
- Support services will be available to help you learn about your family history and connect with family and community.
- There will be respect for the important role of Aboriginal women in communities, including family obligations and extended kinship ties.
- You can access place-based support from Aboriginal organisations as part of your release.
- Staff will be culturally aware.

¹Australian Bureau of Statistics, Prisoners in Australia 2024, Table 17:
<https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/latest-release#data-downloads>

Expectations for people on remand



Remand is when you have been charged with a crime and the Court has ordered that you be kept in custody until you go back to court.

There are two groups of people on remand:

- 1. People who cannot be released until their cases are finalised, or the court decides to grant bail.*
- 2. People who already have bail, but it is subject to conditions. They will be held in custody unless, or until, those conditions are met.*

As a person on remand, you should:

- Receive help to meet bail conditions or to apply for bail.
- Be kept separately from people who have been sentenced.
- Have access to courses such as life and cognitive skills, personal development and drug and alcohol counselling.
- Have the option to work if you want to.
- Have the option to receive regular social visits.

Expectations for under 18s and 18-25s



Usually, young people under 18 years old are held in a youth detention centre, not a prison. However, they are sometimes held in an adult prison, by order of a court or because they have been transferred from youth detention. Special conditions must be in place in adult custody for people under 18.

It is in the community's interests to maximise the opportunities for young people to be supported to live law-abiding lives.

As a young person in adult custody, you should be able to expect:

- Well trained staff who work properly with young people and understand trauma and development.
- That, if you are under 18, you will be separated from adults and receive age-appropriate care and treatment.
- That you will be identified at admission as a young person and actively supported.

Expectations for older people



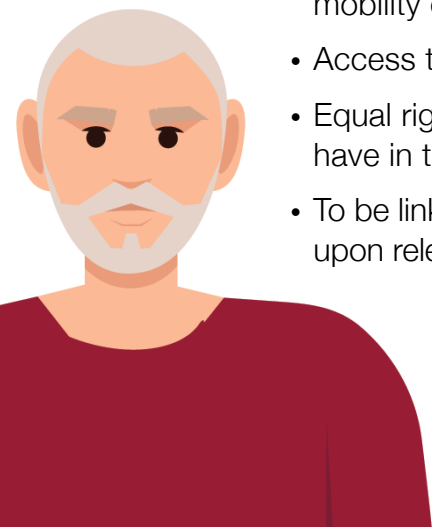
People are living longer in Australia. The population is ageing, and this is reflected inside prisons as well.

In the community, people aged 65 or over are considered to be 'older people'. In prison, people are considered older when they reach 50, due to factors such as poor nutrition, substance use and limited medical care before entering prison.

Being in custody should not speed up the impact of age-related illnesses and conditions.

As an '**older person**', you should be able to expect:

- Systems to identify, screen and respond to any ageing-related needs. This includes having safe and suitable accommodation that allows for any mobility or health issues.
- Access to purposeful activities.
- Equal rights to end-of-life decisions, as you would have in the community.
- To be linked to aged care and support agencies upon release, if needed.



Expectations for women

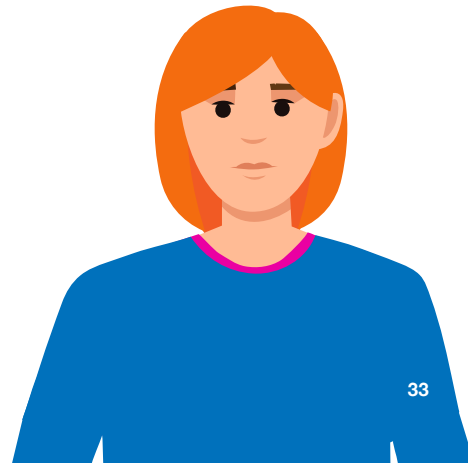
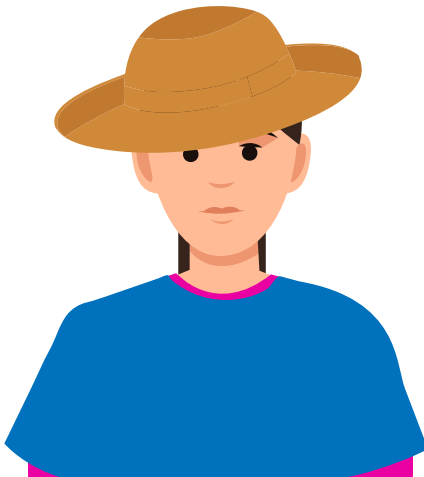


Women in custody face different challenges from men. Most have complex health and wellbeing needs and have experienced trauma and abuse prior to entering custody.

Women may carry heavy family responsibilities. The challenges can be made worse by time in custody due to being separated from children.

As a **woman**, you should be able to expect:

- You will be separated from men in custody.
- Period/menstrual hygiene products will be available and never need to be requested from male staff.
- Health care services equal to those in the community (including pap smears and mammograms) will be available.
- Searches will maintain your dignity and the dignity of resident children and child visitors.



PREGNANCY

- Antenatal and postnatal accommodation should be available.
- If you are pregnant and can't work, you should be able to keep incentives, privileges, and pay.
- If you are pregnant or breastfeeding, or have resident children, you should not be placed in separate confinement.
- You will generally not be restrained if pregnant. If there is an immediate risk, you should only be restrained with handcuffs at the front of your body.
- You should not be restrained while giving birth or immediately after.
- You should give birth in a hospital. If your baby is born before you arrive at the hospital, the birth certificate should not record your child as born in prison.



CHILDREN

- You should be able to see your children, unless it is not in their best interest. This includes non-biological children you are the primary carer for.
- Punishments should not restrict contact with your children.
- Resident children should be safe and not treated as prisoners. You (the mother) are responsible for your resident children.



Expectations for LGBTIQ+ people



The lesbian, gay, bisexual, transgender, intersex, queer, asexual, and other sexually or gender diverse (LGBTIQ+) community is diverse.

LGBTIQ+ people in custody are at risk of discrimination, negative attitudes and social isolation from other people in custody and staff. Prisons must ensure a safe, respectful, and effective custodial culture.

As a member of the LGBTIQ+ community, you should be able to expect:

- To be addressed and referred to as the gender you identify as.
- If you form intimate relationships, the prison should try to make sure the relationship is safe.
- To be held in custody in an area that is consistent with your gender identity and takes safety into account.
- If you are intersex, your needs should be met.
- If you are transgender or gender diverse you should be able to access what you need to maintain your gender identity
- To be asked to confirm your gender identity before being searched. Searches should be carried out by people of the gender you request.
- You should receive health care specific to your needs and as good as what you can access in the community.

Expectations for people with disability



People with disability include people with physical, mental, intellectual or sensory difficulties which can stop them from being able to do things the same way as people without disability.

Disability may be long-term or short-term. These expectations apply either way.

People with mental, intellectual, and sensory impairments are over-represented in prison.

People with disability are at risk of discrimination, negative attitudes, social isolation and lack of awareness from others in custody and staff. They can be vulnerable to manipulation and assault.

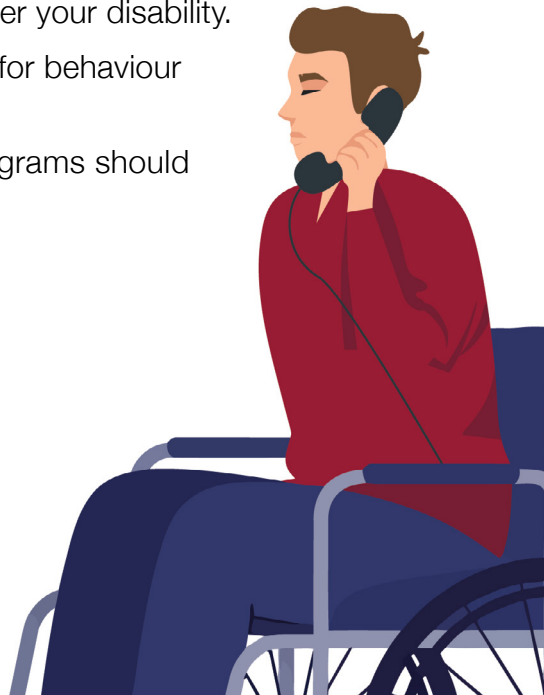
Communication barriers can result in incidents and management issues.

All people in custody should be screened for disability.



If you live with **disability**:

- Prison staff should know about your disability if it impacts your day-to-day life in custody. This includes hearing impairment and communication difficulties.
- You should be able to access your guardian easily if you have legal guardianship orders.
- You should be safe from bullying, victimisation and violence.
- Accommodation and conditions should reflect your needs.
- All reasonably necessary aids, technology, and supports should be available.
- Any discipline, force or restriction should be used as a last resort and will consider your disability.
- You should not be disciplined for behaviour resulting from your disability.
- Rehabilitation and release programs should consider your specific needs.



Expectations for non-Australian citizens



If you are **not an Australian citizen, you should be able to:**

- Access information in a language and format you understand.
- Access consular assistance and interpreter services.
- Receive extra calls and/or allowances if receiving regular in-person visits isn't possible.
- Receive advice about international transfer back to your country, if relevant.
- Maintain connection with family and community of interest.



Expectations for prison staff

Prison staff and visitors have the right to be safe and treated with respect and dignity. Prison staff should be able to expect a work environment where:

- Staffing levels are enough to work with people in custody safely, securely and respectfully.
- Planning for prisons is done strategically and there is a well thought out operational plan.
- There are enough resources to support the running of the prison. Any cost cutting measures should be safe.
- Staff receive proper training to be able to do their jobs including training on the human rights of people in custody.
- Staff keep detailed and accurate records relating to people in custody.
- Communication amongst prison staff is regular and respectful.
- Hiring, promotions and access to opportunities are fair and transparent.
- Staff know their rights and responsibilities regarding work related grievances.

Useful contacts

You can call many of the below contacts from Tasmanian prisons using the common auto dial list. To do this, log into a Unity phone, press **2** 'CADL' and scroll until you see the organisation you wish to call.

Office of the Custodial Inspector Tasmania



GPO Box 960, Hobart TAS 7001



(03) 6165 9454 or 1800 001 170



ci@custodialinspector.tas.gov.au



www.custodialinspector.tas.gov.au

The Custodial Inspector considers issues that affect people in custody and makes recommendations for changes. You can call the Custodial Inspector about concerns so they can try and improve things. They can't assist with individual complaints.

Ombudsman Tasmania



GPO Box 960, Hobart TAS 7001



1800 001 170



ombudsman@ombudsman.tas.gov.au



www.ombudsman.tas.gov.au

The Ombudsman investigates complaints (except health complaints) about Tasmanian public authorities, including Tasmania Prison Service (TPS). If you can, you should try to resolve complaints with TPS first, before contacting the Ombudsman.

Health Complaints Commissioner Tasmania



GPO Box 960, Hobart TAS 7001



1800 001 170



health.complaints@healthcomplaints.tas.gov.au



www.healthcomplaints.tas.gov.au

The Health Complaints Commissioner investigates complaints about health service providers, like Correctional Primary Health Services (CPHS). You should try to resolve complaints with CPHS first. If that doesn't work or you can't, you can contact the Health Complaints Commissioner.

Anti-Discrimination Commissioner



GPO Box 197 Hobart TAS 7001



1300 305 062



office@antidiscrimination.tas.gov.au



www.antidiscrimination.tas.gov.au

The Anti-Discrimination Commissioner investigates complaints of discrimination and other harmful behaviour (for example sexual harassment or offensive conduct). Discrimination is the unfair treatment of people and groups based on personal characteristics such as race, gender, age, or sexual orientation. You can contact the Office of the Anti-Discrimination Commissioner to make a report or complaint.

Australian Human Rights Commission



GPO Box 5218, Sydney NSW 2001



1300 656 419



infoservice@humanrights.gov.au



www.humanrights.gov.au

You can contact the Australian Human Rights Commission (AHRC) to make a complaint or ask a question about discrimination or human rights. It is free to contact the AHRC and you don't need a lawyer.

Commissioner for Children and Young People



GPO Box 708 Hobart TAS 7001



(03) 6166 1366



childcomm@childcomm.tas.gov.au



www.childcomm.tas.gov.au

If you are under 18 or you have been sentenced as a youth (under the *Youth Justice Act 1997*), you can contact the Commissioner for Children and Young People about how to raise concerns or learn about your rights. You can also call the Commissioner if you are concerned about a young person.

Office of the Custodial Inspector Tasmania



GPO Box 960, Hobart TAS 7001



(03) 6165 9454 or 1800 001 170



ci@custodialinspector.tas.gov.au



www.custodialinspector.tas.gov.au