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UNSANCTIONED REGIME TO MANAGE CHALLENGING BEHAVIOURS RESULTS IN "CRUEL, INHUMAN AND DEGRADING TREATMENT"

People in custody in maximum security units at Risdon Prison Complex were subjected to "cruel, inhuman and degrading treatment" under an unsanctioned Hostile Management Regime, a new Custodial Inspector report has found.

"The Hostile Management Regime, in operation between 2022 and 2024, was created by some correctional staff who believed they needed an additional tool to manage challenging behaviours displayed by some people in custody," Tasmania's Custodial Inspector Dr Grant Davies said.

"People deemed hostile or who had committed serious prison offences were placed in a cell with no contents or basic necessities. They could not access telephone calls, letters or visits from their family and friends. They were not permitted to have contact with other people in custody.

"Removed items were returned, one-by-one over a period of seven days, as they demonstrated 'compliance' with the regime. The first item to be returned after one night was a mattress. If they did not show compliance at any point, they had all items removed again and had to restart the seven-day regime from the beginning.

"The regime did not define what 'compliance' was and there was no evidence of modifications to the regime for people based on their individual circumstances, including disability and cultural considerations.

"This regime was a serious breach of human rights as it resulted in people in custody being treated and punished in a manner that was cruel, inhuman and degrading. It was also contrary to Tasmania Prison Service's own policies. Even though it may have been the intent, the regime did not improve the behaviour of people in custody nor improve the safety and security of the prison."

Dr Davies said that his inspection team had identified at least 30 people in maximum security units who said they had been subjected to the regime. Fifteen of these people had information recorded in their custodial files showing they had been placed on the regime.

"As part of our review, the inspection team spoke to 23 people who told them about the physical pain and coldness of sleeping on a laminate-covered concrete floor while naked or wearing only a stiff canvas gown. They spoke about how degrading it was to have to lie down on the floor to receive meals.

"They had no toiletries to keep themselves clean. They did not have time out of their cells to exercise. They had nothing to occupy their time.

"They described the regime as 'inhuman', 'disgusting' and 'degrading' and said they felt like they were being treated like animals."

Dr Davies said the review highlighted the serious systemic issues underlying the way people were treated in high security settings in the TPS at the time.

“These include key governance failures relating to internal oversight, accountability and training,” he said. “It also includes an organisational culture that enabled the behaviour of some correctional staff to go unchecked.

“I have made 10 recommendations in this report to address the systemic issues identified at the time, including a review of the conduct of staff involved in implementing, delivering and overseeing the regime and the implementation of a best-practice behaviour management model. The Department of Justice supported the nine recommendations relating to it, three of them in part, and the Minister for Justice, Corrections and Rehabilitation has supported in principle the recommendation to Parliament.

“We recognise the significant challenges faced by staff who work every day to ensure the safety of their colleagues and people in custody. Since the review began, therapeutic staff at the Risdon Prison Complex have worked alongside correctional officers to develop care plans that respond to challenging behaviours in a humane, evidence-based manner.

“These changes address some of the concerns identified in the inspection but they need to become permanent procedures included in TPS policy documentation and based on an understanding of human behaviour and respect for fundamental human rights.”

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