

Media release

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CALL TO END USE OF DRY CELLS NATIONALLY AFTER TASMANIAN REPORT LABELS THEM 'INHUMANE'

Tasmania's Custodial Inspector Richard Connock has welcomed the Department of Justice's response to his [Inhumane Treatment in Dry Cells review report](#), which was tabled in Parliament today, while calling for an end to the practice nationally.

Dry cells are traditionally cells with no water and are used to retrieve contraband from people in custody who are suspected of having concealed it internally.

"We initiated this review of dry cells in 2022 due to concerns raised with my office by a Tasmania Prison Service (TPS) staff member that the treatment of people in these cells was inhumane," Mr Connock said. "My inspection team validated the staff member's concerns and the more we looked into the issue, the more concerns arose.

"The practices identified by my team through inspection and monitoring demonstrate that the focus of the TPS is primarily on obtaining suspected contraband rather than prioritising human rights and ensuring the wellbeing of people in their custody.

"In our view, the conditions in these dry cells breach the first of the [Nelson Mandela Rules](#), that 'all prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification.'

"Safeguarding the security of a prison and seeking to restrict the trafficking of contraband is important and plays a role in ensuring wellbeing. However, this must be balanced by ensuring people are treated with dignity and respect and they are held in appropriate conditions. If the TPS is breaching the Nelson Mandela Rules, it has not got the balance correct."

A draft of the dry cells review report was sent to the Departments of Justice and Health for comment, which has been included in the report.

"The Department of Justice must be specifically commended for its response. It has acknowledged that the balance between treating people with dignity and respect, and ensuring security, has not always been maintained as required," Mr Connock said. "I have made three recommendations in my report, including one with 15 specific focus areas of improvement, all of which the Department has undertaken to implement."

Mr Connock said he was aware of the use of dry cells in other Australian jurisdictions and called for them to be phased out as soon as possible.

"As highlighted in our report, the [Canadian Office of the Correctional Investigator](#) has demonstrated that dry cells present a serious risk to human rights in custodial environments [detail pages 41-45]," he said.

"Our review has confirmed this risk has manifested into inhumane treatment in dry cells here in Tasmania. Changes to dry cell regimes are required to improve the treatment of people in custody or, preferably, the use of dry cells needs to cease.

“Given the experience of Canada and now Tasmania, I have little doubt that similar conditions to those we observed here may also be found elsewhere in Australia. If that is the case, changes are needed nationally.”

Mr Connock said while all of the report’s findings in relation to the treatment of people in dry cells in TPS facilities were concerning, there was a serious safety issue that needed to be addressed immediately.

“By far the most dangerous finding was that there is no way for people in some of these dry cells to call for help in an emergency,” he said. “This is an extreme risk if someone has ingested or internally concealed drugs.

“Neither the main dry cell at Risdon Prison Complex (RPC), nor the secondary ‘back-up’ cell have intercoms or any way of the person inside to seek help if they need it. Both dry cells are housed in the reception and administration area, which is unstaffed at night.

“The current practice of two-hourly checks at night and monitoring CCTV footage in the secondary cell are not sufficient controls.

“The general principle that the Royal Commission into Aboriginal Deaths in Custody set out in 1991 has not changed - no person in custody should be placed in a position of being unable to raise an alarm in the case of an emergency. It is deeply concerning that we are having to highlight this issue 33 years on.”

Mr Connock said in addition to the impact of dry cell practices on people in custody, his inspection team also heard and observed concerning impacts on TPS staff.

“Correctional officers, for example, are tasked with processing faeces in potentially unsanitary conditions to attempt to find contraband,” he said. “We also spoke with correctional officers who shared their fears for the wellbeing of those in their care.”

In a [statement released yesterday](#) Mr Connock repeated his call on the Tasmanian Government to adequately protect people in custody and TPS staff from reprisals for raising concerns with his office.

“If the TPS staff member who originally raised their concerns regarding treatment of people in dry cells – or any of the people in custody or other members of staff who spoke to my team during the process of compiling this review report – had not done so out of fear of reprisals for speaking out, this practice could have continued to go unnoticed,” he said. “The consequences of this could have been significant, including serious injury or death.

“I thank these people for their bravery in speaking out, but also remind the Tasmanian Government of my recommendation in my [2022-23 Annual Report](#) to address the legislative defect that means there are currently no protections in the *Custodial Inspector Act 2016* against reprisal targeting those who have spoken with my Office.”

Mr Connock said while the Department of Justice had undertaken to implement all of the dry cells report’s recommendations, his team would continue to monitor the issue closely, including through random spot checks on people being held in dry cells.

“My inspection team’s tireless work on this issue has resulted in progress towards significant change,” he said. “They will continue to work with TPS to uphold human rights in custodial centres.”

A list of all of the concerns raised with, or identified by, the inspection team can be found on pages 24-25 of the report.

Inquiries contact Paula Catchpole: 0472 832 514. Please note the Custodial Inspector is unable to make further comment than what is in this release and the report.