

---

## OVERCROWDING

---

### IN QUEENSLAND PRISONS

---

*by Fiona Campbell*

Without information such as statistics or detailed reports on the number of prisoners in Queensland prisons it is difficult, if not impossible, for an outsider to know whether overcrowding exists. Prisons are generally secretive places, and often not spoken about by the government or politicians except in terms of their role in “tough on crime” policies. Opposition parties take an interest in what happens inside the prison walls, but mainly in the interest of the workers and their safety and political point scoring.<sup>1</sup> Those who have the least say, and are least able to control or better their conditions, are the prisoners themselves. The incarcerated are expected to adapt to the surroundings and function at a reasonable level, despite overcrowding and problems that stem from this, and ultimately leave the prison as a rehabilitated person at the end of their custody period.

#### DEFINING OVERCROWDING

When talking about overcrowding in prisons and its effect on prisoners, it is important to define overcrowding. Most definitions talk about the space used by a prisoner and the number of prisoners who share that particular space in a prison. However, there are other factors which are also considered when looking at overcrowding, including personal control and the physical environment itself, as well as stimuli and noise and whether these can be controlled by the prisoner.<sup>2</sup>

#### ACCESS TO RESOURCES

With a decrease in resources there is less to go around, this may mean that prisoners need to share more, especially in terms of space, programs and work, naturally some prisoners will miss out. This inhibits prisoners’ ability to address issues, engage in self-development and to be placed in the best position to gain release on parole. Unproductive time leads to boredom, idleness, depression, discontent and disruptive behaviour. Other shared resources such as bathroom facilities, television rooms, seating, books and computers become less accessible with overcrowding. This more limited and even denial of access to resources can result in frustration, competition, conflict, aggression and even violence.<sup>3</sup>

#### PRISONER RESPONSES TO OVERCROWDING

Another effect of overcrowding includes a prisoner’s response to the stress of overcrowding. The responses to overcrowding are often heightened due to the existing stresses which occur in a prison setting. These may include inactivity, being unable to control the environment including noise and other stimuli and the difficulty in maintaining personal identity. Responses by prisoners tend to include withdrawal, depression and aggression. It has been found that social interactions in overcrowded prisons are greatly affected, with prisoners viewing others as less interesting or attractive to engage with. Also, conversations are said to become less personal and less relevant.<sup>4</sup>

#### MISCLASSIFICATION OF PRISONERS

The third effect of overcrowding is said to be a misclassification of prisoners, based on the space available. This then results in stymieing prisoners’ progression through the system and often, ultimately their release date, which in turn worsens the overcrowding problem. Prisoners are assessed on their behaviour; the reactions to overcrowding are likely to result in prisoners coming to the attention of prison officers for breaching rules and being labelled as maladjusted.<sup>5</sup> This and the fact that prisoners will not have completed courses due to a lack of resources will also affect their parole applications. The issues flow on to Community Corrections, with large numbers of people being released from prisons affecting Community Corrections ability to supervise people. The greater volume of work for Community Corrections also affects their ability to conduct home assessments prior to prisoners being released. This in turn also delays the release of prisoners.

#### ADDITIONAL EFFECTS OF OVERCROWDING

In addition to the abovementioned effects of overcrowding, a link has also been made between overcrowding and prisoners’ physical health (blood pressure and levels of health), the spread of communicable diseases, psychiatric illness, as well as reoffending. Suicides and violent deaths have also been found to be higher in overcrowded

prisons.<sup>6</sup> Prisoners with mental illness are generally likely to deteriorate in prison, and this is made worse by overcrowding. Behaviours by those who are unwell are also likely to adversely affect other prisoners around them.<sup>7</sup>

#### AN “INDEPENDENT” SYSTEM OF ACCOUNTABILITY – THE OFFICE OF THE CHIEF INSPECTOR

Publicly available information is limited, making it difficult to gain insight into many of the internal conditions of Queensland prisons. The Department of Community Safety Annual Report 2010-2011 includes some information in terms of broad statistics of deaths (unnatural), assaults<sup>8</sup>, program completions, employment rates, education rates, utilisation of high and low security prisons<sup>9</sup> and average daily prison population of all prisons.<sup>10</sup> The 2010 Report on Queensland Prisons provides important information on a number of areas, gathered from prisoners and Corrective Services Queensland (‘CSQ’) staff during visits by staff from the Prisoners’ Legal Service and the Catholic Prison Ministry. The information reported includes progression for prisoners through the prison system, health of prisoners, contact with family, impact of imprisonment on family wellbeing, telephone communication with family, friends and service providers, the financial burden on families of the prisoner and the needs of parents leaving prison.<sup>11</sup>

The Office of the Chief Inspector positioned within CSQ conducts inspections and reviews of prisons. The Chief Inspector is supposed to be independent in their assessment of the treatment of prisoners and the application of standards and operational practices. There are a number of factors which strongly indicate that this “independence” is a compromised one. For instance, it is said by the Government that this “independence” is maintained by the direct reporting relationship the Chief Inspector has to the Director-General of CSQ.<sup>12</sup> Similarly, the Chief Executive of CSQ is the person who has the power to appoint the Chief Inspector.<sup>13</sup> In conducting its inspections, the Chief Inspector is required to notify each Prison’s General Manager approximately six weeks before they conduct their inspection.<sup>14</sup> Also, reports regarding inspections are not publicly available.

In comparison, the Office of the Inspector of Custodial Services in Western Australia is more clearly and practically ‘independent’. Appointment is by Parliament and reporting is direct to Parliament. In Western Australia there is a requirement for inspections to occur in prisons, watch houses<sup>15</sup> and juvenile detention centres. Although

inspections generally occur only once every three years, importantly inspections can occur without notice. This is extremely important where there has been a death, an assault or where information exists in regard to prison conditions or poor treatment of prisoners, which includes overcrowding.<sup>16</sup>

#### OVERCROWDING IN PRISONS AND WATCH HOUSES

In August 2010, CSQ Minister Neil Roberts said that Queensland’s prisons were operating at about 15% below capacity and future growth was being planned for.<sup>17</sup> Mr. Roberts stated that despite this, Brisbane Women’s correctional centre and Lotus Glen correctional centre were operating above capacity.<sup>18</sup> He informed of options of transferring prisoners to other prisons in Queensland where there was extra capacity, but pointed out that doing so would remove the prisoners from their family and local support networks, which he viewed as vital to rehabilitation.<sup>19</sup> One of the solutions mentioned by Mr. Roberts was temporary doubling-up in some cells while Lotus Glen is being refurbished and expanded.<sup>20</sup>

More recently, the Courier Mail Newspaper published an article stating that these two prisons,<sup>21</sup> as well as Arthur Gorrie<sup>22</sup> near Brisbane and Helena Jones<sup>23</sup> near Albion were overcrowded. Corrective Services Queensland gained agreement from GEO Group Australia who manage Arthur Gorrie, for 150 prisoners to sleep on floors while bunk beds are constructed.<sup>24</sup> This is despite other prisons in the Brisbane area running at below capacity, in particular Woodford (100 km north of Brisbane) which has space for 404 more prisoners.<sup>25</sup> The reason provided by the Acting Commissioner of CSQ, Marlene Morison, for not easing the overcrowding, was that temporarily housing prisoners at Arthur Gorrie was significantly cheaper than transferring them to Woodford.<sup>26</sup> Ms Morison also said that if the vacant beds were to be used at Woodford it would take up to four months to transfer prisoners, as systems testing was required, along with staff recruitment and training. She also denied that prisoners sharing cells created risks for staff and prisoners.<sup>27</sup>

Overcrowding in prisons often results in a spill over of people into watch houses. This vulnerability occurs due to the lack of integration at a policy level between the different Government departments that conduct the criminal justice system.<sup>28</sup> Comments were recently made in regard to overcrowding in the Cairns watch house. More than 40 prisoners at any one time were noted to be detained in the watch house. The watch house

consists of 39 beds in 26 cells. Some of those prisoners were also spending excessive periods of time in the watch house – up to 3 weeks. It was stated that prisoners from Lotus Glen were reluctant to attend Court in Cairns due to concerns that they would lose their beds at Lotus Glen.<sup>29</sup> This and pressure in other centres, including Townsville, Brisbane and Southport, has seen Police Deputy Commissioner Ian Stewart meeting with CSQ to discuss the issue of police resources being diverted to prisoner care. One of CSQ's responses has been to provide additional temporary cells in Brisbane and at Lotus Glen.<sup>30</sup>

Even though watch houses are only intended for relatively short stays, the *Corrective Services Act 2006* enables a person sentenced to imprisonment for 21 days or less, to be detained in a watch house for either part or their entire sentence. Where a person receives a longer sentence, the legislation also allows for the detainment of prisoners in a watch house “until a person can be conveniently taken to a corrective services facility”.<sup>31</sup> This wording seems to relate to transportation, rather than other issues of convenience, such as less space in the closest prison.

An obvious issue with detaining people in watch houses for extended periods is that they are very basic, designed only to house people for very short periods of time. With limited space, prisoners are unable to exercise, those who smoke are expected to go without and other stimulus that usually assists in occupying a prisoners time, such as programs and work are not available.<sup>32</sup>

Presently, Queensland has 16 adult prisons. Most of these prisons are located in southern Queensland. The only prisons in the north of the state are Lotus Glen<sup>33</sup> at Mareeba, west of Cairns and Townsville Correctional Complex.<sup>34</sup> Lotus Glen has a majority Aboriginal and Torres Strait Islander population (quoted by the government as 70%).<sup>35</sup> Present work on an expansion and updating of Lotus Glen is said to increase its capacity to 700 secure beds and to 125 at the farm by mid-2012.<sup>36</sup> It seems that overcrowding will continue until the renovations are completed. Although CSQ view the overcrowding as temporary, a prisoner may experience it for their entire sentence.

As addressed by Mr Roberts above, one of the issues that arise for prisoners in the north, especially those from remote Aboriginal and Torres Strait Islander communities, is that being imprisoned anywhere will mean a great distance between them and their family

and community. A prison such as Lotus Glen will mean that family and community connections can be maintained.<sup>37</sup> Community Justice Group members,<sup>38</sup> family and friends are able to travel to visit prisoners in Lotus Glen. Also, prisoners will have other familiar faces in prison, including other people from their community and at times family. The *Corrective Services Regulation 2006* acknowledges the importance of Aboriginal and Torres Strait Islander prisoners remaining close to family. It is stated that this should generally occur unless the prisoner says otherwise, an unacceptable risk would be posed to others, including the prisoner, the prisoner's security classification is not in line with that of the relevant correctional centre, or the prisoner has particular orders (e.g., if they are required to do a sex offender program and that program is only offered at a specific correctional centre).<sup>39</sup>

The legislation requires that “where practicable” prisoners must be provided with their own room.<sup>40</sup> The legislation potentially provides a slightly different situation for prisoners under 18 years,<sup>41</sup> stating that they must be kept apart from older prisoners, unless it is in the best interests of the prisoner for this not to occur.<sup>42</sup>

## CONCLUSION

Overcrowding has various negative effects. These further increase the likelihood of a person reoffending and returning to prison. Given the negative history of prison environments and the resultant harm to Aboriginal and Torres Strait Islander people, as well as lessons learnt from the Royal Commission into Aboriginal Deaths in Custody 20 years ago, a greater level of accountability and transparency is expected in relation to prison environments. At present, the Queensland Government is content with an accountability model for Queensland prisons which is extremely deficient. Until change occurs, already vulnerable people will continue to be subjected to substandard conditions behind closed doors. Despite this, when people are released from prison they are expected to be functional human beings.

*Fiona Campbell is a solicitor who works as a Law and Justice Advocacy Development Officer for the Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd.*

- 1 John Paul Langbroek (Minister for Surfers Paradise), *Violence in Cairns jail out of control under Labor* (2011), <<http://jplangbroek.com/pages/october-2011-mr-25-10-02.php>>.
- 2 John Howard Society of Alberta, *Prison Overcrowding* (1996) 2 <<http://www.johnhoward.ab.ca/pub/pdf/C42.pdf>>.
- 3 *Ibid.*

- 4 Ibid 3.
- 5 Ibid.
- 6 Ibid 4 and Aspey, B (Director-General Queensland Corrective Services Commission), *Corrections in the New Millennium: Plan, Control or Perish*, Paper presented at the 3<sup>rd</sup> National Outlook Symposium on Crime in Australia, Mapping the Boundaries of Australia's Criminal Justice System convened by the Institute of Criminology and held in Canberra (22-23 March 1999) 6-7. <<http://www.aic.gov.au/events/aic%20upcoming%20events/1999/~media/conferences/outlook99/apsey.ashx>>.
- 7 Craig Haney, 'The wages of prison overcrowding: Harmful psychological consequences and dysfunctional correctional reactions. (2006)' *Washington University Journal of Law & Policy*, 22, 273.
- 8 This includes serious assaults by prisoners on officers, assaults by prisoner on officers, serious assaults by prisoners on prisoners and assaults by prisoners on prisoners.
- 9 This was listed as 87.8% for high security prisons and 53.5% for low security prisons. Unfortunately the statistics are not broken down into individual prisons.
- 10 Queensland Government, Department of Community Safety (2011), *Annual Report 2010-2011*, p. 40. <[http://www.communitysafety.qld.gov.au/Annual\\_reports/Annual\\_Report\\_2010-2011/4\\_DCS\\_AR\\_2010-11\\_MEASURING\\_OUR\\_PERFORMANCE.pdf](http://www.communitysafety.qld.gov.au/Annual_reports/Annual_Report_2010-2011/4_DCS_AR_2010-11_MEASURING_OUR_PERFORMANCE.pdf)>.
- 11 Catholic Prison Ministry, Prisoners' Legal Service and University of Queensland, *2010 Report on Queensland Prisons*, <[http://www.cjn.org.au/docs/cpm\\_20pls\\_202010\\_20p\\_rison\\_20report\\_20\\_2\\_.pdf](http://www.cjn.org.au/docs/cpm_20pls_202010_20p_rison_20report_20_2_.pdf)>.
- 12 Queensland Government, Queensland Corrective Services: Office of the Chief Inspector, <[http://www.correctiveservices.qld.gov.au/Publications/Corporate\\_Publications/Miscellaneous\\_Documents/Chief%20Inspector.pdf](http://www.correctiveservices.qld.gov.au/Publications/Corporate_Publications/Miscellaneous_Documents/Chief%20Inspector.pdf)>.
- 13 *Corrective Services Act 2006* (QLD), s 296(1).
- 14 Queensland Government, Department of Community Safety website, *Procedure – Implementation of Chief Inspector Reports*, <<http://www.correctiveservices.qld.gov.au/Resources/Procedures/Accountability/documents/acprochiefinspectreport.shtml>>.
- 15 Watch houses are places where people are often imprisoned once arrested and awaiting bail, Court, or transportation to prison. Prisoners held on remand in prisons are often detained in watch houses before and after their Court appearances. Watch houses are usually attached to police stations and are therefore usually under the control of police.
- 16 Office of the Inspector of Custodial Services website: *About Us*, <<http://www.custodialinspector.wa.gov.au/go/about-us>> and *Inspections*, <<http://www.custodialinspector.wa.gov.au/go/inspections>>.
- 17 Neil Roberts, *LNP Hypocrites on Prison Activity*, (16 August 2010) Queensland Government Ministerial Media Statements <<http://www.cabinet.qld.gov.au/mms/StatementDisplaySingle.aspx?id=71087>>.
- 18 Ibid.
- 19 Ibid.
- 20 Ibid.
- 21 Brisbane Women's Correctional Centre housing 275 prisoners, while it has capacity to only detain 258. Lotus Glen Correctional Centre housing 450 prisoners, while it only has capacity to detain 398.
- 22 Arthur Gorrie is a remand centre, housing 997 prisoners, while it only has capacity to detain 890.
- 23 Helena Jones housing 29 prisoners, while it only has capacity to detain 25.
- 24 Kristin Shorten, *Inmates told to sleep on cell floors*, (17 November 2011) The Courier Mail <<http://www.news.com.au/inmates-told-to-sleep-on-cell-floors/story-e6freon6-1226197319001>>.
- 25 Ibid.
- 26 Ibid.
- 27 Ibid.
- 28 Aspey, B. (Director-General Queensland Corrective Services Commission), *Corrections in the New Millennium: Plan, Control or Perish*, Paper presented at the 3<sup>rd</sup> National Outlook Symposium on Crime in Australia, Mapping the Boundaries of Australia's Criminal Justice System convened by the Institute of Criminology and held in Canberra, 22-23 March 1999, 4. <<http://www.aic.gov.au/events/aic%20upcoming%20events/1999/~media/conferences/outlook99/apsey.ashx>>.
- 29 Melanie Petrinc, *Overcrowding at Far Northern prison leads to deaths in custody fear* (3 November 2011). The Cairns Post <[http://www.cairns.com.au/article/2011/11/03/189271\\_local-news.html](http://www.cairns.com.au/article/2011/11/03/189271_local-news.html)>.
- 30 Kristin Shorten and Jeremy Pierce, *Police being pulled of the beat to supervise prisoners*, (17 November 2011) The Courier Mail <<http://www.news.com.au/police-on-jail-juty-prison-overflow/story-e6freon6-1226197330874>>.
- 31 *Corrective Services Act 2006* (QLD), s 6.
- 32 Stephen Wade (South Australian Shadow Minister for Corrective Services), *Prison Overcrowding*, Speech to Offenders Aid And Rehabilitation Service Public Forum, 28 February 2008, <<http://stephenwade.com.au/Media/InTheNews/tabid/65/articleType/ArticleView/articleId/5/Prison-Overcrowding.aspx>>.
- 33 Lotus Glen only houses male prisoners.
- 34 Townsville separately houses male and female prisoners.
- 35 Queensland Government, Department of Community Safety website, *Lotus Glen Correctional Centre*, <[http://www.correctiveservices.qld.gov.au/About\\_Us/The\\_Department/Custodial\\_Corrections/Lotus\\_Glen\\_Correctional\\_Centre/index.shtml](http://www.correctiveservices.qld.gov.au/About_Us/The_Department/Custodial_Corrections/Lotus_Glen_Correctional_Centre/index.shtml)>.
- 36 Ibid.
- 37 However, women and young males are sent to Townsville (348 km by road from Cairns) and young females are sent to Brisbane (1,706 km) by road.
- 38 Community Justice Groups are made up of Aboriginal and/or Torres Strait Islander peoples from individual communities and towns in Queensland. Their role is to support those who come into contact with the criminal justice system. They can inform the Court of a person's position in the community and their history, encourage the Court to consider diversionary options and support, as well as assist prisoners maintain contact with their family and community. Community Justice Groups receive funding from the Department of Justice and Attorney General for a Coordinator, office and administrative expenses.
- 39 *Corrective Services Regulation 2006* (QLD), Reg 4.
- 40 *Corrective Services Act 2006* (QLD), s 18.
- 41 In Queensland for the purpose of criminal law proceedings, in general terms, a person is treated as an adult once they turn 17 years.
- 42 *Corrective Services Act 2006* (QLD), s 6.