

## JUSTICE ACTION REPORT 2016

*This report is to update you with our news, projects and achievements for 2016.  
To learn more, visit our website [www.justiceaction.org.au](http://www.justiceaction.org.au)*

### Introduction

2016 was a busy year for everyone at Justice Action (JA). Here are some of our highlights.

One of our major campaigns in 2016 was the introduction of computers in cells, which we will continue this year. We worked closely with the Community Justice Coalition (CJC) to demonstrate to law and policy makers the importance of having online services in cells. This would provide prisoners access to important resources, including legal information, educational courses and rehabilitation programs.

JA was also invited to speak at a forum in Darwin which was addressing the abuse faced by juvenile offenders at the Don Dale Detention Centre. The exposure of abuse in juvenile justice facilities has finally created an opportunity for proper monitoring to occur.

### The Right to Vote

**JA has been running a campaign to defend prisoners' right to vote since 1997.**

Current laws in Australia stipulate that people sentenced to less than three years in prison retain their right to vote in federal elections while serving their sentence. This is an acknowledgement of prisoners as both citizens and people. It also gives them legal status and reinforces their rights under Australian law.

JA's 'Right to Vote' report (see [www.justiceaction.org.au](http://www.justiceaction.org.au)) includes numerous proposals to improve current electoral processes.

A primary barrier to prisoners exercising their right to vote is being unable to receive the necessary documents to enrol. JA proposed to all the Electoral Commissions in Australia and New Zealand that prisoners and mental health consumers be given 'Enrolment to Vote' forms, and be enrolled upon their entry into institutions. This issue is currently still in discussion.

### Just Us: The Election Edition

In July, JA launched the 7th edition of our newspaper *Just Us*, the Election Edition, and distributed it, with the help of state corrective services, to people in prisons and prison hospitals.



*The JA team preparing Just Us for distribution*

This was to provide information supplied by all the political parties about their policies that affect prisoners and mental health consumers, to help them make informed decisions in the federal election.

As a result of these efforts, the paper was widely circulated, with 25,000 copies distributed to people in prisons and prison hospitals in most institutions across Australia.



*Launch of "Just Us" with Quentin Dempster*

Unfortunately, Women in Dillwynia Women's Correctional Centre NSW and prisoners in South Australian correctional facilities were denied access to *Just Us*, and JA is still in the process of negotiating with these centres.

With ABCTV's former 7.30 anchor Quentin Dempster as MC, *Just Us* was launched by Johnny Harris, an Indigenous Australian ex-prisoner, who said, "Receiving the *Just Us* newspapers reminds prisoners that whilst we have lost our liberty while we are doing our time... we have not lost our rights to our humanity and dignity".

The latest edition of *Just Us* can be found on the JA website [www.justiceaction.org.au](http://www.justiceaction.org.au) or you can ask us for a copy by calling (02) 9283 0123.

## iExpress

Last year, JA's online platform, iExpress, saw a massive increase in online membership from prisoners and people in forensic hospitals. iExpress is the world's first interactive webpage and email system that aims to reduce the social exclusion of people in prisons and hospitals. It is a positive community-building project.

iExpress runs a few platforms such as prisoner profiles and an email service. It also has prison profiles that show detailed information regarding all prisons in Australia and New Zealand, and allows feedback from those affected.

The service facilitates self-expression and communication online. All prisoner emails are sent and received through normal prison censorship, and people present their individual profiles as they want themselves to be seen.

JA looks forward to expanding iExpress and delivering its services to many more people. If you would like to learn more about iExpress or be connected to the service, please feel free to write to us at **PO Box 386, Broadway NSW 2007**.

## Computers in Cells

JA worked closely with the CJC to produce two reports that highlight the benefits of providing computers in prison cells.

Having computers in cells would provide prisoners with access to helpful online tools and resources. This includes legal resources and education courses, as well as counselling programs for domestic violence and drug and alcohol abuse.

Other benefits of online services include: maximising productivity during the 18 hours prisoners spend in isolation; providing trusted counsellors through external providers; allowing for the stability of service providers throughout the sentence and after release; empowerment and self-management; providing a cost-effective plan; and finally, there is research indicating that online counselling can be more effective than face-to-face counselling.

Following the distribution of the report to authorities in Australia and New Zealand, the CJC received positive responses and has been invited to continue a discussion on these issues. To read more about these proposals, you can visit the CJC's website [www.communityjusticecoalition.org](http://www.communityjusticecoalition.org)

## Education

In May 2016, the NSW Minister for Corrections, David Elliott, and the NSW Commissioner of Corrective Services, Peter Severin, dismissed over 130 qualified teachers from NSW prisons in a shift towards privatising education in prisons.

A US-based study found that inmates who participated in correctional education programs were 43% less likely to re-offend than those who did not. The dismissal of these teachers in correctional facilities is a significant regression in reducing recidivism.

CJC hosted a Prison Education Forum in Parliament in late 2016 to discuss these changes, and several protests against the changes were held.

The struggle for education in prisons is highlighted by the case of Jeffrey McKane. Jeffrey is a prisoner who was refused access to education by NSW Corrective Services. He pursued the matter in the Supreme Court, but the Court refused to intervene. Jeffrey then sought the assistance of JA.

JA's intervention enabled Jeffrey to enrol at the Southern Cross University, providing him with access to notes, lecture material and textbooks in prison. In 2016, Jeffrey successfully completed his first course with an impressive Credit grade.



Protest against education privatisation at Long Bay



## Mental Health in Prisons

### Malcolm Baker

The case of Malcolm Baker highlights the compelling issue of forced medication in prisons. In June 2016, Malcolm was transferred to a mental health facility at Long Bay Correctional Centre without his consent on the grounds that he was mentally ill as demonstrated by his writing letters to Senator Clive Palmer.



*Malcolm Baker Victory Team*

The Mental Health Review Tribunal (MHRT) determined that Malcolm posed no threat and that there was no justification for the use of force. This was the third victory for Malcolm and JA.

JA followed up the authorities responsible for Malcolm's plight but they refused to discuss the matter.

### Michael Riley

Michael Riley was subject to health authority control after being admitted as an involuntary patient on 2 November 2016. He did not pose a threat to himself or to others. Instead of contacting JA, as per Michael's "advance directive", which notes JA as a "trusted person", the authorities arrested and forcibly medicated him.

JA represented Michael at his MHRT hearing. Michael is now home with his family and is doing well.

### Saeed Dezfouli

Saeed Dezfouli has been imprisoned since 2002 for an act that is usually punished by a short sentence. During his imprisonment, he has been subject to abuse and was forcibly medicated as a mental health patient.

JA has supported Saeed for eight years and is aiding him in his return to Iran.

In a move that exposed the dishonesty of the forensic mental health system, the NSW Mental Health Review Tribunal stalled the repatriation of Saeed to Iran while it did more research into the Iranian mental health system and its adequacy.

This information could be easily ascertained in a phone call, and has already been supplied several times.



*Saeed's defense team*

## Lifers' Inquiry

The Lifers' Inquiry result was one of JA's biggest successes in 2016. We presented a submission to the NSW Legislative Council which defended the rights of prisoners serving a life sentence.

The government accepted recommendations that personal development and education programs for prisoners serving life sentences should continue.

## Royal Commission into the Protection and Abuse of Children in the NT

Last year, ABCTV's Four Corners program aired graphic footage that shed light on the brutal mistreatment of young males in Australia's juvenile justice system. It revealed footage and images of injustices committed between 2010 and 2015 in Darwin's Don Dale Detention Centre.



*Juvenile in Darwin's Don Dale Detention Centre*

Detainees as young as 13 were repeatedly stripped naked, thrown against walls, kneed and knocked to the ground. They were forcefully restrained, placed in solitary confinement for extended periods of time and sprayed with tear gas in confined spaces. This treatment constitutes torture and is a blatant violation of Australia's obligations under the Optional Protocol to the Convention Against Torture (OPCAT).

In 2009, JA produced a proposal to the OPCAT seminar to prevent similar abuse. The proposal suggested that:

- (1) Prisoner committees continue to monitor conditions, provide training and present collective concerns.
- (2) Video surveillance in high security cells be used as communication devices to allow complaints.

JA was the keynote speaker at a forum in Darwin discussing the management and protection of juvenile offenders following the Don Dale exposure.

## Cell Size

Despite lower crime rates, the NSW prisoner population increased by 12.2% in the past year and expanded everywhere else due to media sensationalism and political pressure. Consequently, this has caused overcrowding. Aboriginal people are the most affected.

Currently, the standard size of a prison cell is 8.75m<sup>2</sup> according to Standard Guidelines for Prison Facilities in Australia & New Zealand (1990). However, management regularly assigns three people to a two-person cell.

The NSW Inspector of Custodial Services stated in his Full House Report, “privacy and dignity are important to an individual’s sense of wellbeing and with doubling-up in cells there is no privacy. When there is



*Overcrowded prison cell*

a real or perceived lack of respect for the inmate[s]’ privacy and dignity, this contributes to undermining their sense of personal worth.”

Ex-prisoner John Killick provided insight into the issue: “Overcrowding, it’s been proven even with rats, causes abnormal behaviour, including violence.”

In July 2016, regulations that aim to protect the health of the general prison population were amended. Prior to the amendment, it was illegal for prisoners to be detained for over 28 days in a cell with floor area less than 5.5m<sup>2</sup> per person. This is no longer the case.

The CJC prepared an analysis and enquired into the planned size of the cells in the new prisons being built now.

The CJC also argued that every prisoner should have a right to their own cell, with rights to privacy and safety.

## Prisoner Control of Services

Government departments currently control and allocate funds for prisoner services. They also deliver services such as health care, education, and legal services in ways that often disadvantage and neglect prisoners. (The National Disability Insurance Scheme model - NDIS - reverses this unfairness.)

In October 2016, JA submitted a proposal to the Productivity Commission regarding funding allocation.

We proposed a new model to determine how funds are distributed among services for prisoners, such as legal, education and health programs.

Called “The Communitization Model”, it recommended that the community of consumers – that is, the prisoners themselves – should directly control funding, priorities and forms of the services they receive.

## Crime & Media

JA researched and published a report that examined the role of the media on public policy around crime, which can be found at [www.justiceaction.org.au](http://www.justiceaction.org.au).

JA found that the media’s sensationalised reports on crime heightened feelings of insecurity throughout the community. This increased the influence of “law and order” politics and the “tough on crime” approach which encourages unreasonable punitive measures and expensive policies that do not properly deal with the social problems underlying criminal behaviour.

The JA report proposed that the media adopt a public health model that requires reporters to provide context and balance to their presentation. Factual and statistical content would provide the public with a more comprehensive and realistic understanding of crime in our community. This information is not being properly communicated to the public.

Currently, news and media outlets prioritise profits over their social responsibility. Legal restrictions on

the media already exist and need to be extended in order to ensure balance and not mislead the public.

## 2017 Projects

2016 was a big year but 2017 is going to be even bigger! Here is what JA has planned:

Drugs are the focus for JA’s next submission to the Victorian Legislative Council Inquiry, which discusses the impact of criminalisation.

JA is preparing a report which compares Australian and British prisons with Norwegian and Dutch prison systems. The latter place great emphasis on rehabilitation, are far less punitive, and have significantly lower imprisonment rates and much lower recidivism.

Education for prisoners remains a central concern. We are working on a campaign to give prisoners computers in cells, including online services. This would allow them to further their education, learn new skills and utilise their time in prison productively.

South Australia will be at centre stage. Both *iExpress* and *Just Us* were blocked by the authorities, but the South Australian Ombudsman agrees that this needs to change.

Last but not least, JA is evaluating a proposal for a federal prison system in Australia by looking at the experience of the US and Canada.

Will this improve the standards of prisons?

Will this reduce crime rates? What do you think?

***Please pass this on to others.***

Contact Us

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