



# NEW SOUTH WALES NURSES' ASSOCIATION

In association with the Australian Nursing Federation

ABN 63 398 164 405

In reply please quote:

BH: NS/KON

29 April 2008

The Hon John Hatzistergos  
Attorney General, Minister for Justice  
Level 33 Governor Macquarie Tower  
1 Farrer Place  
Sydney NSW 2000

Dear Attorney General

Following our meeting with your policy Advisor Peter Procopis and Brian Kelly Assistant Commissioner Department of Corrective Services (DCS) on 22<sup>nd</sup> April 2008, I would like to reiterate our opposition to the practice of locking down or 'secluding' mentally ill inmates/patients and medical/surgical inmates/patients in the New Long Bay Hospital from 4pm until the following morning.

While the practice may be consistent with the Department of Corrective Services (DCS) policy "The Way Forward", in our view a cost cutting exercise that imposes such deleterious consequences of the physical and mental health of people in your custody is absolutely unacceptable.

The issue has been brought to our attention by our members at Long Bay in the context of their serious concerns about the safety and well-being of their patients. Our members report that they are unable to provide the nursing care that these patients require, compromising their health and the professional integrity of the nurses charged with the responsibility of attending to their health needs.

Further, locking and isolating mentally ill patients in a room for such extended periods is in direct conflict with the Department of Health policy on seclusion. That policy states:

*"If the seclusion period lasts more than four hours, consideration should be given to interrupting the seclusion to allow the patient to walk around outside the seclusion room" (p.10).*

We are aware that DCS disputes our view that the locking down of these patients amounts to seclusion. Ultimately the outcome is the same. The patient is isolated and, in the context of these lock downs, remains so for prolonged periods. This is indisputably harmful to the mental state of a person who is mentally ill.

The Human Rights and Equal Opportunity Commission (HREOC) report of the National Inquiry into Human Rights of People with Mental Illness (1993) recommended that "seriously mentally ill prisoners should be treated in health facilities, controlled and operated by public health authorities". While we are mindful that there will be a New Forensic Hospital opened in October 2008 and this addresses some of our concerns, it is not acceptable for these patients to be deprived of a basic standard of humane care in the meantime.

The DCS mission statement states that they are "managing offenders in a safe, secure and humane manner and reduce risks of re-offending". We contest the claim of safety and humanity in the sense that it is neither safe nor humane to detain and isolate mentally ill persons for prolonged periods. There is a wealth of evidence that indicates isolating mentally ill persons exacerbates their symptoms and increases their risk of harm. They require human contact and interaction to improve their mental health.


The current system of secluding/locking down patients is also a breach of their rights under the United Nations *Principles for Protection of Persons with Mental Illness and the Improvement of Mental Health Care*. Principle 1 states that:

*"All persons have the right to the best available mental health care, which shall be part of the health and social care system".*

These principles extend to persons serving sentences of imprisonment for criminal offences or are detained in the course of criminal proceeding. We believe that nurses employed at Justice Health are best placed to assess the physical and mental health needs of inmates, not correctional officers. Accordingly, we are of the firm view that DCS must consider the views and expert opinions of professional nursing staff in these matters.

The NSWNA requests an urgent meeting with you, the Commissioner for DCS and Justice Health representatives to resolve this most serious matter as soon as possible. Please contact Nola Scilinato at this office on 8595 2172 or 0414 550 667 to arrange this meeting.

Yours sincerely



**BRETT HOLMES**  
General Secretary

- cc. Peter Procopis, Policy Advisor, Minister Hatzistergos
- cc. Brian Kelly, Assistant Commissioner, Department of Corrective Services
- cc. Ray Gregory, A/NUM MHRH, Long Bay Hospital
- cc. Brian Owens, NSW Nurses Branch Secretary, Long Bay Correctional Centre