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| **Aboriginal and Torres Strait Islander Prisoners** |
| **Section** | 2. Prisoner Management  |
| **CR Number** | 2.7.1 | **Current Issue Date** | May 2021 |
| **Legislation & Policy**  | Corrections Act 1986Charter of Human Rights and Responsibilities Act 2006Corrections Regulations 2019Gender Equality Act 2020Correctional Management Standards for Men’s Prisons in VictoriaStandards for the Management of Women Prisoners in Victoria |
| **Standard** | Prisoner Management – Aboriginal and Torres Strait Islander Prisoners  |
| **Attachments** | Nil |
| **Forms** | Application to Remove Aboriginal Status  |

1. **PURPOSE**

To provide prison staff with an understanding of the cultural needs of Aboriginal and Torres Strait Islander[[1]](#footnote-1)people and establish the minimum standards across prisons for the management of prisoners who identify as Aboriginal.

1. **REQUIREMENT**
	1. Aboriginal or Torres Strait Islander prisoners are managed in a manner that is sensitive to their cultural needs.
	2. Prisons will provide an environment which fosters the maintenance of cultural and community links for Aboriginal prisoners and develop networks that improve justice related programs and services, making them more responsive and accessible to Aboriginal prisoners.
2. **GUIDING PRINCIPLE**

The *Charter of Human Rights and Responsibilities Act* 2006 (the Charter)*,* specifically provides that Aboriginal people have the right ‘to enjoy their identity and culture’, ‘maintain their kinship ties’ and ‘maintain their distinctive spiritual … relationship with the land and waters and other resources with which they have a connection under traditional laws and customs’.

1. **CONTEXT**
	1. Corrections Victoria acknowledges the Victorian Aboriginal Justice Agreement (AJA4) and recognises that Aboriginal and Torres Strait Islander people are over-represented in the criminal justice and corrections systems and will actively work in partnership with the Victorian Aboriginal community, to improve justice outcomes for Aboriginal prisoners.
	2. Corrections Victoria also acknowledges the 339 recommendations arising from the Royal Commission into Aboriginal Deaths in Custody (1987 - 1991), which reported on the underlying social, cultural and legal issues behind over representation of Aboriginal persons in the criminal justice and corrections systems in Australia.
2. **INSTRUCTION**
	1. **Prison General Managers will:**
3. Provide an environment which fosters the maintenance of cultural and community links for Aboriginal prisoners;
4. Develop networks that improve justice related programs and services, making them more responsive, effective and accessible to Aboriginal prisoners;
5. Ensure staff are trained with the aim of developing an understanding of the cultural needs of Aboriginal prisoners;
6. Provide programs for Aboriginal prisoners which reflect their culture and which incorporate links to community programs;
7. Ensure that prisoners identifying as Aboriginal or Torres Strait Islander are given access to an appropriate contact person within 24 hours of their reception. Ideally, this will be an Aboriginal Wellbeing Officer (AWO) or Aboriginal Liaison Officer (ALO), or if not available, an Aboriginal staff member attached to the Naalamba Ganbu Nerrlinggu Yilamor an appropriate Aboriginal community member known to the prison. An ALO or an Aboriginal Service Officer (ASO) may be asked to provide immediate interim support to an approved Aboriginal person being available (notwithstanding that this needs to happen within 24 hours of reception).
8. **Note:** In exceptional circumstances (for example, a late reception, a public holiday or a weekend or when a prisoner self-identifies that they are Aboriginal post reception) and in the absence of the AWO and only after liaising with the Manager, Naalamba Ganbu Nerrlinggu Yilam (or nominee) a prisoner may be seen by a non-Aboriginal senior member of the prison as an interim response within 24 hours of the prisoner’s reception, however, arrangements will be made for the prisoner to still meet with the AWO at a later time and as soon as practicable. All exceptional circumstances and the corresponding decisions, are to be documented in the prisoner’s Individual Management File (IMF) and the AWO must maintain a list of Aboriginal prisoners seen by non-Aboriginal staff.
	1. **Prison reception staff will:**
9. As a matter of routine, ask the remandee / prisoner if they are Aboriginal or Torres Strait Islander; and
10. Record the prisoner’s Aboriginal status on E\*Justice or change the status if required based on the remandee’s / prisoner’s statement. If a change is required where the prisoner does not wish to be identified as Aboriginal, reception staff **must** notify the Naalamba Ganbu Nerrlinggu Yilam via email first at DJCS-CV-Naalamba Ganbu and Nerrlinggu Yilam, as well as the prison’s AWO within 24 hours. This notification is in the form of the Form attached to this Commissioner’s Requirement and will enable appropriate enquiries and approvals to be made and to ensure correct record keeping.
11. Enact any reception requirements that are specific to Aboriginal people.
	1. **Suicide and Self-harm Risk Rating at Reception**

During the initial reception process, Aboriginal prisoners will be automatically deemed a significant (S2) risk of suicide/self-harm until an ‘at risk’ assessment is completed by a mental health professional.

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| Larissa Strong**Acting Commissioner** |

**Information below this point is administrative supporting detail**

**only and not subject to Commissioner’s review or approval.**

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| **Acronyms** |
| AJA4 | Victorian Aboriginal Justice Agreement |
| ALO | Aboriginal Liaison Officer |
| ASO | Aboriginal Service Officer |
| AWO | Aboriginal Wellbeing Officer |
| IMF | Individual Management File |

| **Definitions** |
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| **Associated Commissioner’s Requirements** |
| 1.2.8 - Funeral Attendance of Aboriginal Prisoners2.2.1 - Sentence Management Manual2.3.1 - Management of At Risk Prisoners4.5.1 - Aboriginal Art Program |

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| Version | Date | Description |
| V1 | May-21 | First Issue |

**APPLICATION TO REMOVE ABORIGINAL STATUS**

A prisoner may request to remove their Aboriginal status in E\*Justice and PIMS by completing this form.

Date:…………………….

Prisoner’s given name and surname:……………………………………………… CRN:………………….

I would like to request that my Aboriginal status be removed for the following reason/s:

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Signature:………………………………………….

**Aboriginal Wellbeing Officer’s Comments:**

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Name:………………………………….Signature:…………………………Date: …………………

**Manager, Naalamba Ganbu Nerrlinggu Yilam’s** **Comments:**

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Name:………………………………….Signature:…………………………Date: …………………

E\*JUSTICE updated:

Name of Record’s Officer:………………………………………………………….Date:…………………..

**Prison Staff:** Please ensure the final copy of this form is placed on Section 1 of the prisoner’s IMF; the original returned to the AWO and an Information Report is generated.

1. *The term ‘Aboriginal and Torres Strait Islander’ and ‘Aboriginal’ are used interchangeably throughout this policy to describe Indigenous inhabitants of Victoria.* [↑](#footnote-ref-1)