

## **POLICY & PROCESS FOR HANDLING MANIFESTLY UNJUST SITUATIONS INVOLVING PRISONERS (EPISODIC & SYSTEMIC)**

### **Policy**

It is inherent in the role of Prison Chaplaincy to do what it can to help ensure that operational policies and practices within the prison environment are as “just” as they can practically be. This broad remit ranges from, at one end of the spectrum, to naming and intervening to stem inappropriate treatment of or behaviour towards individual prisoners, to, at the other end of the spectrum, naming and intervening to change policies and operational practices that are systemically unjust. Silence in such important matters is consent.

However, deciding what is unjust, what should be done about it, and how best to go about it, are matters of discernment and wisdom. The following process has therefore been designed to ensure that such matters are dealt with swiftly, wisely, and with maximum chance of achieving a successful outcome.

### **Process**

Where a Prison Chaplain encounters a situation involving a prisoner that s/he regards as manifestly unjust, the following six step process ***must*** be followed within the time frames stipulated:.

- Step 1      Ensure that the prisoner is aware of his/her responsibility to:
  - follow all legal processes of appeal in regard to his/her sentence until such processes are properly exhausted ;
  - utilise the “blue letter to the General Manager” complaint system appropriately;
  - discuss any systemic complaint with both the official Visitor and the Ombudsman.
  - if the issue concerns parole, write to the Parole Board and receive a reply.
  
- Step 2      In an unjust situation still exists, then the Prison Chaplain should complete the attached form. The purpose of this form is simply to help everyone involved to establish the facts of the situation (as opposed to half-facts or hearsay).
  
- Step 3      The form is to be passed to the Chaplaincy Team Coordinator and a copy sent (via email or post) to the Administrative Officer of the State Chaplaincy Board.
  
- Step 4      Within one day (24 hours) of receiving the form, the Coordinator is to contact the writer to ensure that all the relevant information is included on the form. At this point, the Coordinator is to advise the writer whether s/he agrees that the matter is so manifestly unjust as to warrant further action. If the writer disagrees with the Coordinator’s assessment, the writer has the right to have the matter tabled and

discussed at the next Chaplains' team meeting. In such circumstances the team should reach a definite conclusion about what the Coordinator should do (if anything) about the issue.

- Step 5 Within one month of receiving the form the Coordinator is to brief the Administrative Officer of the State Chaplaincy Board in writing about what s/he has decided to do about the matter. The Coordinator's options include:
- do nothing
  - raise the matter informally with Management
  - raise the matter formally with Management
- refer the matter to the State Chaplaincy Board for consideration/advice/action
- Step 6 Each month, following its Board meeting, the State Chaplaincy Board is to provide the Executive Director, Offender Programs and Services, with a complete list of all such matters that have been raised by Prison Chaplains and what progress (if any) has been made in resolving them. Where local Management cannot, or chooses not to resolve a matter, the Board is to seek resolution through the QCS Executive Director, Offender Programs and Services.

Every month, at its meeting, the State Chaplaincy Board ***must*** explicitly review the state of play on every outstanding matter and decide how best to expedite an outcome.

If the State Chaplaincy Board concludes that Queensland Corrective Services cannot or will not resolve a matter that it regards as manifestly unjust, the Board ***must*** refer the matter to the Heads of Churches for consideration/advice/decision.

Under no circumstances is an individual Prison Chaplain or individual Chaplaincy Team or denominational group/fellowship, or member of the State Chaplaincy Board to independently pursue either politically, or via the media, or via any advocacy/pressure group, any matter *initiated* (and still active) within this five step process.

Matters of extreme urgency, that cannot be resolved locally by local Management, should be referred to the Board's Liaison officer of Administration Assistant direct. An example of such a matter would be a decision or action by an agency other than Queensland Corrective Services (e.g., denial of or failure to supply medical attention).