Culturally Appropriate Prison Monitoring and Oversight

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NETWORKS
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A special thank you to Steven Caruana for his ongoing support and collaboration.

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Welcome Message from the Chair

Dear Members,

The former ombudsman for federal prisons in Canada, Howard Sapers, once said "the treatment of prisoners represents a litmus test of any society's commitment to human rights and legality." The composition of today's prison populations in countries where colonial powers have historically benefitted from racist policies and programs, are a testament to this truth.

Despite significant declines over the past decade, Black and Latinx individuals still account for 56% of U.S. state and federal prisoners despite representing roughly 32% of the general population. In Canada, Indigenous peoples make up more than 30% of federal and provincial prisoners, yet account for only 4.5% of the Canadian population. Australia's incarceration of Aboriginal people mirrors Canada: 29% of prison population, yet only 3% of total population.

If the litmus test is accurate, then these and other similar jurisdictions are failing in their commitments to human rights; specifically, the fair treatment of racialized minorities. Far too often, ethnic and cultural minorities around the world are not benefiting from equal access to the rights and privileges that all should enjoy.

The overrepresentation of racialized minorities has a direct impact on the work of prison oversight and monitoring. From the review of policy and practice to the intake of complaints, prison ombudsman offices and external oversight bodies need to ensure that their services are responsive to the needs and realities of the individuals they serve. We must also remember that if we are to criticize correctional authorities for shortcomings in this area, then we must show leadership to remain credible. This newsletter will explore these themes in greater depth by looking at the experiences of Australia and Canada.

I would like to thank the following authors for their excellent contributions to this issue:

- ***Simon Rolston,*** *Vancouver, Canada.*
- ***Nora Demnati,*** *Montreal, Canada.*
- ***Andreea Lachsz,*** *Victoria, Australia.*
- ***Fiona Rafter, Karen Breeze, Brooke Dinning, and Emily Guterres,*** *New South Wales, Australia.*

- ***Stacie Ogg and Leticia Gutierrez,*** *Ottawa, Canada.*

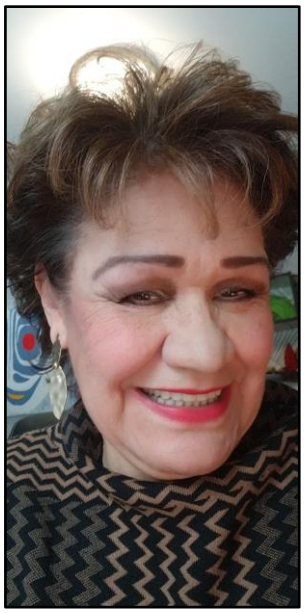
Finally, I would like to especially thank **Hazel Miron,** Senior Investigator, who shared her personal story and the journey she took before accepting a position with my office. Hazel makes a very compelling case for why external prison oversight agencies should reflect the diversity of the people they ultimately serve.

I hope that you find this issue informative and helpful. Please feel free to share it with your colleagues and networks.

With Gratitude,

Ivan Zinger (J.D., Ph.D.), Correctional Investigator of Canada.

Reflections from a Cree Woman Delivering Prison Oversight in Canada



Hazel Miron (MA)
Senior Investigator,
Office of the Correctional Investigator of Canada.

I am a proud Indigenous Cree woman and a member of the Sucker Creek First Nation. It is a Treaty 8 First Nation. I am a direct descendant of Chief Moostoos who was signatory to Treaty 8, the largest Treaty in Canada. People in the area where he was Chief knew him as the "People's Chief", a very loved and respected man.

My family was deeply impacted by the abuses they suffered in residential schools. I too suffered from the intergenerational effects of these abuses. My brother (who was sexually abused in the residential school) preyed on me and my siblings, five of whom have since passed away due to their inescapable memories of this abuse. They died from liver failure and drug addiction. I was the seventh child and was given the name *Te'pakoph* (meaning, "Seven") by an Elder. The Elder told me that I had a special gift and that I would grow to see far. I carried this with me throughout my life. It has given me inner strength and a strong relationship with the Creator. These qualities guide the choices I make in my life.

With my daughter in tow, I started my career with the Correctional Service of Canada as a Primary Worker in 1995. In 2000, I transferred to a Healing Lodge (a federal correctional facility designed specifically for Indigenous offenders) where I started my new role as Correctional Manager. I worked at the Healing Lodge for ten years. During this time, I obtained a B.A. in Criminal Justice. In addition to the degree, I was also gifted an Eagle feather and a women's medicine protection bundle. The "white" and Indigenous credentials set the stage for how I would approach federal inmates: not favoring either worldview over the other.

In 2011, we relocated to Ottawa to be closer to my husband's family and my daughter who was attending university in nearby Montreal. Upon moving to Ottawa, I accepted a position as a Program Officer with the Ottawa Parole Office, teaching day

parolees in the community. It was difficult teaching in this way, as there appeared to be no sincere Indigenous perspective incorporated into the program. So when teaching day parolees, I drew from my academic knowledge, extensive work experience in the criminal justice system, and my lived-experience as a First Nations woman. This blended approach helped me to connect with my clients, which made programming more effective.

Soon after, a Director from the Office of the Correctional Investigator (OCI) approached me for the Senior Investigator position. I felt like I had won the lottery. This was an opportunity to help Indigenous inmates. The relationships I created with Indigenous Communities and leaders as well as the knowledge gained during my 10-years working at a CSC Healing Lodge have been important to my ongoing work at the OCI, where I now provide oversight for all the Healing Lodges in Canada.

With the OCI, I have accumulated extensive experience in providing ombudsman services to Federal offenders in Canada and have developed excellent problem solving and alternate dispute resolution skills. In addition, I have learned to provide advice pertaining to correctional law, policies, and procedures. I continue to provide advice and an 'Indigenous lens' to the Correctional Investigator, to ensure that our reports and recommendations demonstrate our desire to promote changes reflecting the unique needs of Indigenous inmates and other minority groups.

I travel to remote areas where Healing Lodges are located and I sit with Elders and residents on sacred grounds, where we can discuss their concerns. They know I am aware of where they come from and their ways of knowing. If they are older inmates, I speak my language (Cree) to make them feel comfortable and share stories that only Indigenous peoples can appreciate. I help them to understand that I am an Indigenous person looking at the facts of their case with a view from two worlds.

It is difficult to hear their stories because they are similar to mine and, at times, it is difficult to distance myself. Still, I share my experiences, both good and bad, when I think it will help them feel comfortable. Then they can share their stories knowing that I will receive them with genuine empathy.

If they invite me to eat with them, I do so. This demonstrates my willingness to engage and shows respect. It is also very important to listen and to follow up on a promise. When I do these things, I create a bond of trust, which is very important to Indigenous peoples.

I am an Indigenous woman, a life-giver, with healing energy and decades of experience in corrections. This has allowed me to do the work of prison oversight. When marginalized complainants come face-to-face with an Indigenous Senior Investigator, they are taken aback. They feel that perhaps there is hope when they speak with someone of their own culture and ethnicity. Someone who knows his or her pain and journey. Someone who understands that they were made to feel inferior and forced into a stereotype by a colonial system that proclaimed itself as "dominant".

I come – armed with both the knowledge of white policies *and* Indigenous cultural credentials -- to help incarcerated individuals gain self-respect. I share my story of resilience and perseverance, my commitment to making a mark on this world in a meaningful way as long as the "sun shines and the rivers flow," as my great grandfather envisioned.

My operational experience at CSC helped me to hone my dispute resolution skills, as I had to resolve complaints all the time. I would often go back to the old way of solving issues between inmates, employing face-to-face mediation. I found this approach to be very effective in not only managing and resolving conflicts, but also in building self-respect among participants.

This approach was used by Indigenous peoples prior to First Contact and was very useful for resolving issues in a non-dictatorial way. It allows individuals to take control and responsibility over their own voice, to empower their own ideas for resolution. I would advise participants as *they* did the work. I guided them through the process; I did not tell them what to do.

Recently, I attained my master's degree in Legal Studies from Carleton University. I believe that book knowledge is great, but experience working in the field *combined* with lived-experience is powerful. I cannot teach my lived experience, but I can draw from and share my experiences to demonstrate genuine empathy. Working with my own people is difficult as I have faced similar concerns and shared the same experiences, but this work also allows me to demonstrate how my choices can help them to overcome. I can be a role model for them because I survived and can function in society without succumbing to the trauma that we share.

I have come to believe that Indigenous staff are key to making a meaningful difference in the lives of Indigenous prisoners. Therefore, prison oversight bodies should aim to reflect the diversity of the people they serve. Prisoners want to see themselves in

the individuals who are receiving and investigating their complaints; they want some assurance that the person hearing their case understands where they are coming from – their ways of knowing and being.

Old Wine in New Bottles: How Modern Prisons Perpetuate a Racist Legacy


Simon Rolston *lives in Vancouver, and he writes about criminal justice systems, prison writing, and American literature. His book, "Prison Life Writing: Conversion and the Literary Roots of the U.S. Prison System," was recently published by Wilfrid Laurier University Press.*

Nora Demnati *is a prison lawyer based in Montreal and advocates for the rights of federally incarcerated people in Quebec. She represents an ever-increasing number of racialized and Indigenous people and has been actively involved in fighting racial profiling and discrimination within federal penitentiaries.*

The prison was invented in the early nineteenth century as a criminal justice technology to serve three primary functions: retribution, rehabilitation, and deterrence. But a broader *effect* of the prison has always been the same: the containment of disempowered and largely vulnerable populations. This is most egregiously clear in the U.S. system where Black people are incarcerated in state prisons at nearly five times the rate of white people, according to The Sentencing Project. This effect can also be seen in the Canadian prison system where Black people are over-incarcerated and systematically mistreated during their incarceration. Moreover, in Canada, "the proportion of Indigenous people behind bars has now surpassed 30%," according to Ivan Zinger, the Correctional Investigator of Canada, who describes this as an "*Indigenization*" of Canadian prisons.

The Canadian and U.S. prison systems are quite different, of course. For one thing, Canadian prisons are under the auspices of the federal government while most U.S. prisons are administered by individual states. And yet, despite these differences (and despite the

significant differences even within these systems, particularly in the U.S., where laws and institutions vary from state to state), both Canadian and U.S. prisons evolved out of, or in concert with, state-sanctioned institutions that brutalized and weakened already vulnerable racialized communities.

For example, after slavery ended in the U.S., Southern states passed laws called "Black Codes" that sought to limit Black people's behaviour and movement, restrict their access to the public sphere, and coerce them into low-wage labour. When incarcerated as a result of violating these discriminatory laws, Black people were often loaned to private businesses through a "convict-lease system" and forced to work without pay, sometimes on the same plantations formerly worked by enslaved people. Simply put, the criminal justice system and forms of incarceration (most clearly the convict-lease system) evolved and took shape from the slave system that preceded it, and incarceration became a useful tool for justifying the ongoing oppression of Black people and ensuring white supremacy in the South.

This pattern repeats itself with disturbing regularity in American history. Soon after Jim Crow laws and other forms of racial segregation were overturned in the mid-sixties, successive Wars on Crime and punitive drug laws disproportionately targeted Black communities, scooping Black men and increasingly Black women into warehouse-like prisons and spawning an era we now call "mass incarceration." Traumatized families were left to cope without fathers, mothers, uncles, brothers, and sisters, leaving already economically vulnerable communities with limited options for employment and in close contact with law enforcement, virtually ensuring a cycle of imprisonment.

Like African American history, African Canadian history has been defined by slavery, oppression, segregation, and direct and systemic racism sanctioned by Canadian law. As noted by the Nova Scotia Court of Appeal in *Anderson*, the history of slavery and racism and the trauma of marginalization, exclusion, discrimination, and injustice shaped the lives of many African Nova Scotian offenders. Similarly, the Ontario Court of Appeal in *Morris* accepted the conclusions of an expert report that focused on race and crime in Toronto, which drew a connection between the historical marginalisation of Black people in communities marked by poverty, diminished economic and employment opportunities, and a strong and aggressive police presence.

Although the over policing of Black communities has generally been recognized as a problem with the U.S. criminal justice system, particularly since the Black Lives Matter

movement, there is less public awareness that Black Canadians, and especially Canadian Black men, are also more likely to be arrested by the police and therefore more likely to have charges laid against them. For instance, recent reports have highlighted the extent of racial profiling of Black people by the Montreal and Repentigny police forces in Quebec (See Armony et al., 2019 and Armony et al., 2021). Black people in these two cities are five and three times more likely to be arrested by the police then their White counterparts. While police forces (unsurprisingly) continue to deny a correlation between these numbers and systemic Anti-Black racism, the findings of these reports are no surprise to Black Quebecers, Black Torontians, Black Nova-Scotians, and other Black Canadians who know the extent to which their skin color is weaponized against them in their interactions with the police. Blackness attracts law enforcement's suspicions. This is their reality within Canada's "free and democratic society" and this reality follows them once they are incarcerated.

Black Canadians are more likely to have longer sentences than white people for the same offence (See Owusu-Bempah and Wortley, 2014). They are more likely to be incarcerated in higher security institutions and to serve longer periods of their sentence behind bars as opposed to being released on parole despite presenting lower rates of reoffending. Black people are overrepresented in instances where officers resort to physical force and a majority of them are systematically labelled as gang members despite not being part of any gang (See Office of the Correctional Investigator, 2013). Blackness continues to be seen as a threat in prisons and perpetuates destructive policies that subject Black incarcerated individuals to harsher conditions of detention. Earlier forms of overt discrimination, like segregation or racially targeted immigration policies that restricted migration from predominantly Black countries, are no longer acceptable in Canadian life. And yet, state sanctioned racial exclusion hasn't disappeared: the racial formation enacted by those earlier systems reappears in amended form in the criminalization and over-incarceration of Black Canadians.

Prisons have replaced historically destructive systems to preserve state control over Black bodies, and the same can be said about their more recent role in the mass-incarceration of Indigenous peoples. Canada's prison system evolved according to a similar trajectory insofar as its institutions have, over the last thirty years or so, supplanted the residential school system. Residential schools were established by the Canadian government and were operated by church organizations from the 1880s to the 1990s. Their aim was to coercively assimilate Indigenous children into Christian, Euro-

Canadian society and ensure that they lose all sense of culture, identity and pride. Indigenous children were forced from their families and communities and taken to residential schools where they were forbidden from speaking their own languages or even acknowledging their Indigenous cultures. These institutions were brutally violent: survivors of residential schools describe rampant physical and sexual abuse, starvation, and neglect; the schools' assimilationist project has been described as a cultural genocide; and recent discoveries of mass grave sites at residential schools across the country indicate that the violence of the residential school system has yet to be fully recognized by non-Indigenous Canadians.

Correlation does not imply causation, but it is hard not to see a connection between the closing of residential schools and the ensuing increase of the Indigenous population in Canadian prisons. Clearly, one way the Canadian government manages the suffering and intergenerational trauma resulting from the residential school system is through the carceral system. Prisons, like residential schools, are presumptively rehabilitative institutions. But, like residential schools, they traffic in violence and social control and instill feelings of shame and unworthiness among their incarcerated populations. This is no hidden history, either. Back in 1988, when residential schools were closing but not yet absent from the Canadian carceral landscape, the Canadian Bar Association remarked that "the prison has become for many young native people the contemporary equivalent of what the Indian residential school represented for their parents." The Canadian government would certainly protest that this was not their intention. However, in this case, intent doesn't really matter. What matters is the *effect* of prisons on Indigenous communities, and how prisons continue the legacy of racialized violence that was left behind by residential schools.

Therefore, in order to understand what the prison does, one must recognize the prison as a system that establishes a continuity between old and new forms of oppression that target vulnerable, racialized communities. In the U.S. and in Canada, the prison has historically adapted, retrofitted, and continued some elements of racist institutions like slavery, segregation, and the residential school—institutions that Americans and Canadians have recognized as fundamentally wrong. Most people presume that these systems have been banished from contemporary life. But they haven't. They merely changed shape.

While prisons are the government's promise to ensure public safety by separating "dangerous" individuals from the population, prisons only ensure public safety for the

privileged and continue the historical vulnerability of marginalised communities. Prisons fail to achieve positive outcomes for communities who, in turn, are reinforced in their legitimate mistrust of a system that denies them the right to human dignity and equal opportunities. Ultimately, these failures legitimate the call for alternatives to incarceration and state-imposed sanctions. In addition, given the long-lasting poor record of Canadian prisons, it is urgent that these alternatives become tangible strategies that can be used in lieu of incarceration.

Robert Wright, a Registered Social Worker and the author of the original "Impact of Race and Culture" assessments in the sentencing of Black Nova-Scotians identified the need to dissociate from traditional punitive prison sentences:

> "… when we think about certain kinds of behaviours coming out of a community's trauma and difficulty, to think that treating one individual who comes from that community harshly is going to reform them and deter other members of their community is, again, not understanding the dynamic properly."

Mr. Wright also explained that programming in federal prisons is generic and that Black incarcerated individuals will not be able to benefit from Afrocentric interventions and programming. Resorting to incarceration means resorting to a system we know will fail them. Consequently, rather than using incarceration to control vulnerable communities, the criminal justice system should aim at empowering these communities within the criminal justice process. This means, among other things, allowing Black or Indigenous individuals to benefit from restorative and rehabilitative services rendered by members of their community who understand and relate to their trauma, path and choices. This approach is already seen in the use of Indigenous practices as alternatives to traditional sentencing, like Indigenous-run healing lodges, community sanctions, and reconciliation programs, although these resources are often underfunded and underused.

Promoting the work of vulnerable communities within the criminal justice system, and building a system that focuses on the well-being of those communities, is a necessary step toward reparation and reconciliation. This could be achieved by empowering these communities and addressing offences as social and racial issues instead of criminalising them. It will present a more efficient and sustainable way to make U.S. and Canadian societies fairer and safer.

While alternatives to incarceration are being explored and tested around the world, a robust system of prison oversight and monitoring is required to mitigate the harms

experienced by racialized communities at the hands of the criminal justice system. As will be explored further by the articles in this newsletter, prison oversight and monitoring bodies play an important role in ensuring that prison authorities respect their legal obligations and rely more extensively on culturally-adapted programs and services led by community-based stakeholders.

OPCAT in Australia: Will Aboriginal and Torres Strait Islander People be Left Behind?

Andreea Lachsz *is the Head of Policy, Communications and Strategy, Victorian Aboriginal Legal Service. The Victorian Aboriginal Legal Service is an Aboriginal Community Controlled Organisation, which was established in 1973 to provide culturally safe legal and community justice services to Aboriginal and/or Torres Strait Islander people across Victoria, Australia.*

The Australian Context

Aboriginal and/or Torres Strait Islander people make up only 2.8% of Australia's population, but on 30 September 2021, Aboriginal people made up 10.6% of Victoria's prison population. In April this year, it was reported that Aboriginal women are imprisoned in Victoria at 20 times the rate of non-Aboriginal women. Last year, the Productivity Commission reported that Aboriginal and/or Torres Strait Islander children are detained in youth detention facilities at 22 times the rate for non-Indigenous children. This ongoing crisis has led to international condemnation of Australia, including at the UN Human Rights Council Universal Periodic Review (UPR) in January.

This year we also marked the 30 year anniversary of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC). It is a disgrace that many of the report's 339 recommendations remain unimplemented, and that since the watershed report has been handed down, more than 470 Aboriginal and Torres Strait Islander people have died in custody.

While the *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (OPCAT) presents a unique opportunity to prevent the ill-treatment, torture and death of Aboriginal people deprived of their liberty in Australia, it remains to be seen whether this objective, will, in fact be realised.

Despite many States at the UPR commending Australia for *ratifying* OPCAT, the minimal progress in states such as Victoria is cause for neither pride nor celebration.

The Lack of Consultation with Aboriginal People and Organisations in Australia

As we fast-approach the January 2022 deadline for the implementation of OPCAT in Australia, it becomes increasingly implausible that there will be robust consultations with Aboriginal Community Controlled Organisations (ACCOs) and Aboriginal communities. And so, the critical first step to ensuring a culturally appropriate National Preventive Mechanism (NPM) under OPCAT will inevitably be missed.

That is not to say that there will be no opportunity in the future to take steps to try to remedy this shortcoming, but it begs the question as to why, with four whole years to initiate and conduct consultations, we are starting on the back foot. It raises questions as to why, with the shameful over-incarceration of Aboriginal people, this once in a generation opportunity to protect the rights of detained people in police custody, prisons, youth prisons and court custody is seemingly being squandered.

The UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) has stated that NPMs should "be identified by an open, transparent and inclusive process which involves a wide range of stakeholders, including civil society." Additionally, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) states that "Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures."

And yet, despite the gross over-representation of Aboriginal people in places of detention in the criminal legal system, there has been little to no consultation. Ongoing advocacy by organisations such as VALS, supported by the urgent calls of other civil society organisations, including the Human Rights Law Centre and Liberty Victoria, for the Victorian Government to consult on OPCAT implementation have gone unheeded.

Steinerte has noted that "[i]t is hard to imagine how the NPM would be able to achieve anything if it did not have the trust of those deprived of their liberty." It will certainly be difficult for an NPM that is not culturally appropriate to gain the trust and confidence of incarcerated Aboriginal people, and it will be impossible for an NPM to be culturally appropriate without robust consultation with and the effective participation of

Aboriginal people. Victoria, and other Australian jurisdictions, are on track to severely limit the potential for Aboriginal people to benefit from the protections afforded by OPCAT.

In jurisdictions like Victoria, where the Government states that it is committed to achieving justice for Aboriginal people, this oversight in relation to oversight is a glaring one indeed. Yoo-rrook, the first truth and justice commission in Australia, has been established in Victoria, to "investigate both historical and ongoing injustices committed against Aboriginal Victorians". And yet, the Government's lack of consultation on OPCAT, a critical human rights instrument, is at odds with the purpose of truth-telling at Yoo-rrook, "acknowledg[ing] human rights violations by promoting the voices of communities who have been victims of these violations."

Sidelining Aboriginal voices in matters that are directly relevant to their rights also does not align with the Treaty negotiations currently taking place in Victoria, nor the Government's commitments to Aboriginal self-determination under multiple national and Victorian Government frameworks (including the national Closing the Gap Agreement, the Victorian Closing the Gap Implementation Plan, the Victorian Aboriginal Justice Agreement and the Victorian Aboriginal Affairs Framework). Unfortunately, while Aboriginal self-determination is frequently touted by the Victorian Government, its legislation, policies and practices often fall short.

Victoria is in Phase 4 of the Victorian Aboriginal Justice Agreement (AJA) (Burra Lotjpa Dunguludja), with the AJA providing governance structures for the Victorian Government to work with the Aboriginal Justice Caucus (AJC) in relation to Aboriginal justice issues. With the AJA having been established in response to the Royal Commission into Aboriginal Deaths in Custody, there is an expectation that the Victorian Government would consult with the AJC in regards to OPCAT implementation.

Additionally, with the Aboriginal Executive Council (AEC) being the representative body for Victoria on the Closing the Gap Agreement's Coalition of Peaks, and the Commonwealth Implementation Plan providing "funding over two years from 2021-22 to support states and territories to implement [OPCAT]", there would be an expectation for consultation to extend to the AEC as well.

Of course, Aboriginal Legal Services (ALSs) are uniquely placed to provide expert advice, with the first ALS, the Aboriginal Legal Service in Redfern, New South Wales having been founded in 1970 as a response the injustices and oppression endured by Aboriginal

peoples. VALS is also coming up to its 50 year anniversary, having been established before Victoria Legal Aid.

Indisputably, there are existing mechanisms by which the Victorian Government could, and should, consult with the Aboriginal community. Clearly, there are ACCOs, with decades of relevant experience and legal, technical and cultural expertise, repeatedly requesting to be consulted. Proceeding with OPCAT implementation in the absence of consultation with Aboriginal people risks OPCAT not meeting its objectives in relation to incarcerated Aboriginal people. We will end up with yet another system that excludes Aboriginal people and leaves Aboriginal people behind.

NPM designation, structure and operations may also need to be revisited once Treaties have been finalised (Treaties are currently being negotiated in Victoria and the Northern Territory). Treaties will give rise to obligations on State and Territory governments, as well creating obligations on the NPMs themselves. For example, the New Zealand Ombudsman has said that he "aim[s] to ensure the principles of Te Tiriti o Waitangi are at the heart of the work and culture of [his] Office. In order to do this, [he and his] staff must: understand Māori concepts, perspectives and values; understand the Treaty and barriers to its full realisation." Treaties also may, as in Canada, result in the administration of justice being (or having the potential to be) devolved to Indigenous peoples. In these circumstances, NPMs will then have to consider how their mandate should be carried out, while respecting Indigenous peoples' right to self-determination, given that in the future, a detaining authority may actually be operating under a self-governing First Nation.

It should go without saying that consultation should continue beyond the establishment of the NPM. The ongoing risk of Aboriginal communities losing confidence in the NPM must be mitigated by the NPM's ongoing commitment to consultation and co-design, as well as being receptive to advice or criticism.

Can Governments use the Pandemic as an Excuse for Failing to Consult on OPCAT Implementation?

Anticipating the objection that the pandemic has impeded Governments' ability to consult, I would respond that Governments *have* consulted on other matters during this period, including on issues that are not directly relevant to COVID-19. Consultations on OPCAT are simply not a government priority.

Furthermore, the pandemic has led to extensive restrictive practices in places of detention, including the use of protective and transfer quarantine, without legislative safeguards to protect incarcerated Aboriginal people from being subjected to effective solitary confinement. This is despite the RCIADIC report stating that it is "undesirable in the highest degree that an Aboriginal person in prison should be placed in segregation or isolated detention." Civil society organisations have had to rely on Freedom of Information (FOI) requests to obtain information that an established NPM would have been able to readily access. For example, one such FOI revealed that the use of quarantine was not based on robust health advice, leading to a joint open letter by CSOs regarding the ongoing and arbitrary use of 14 day quarantine in prisons.

Prisons, places shrouded in secrecy, have become less transparent during the pandemic, with ad hoc oversight limited since the suspension of personal and professional visits. Given the heightened risk of abuses in places of detention, the Victorian Government should have prioritised consulting with Aboriginal organisations, to ensure it had a robust, culturally appropriate NPM at this critical time. This view is one that is widely held by Australian civil society.

The NPM's Relationship with Aboriginal Community Controlled Organisations

The SPT has explicitly stated that an NPM 'should… take benefit from cooperation with civil society, universities and qualified experts.' The SPT has also recommended that NPMs pay "special attention… to developing relations with civil society members devoted to dealing with vulnerable groups." This will obviously include ACCOs in the Australian context.

Civil society (both organisations and individuals) play a complementary role to that of an NPM in the prevention of torture and ill-treatment. Aboriginal organisations and individuals may cooperate with an NPM in a number of ways, including by

- raising the profile of the NPM's mandate and work (both among the public and detainees);
- delivering training to NPM staff;
- contributing to the development of the inspection framework and expectations/standards;

- providing information to the NPM that could assist both in developing a strategy for inspections and in preparation for inspections at particular sites;
- incorporating the NPM's findings and recommendations in its own work on torture prevention;
- monitoring implementation of the NPM's recommendations;
- working to prevent reprisals against those who engage with the NPM; and,
- evaluating the efficacy of the NPM's work.

Of course, it is critical to always keep front of mind the unique role of an NPM. As Steinerte highlights, an NPM's unique status is based on its ability to build relationships with detaining authorities, in contrast to an NGO, and it is this "that makes it potentially more powerful than an NGO."

What Would a Culturally Appropriate NPM Look Like?

In my Churchill Fellowship report, I discuss this question in detail, focusing particularly on the Northern Territory (NT) context, although many recommendations are relevant to all Australian jurisdictions.

My report recommended that an Aboriginal Inspectorate, a new body, be established in the NT, rather than designating an existing body the NPM. In this, I highlighted, the Association for the Prevention of Torture's (APT) submission to the Australian Human Rights Commission's OPCAT consultation, which stated that, where "existing bodies fall short in any way which is not readily reparable, a new body or bodies should be created to carry out NPM functions." Whether a new body is established, or an existing body is designated, careful consideration must be given to ensuring that the NPM is culturally appropriate for Aboriginal people.

The NPM should appreciate that an Aboriginal perspective of what constitutes torture, or cruel, inhuman or degrading treatment or punishment, may diverge from that of non-Aboriginal people. The suffering experienced by an individual, the significance that they attribute to particular conduct or a situation in detention, and their emotional response, will be determined, in part, by how their culture shapes their worldview. The Australian NPM should appreciate that Aboriginal people may experience imprisonment differently, and that the long-term impact of torture and ill-treatment can be shaped by

survivors' culture and the historic-political context of the ill-treatment (including the history of colonisation).

NPM staffing is another critical issue. OPCAT requires that States, in relation to NPMs' personnel, "shall strive for a gender balance and the adequate representation of ethnic and minority groups in the country." Murray et al found that, in some jurisdictions, "whether the NPM has members from a particular ethnic group on its membership can be crucial to its legitimacy." It is difficult to imagine an NPM without significant Aboriginal representation, including at a managerial level, achieving legitimacy among Aboriginal communities.

A joint submission to the Special Rapporteur on the Rights of Indigenous Peoples emphasised that NPM staff must include Aboriginal and/or Torres Strait Islander representation across genders and disciplines, and include people with lived experience of detention, and that NPMs must be culturally safe workplaces for Aboriginal and Torres Strait Islander people. In my report, I recommended that an NPM be comprised of Aboriginal staff across disciplines, as this would assist in ensuring that all aspects of detention are viewed through both a culturally appropriate lens and an expert lens.

Including staff or consultants with lived experience accords with the principle that the detainee's experience of detention is central to the NPM's work. The Australian Human Rights Commission's report recognised that the "most effective NPM bodies will work collaboratively with… people with lived experience of the places of detention that are being inspected." To date, I am aware of NPMs including people with lived experience in relation to mental health services (such as the New Zealand Ombudsman), but unfortunately not in the prison context. Having a criminal record should not automatically exclude an Aboriginal person from participating in the work of the NPM. All that is needed is robust guidelines, recognising that the NPM's mandate involves direct contact with vulnerable people, including children and survivors of domestic violence, and access to confidential and sensitive information (including personal medical information of detainees).

In terms of inspections, NPM staff should ensure that the trauma-informed approach it employs is effective cross-culturally. This includes recognising the impact of intergenerational trauma when engaging with detained Aboriginal people. When speaking with detainees, NPM staff should recognise that the cultural implications of ill-treatment can affect survivors' ability to discuss their experiences.

While NPMs in other jurisdictions have incorporated the use of written, anonymous surveys (additional to observation and interviews) I would recommend an Australian NPM exercise caution, particularly in jurisdictions such as the NT, where many incarcerated Aboriginal people do not speak English. Instead, an NPM could use detainee focus groups to conduct information sessions, with the assistance of interpreters as needed, on its mandate and expectations/standards, in order to facilitate obtaining informed consent and to enable detainees to complete the surveys either during the session or afterwards (with the assistance of NPM staff if requested)

In light of the overrepresentation of Aboriginal people in the criminal legal system, and in detention, an Australian NPM must make targeted efforts to inform the Aboriginal community of findings and recommendations from inspections, beyond a general dissemination strategy for the public. This is essential not only for promoting the work of the NPM and facilitating the accountability of both the NPM and the detaining authorities to the Aboriginal community, but also to adopting an inclusive and culturally appropriate approach to OPCAT implementation. If the NPM were to not prioritise ensuring that Aboriginal people have access to the same information as non-Aboriginal people, its approach would effectively amount to exclusion, perpetuating Aboriginal people's marginalisation and disempowerment in a criminal legal system that disproportionately impacts on their lives and communities.

Aboriginal and Torres Strait Islander people, the most incarcerated people in the world, are at risk of missing out on the protections afforded by proper implementation of OPCAT. If the Australian NPM member bodies are not culturally appropriate for detained Aboriginal people, then Aboriginal people will be left behind, and the opportunity to prevent their death, torture and cruel, inhuman and degrading treatment or punishment will pass us by.

The Importance of Being Responsive to the Unique Needs and Circumstances of Indigenous Peoples in Custody, in Providing Prison Oversight and Monitoring in New South Wales

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In December 2017, Australia ratified the Optional Protocol to the Convention against Torture (OPCAT), which aims to prevent torture and cruel, inhumane, or degrading treatment or punishment. Under OPCAT, independent National Preventive Mechanisms (NPM) conduct inspections of all places of detention and closed environments.

The Inspector of Custodial Services (ICS) provides independent scrutiny of the conditions, treatment and outcomes for adults and young people in custody in NSW. The *Inspector of Custodial Services Act 2012* (NSW) ('the Act') outlines the functions of the Inspector and provides that the Inspector must inspect each custodial centre once every

five years, and every youth justice centre once every three years. The Inspector must report directly to the NSW Parliament the findings of each inspection.

The Act also provides that the Inspector oversees the Official Visitor Program in accordance with the *Crimes (Administration of Sentences) Act 1999* and the *Children (Detention Centres) Act 1987*. Official Visitors are independent community members who come from a range of backgrounds. They are appointed to visit adult and youth custodial centres on a regular basis to hear and resolve complaints from adults and young people and monitor conditions in custody. The Official Visitor Program in NSW is the largest in Australia with 97 Official Visitor appointments to 36 correctional centres, six youth justice centres, two residential facilities, one community offender support program and 11 24-hour court cell complexes. These custodial facilities are located across rural, regional and metropolitan NSW.

The overrepresentation of Aboriginal and Torres Strait Islander people in custody is a matter of long-standing and justified concern. There are many layers of disadvantage that contribute to this disproportionate representation. The Australian Law Reform Commission's *Pathways to Justice—An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* report (2017) listed some of these layers of disadvantage as: lack of employment opportunities and educational attainment; poor mental health; physical disability; cognitive disability and substance abuse; harmful use of alcohol; homelessness, inadequate housing and overcrowding; family violence; and intergenerational trauma. Just over 30 years ago the 1991 Royal Commission into Aboriginal Deaths in Custody (RCIADIC) final report similarly listed the following factors as contributing to the disproportionate representation of Aboriginal and Torres Strait Islanders in prison: the economic position of Aboriginal and Torres Strait Islander people; poor health; poor housing; access or non-access to an economic base including land and employment, poor rates of education; the part played by alcohol and other drugs—and its effects (vol. 1, 1.3.6).

Recent figures from the Australian Bureau of Statistics and the NSW Bureau of Crime Statistics and Research indicate that Aboriginal and Torres Strait Islander people comprise a quarter of the NSW prison population. Moreover, approximately a third of women in custody (32.1%) identify as Aboriginal or Torres Strait Islander. In addition, there are currently 73 Aboriginal young people in detention in NSW (representing 36.1% of juvenile detention population).

The ICS aims to provide culturally safe and responsive oversight through two means: 1) increasing diversity in its staff, expert consultants and Official Visitors; and 2) the development of the *NSW Inspection Standards for Aboriginal People in Custody.*

Increasing Diversity in Staff, Expert Consultants and Official Visitors

The OPCAT recognises the importance of the cultural backgrounds of staff from independent monitoring and oversight bodies being representative of people in detention. The ICS strives towards increasing diversity in its staff and Official Visitors to enable culturally safe inmate engagement on inspections. The success of Aboriginal Elders joining our inspection teams has led to the creation of an Aboriginal Inspection and Liaison Officer role. This position participates in all inspections and provides support to our growing number of Aboriginal Official Visitors.

It is also important to recognise that individual custodial centres have varying degrees of over-representation. For example a recent report by the ICS found that there is a very high percentage of Aboriginal and Torres Strait Islander people in custody at Broken Hill Correctional Centre (60%) and Tamworth Correctional Centre (67%). Moreover in some Youth Justice Centres over 80% to 85% of young people in custody are Aboriginal. It is for this reason that the ICS is determined to increase the number of Aboriginal Official Visitors in Youth Justice Centres and ensure that at least one Official Visitor in each Youth Justice centre is Aboriginal.

In recognition of the overrepresentation of Aboriginal and Torres Strait Islander people in NSW custodial centres, particular effort has been made to increase the number of Official Visitor appointments held by Aboriginal people. ICS continue to aspire to appoint an Aboriginal Official Visitor to each adult custodial facility in NSW. 21% of Official Visitor appointments for adult custodial centres are held by someone who identifies as Aboriginal, including two appointments held by Aboriginal state-wide Official Visitors, who attend adult custodial centres where there is not an Official Visitor who identifies as Aboriginal or Torres Strait Islander appointed. 58% of Official Visitor appointments in Youth Justice Centres identified as Aboriginal or Torres Strait Islander.

Aboriginal Official Visitors engage with their people in centres and improve the social and emotion wellbeing of Aboriginal peoples. They establish contact with Aboriginal people within the centres which is beneficial for overcoming the barriers of accessing the professional services within centres. Services within the system are under-used by Aboriginal people. Respectful engagement between Aboriginal Official Visitors, Aboriginal

individuals and centre staff builds trust and the potential for cultural competency initiatives to be realised. Our Aboriginal Official Visitors' lived experience and knowledge of the barriers faced in Aboriginal communities gives firsthand knowledge of the needs of Aboriginal people. This understanding acknowledges the importance of culture and cross-cultural relations. Aboriginal Official Visitors engage in effective and genuine communications in culturally appropriate and relatable terms. Trust is an important aspect of the Aboriginal Official Visitor and Aboriginal individual's connection as it demonstrates integrity and provides safety. Aboriginal Official Visitors demonstrate cultural safety by using a strengths-based approach that shows respect, honesty, and authenticity. The impact that an Aboriginal Official Visitor was having on Aboriginal young people at one centre was recently observed:

> "… the Official Visitor is helping young people feel a connection with their culture by sharing yarning stories about local family history and family members."

NSW Inspection Standards for Aboriginal People in Custody

The issues facing Aboriginal and Torres Strait Islander people in custody are of pivotal concern in ICS inspections and reports. For example, incarcerated Aboriginal and Torres Strait Islander people are a vulnerable prison sub-population in terms of health needs. In the ICS *Health services in NSW correctional facilities* report it was found that there is significant work to be done to embed culturally safe primary health care and social and emotional wellbeing services for Aboriginal and Torres Strait Islander people in NSW correctional centres. This report also found that there was an absence of Aboriginal and Torres Strait Islander health workers and registered Aboriginal and Torres Strait Islander health practitioners employed in correctional health centres. The ICS *Women on Remand* report explored the over-representation of Aboriginal and Torres Strait Islander women in custody and made a number of recommendations to improve the treatment and conditions for Aboriginal women in custody. The ICS *Programs, Employment and Education* report and the *Five Minimum Security Correctional Centres in Non-Metropolitan NSW* report also considered the availability of culturally appropriate rehabilitation services for Aboriginal inmates.

To aid our future inspection work, the ICS is developing the *NSW Inspection Standards for Aboriginal People in Custody*. These Standards are informed by international human rights standards, relevant legislation and similar standards developed by comparable jurisdictions, including:

- United Nations Declaration on the Rights of Indigenous Peoples 2007
- Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) 2015
- United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules) 2010
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1987
- Guiding Principles for Corrections in Australia 2018
- Inspection Standards for adult custodial services in NSW 2020
- NSW Youth Justice Inspection Standards 2020
- WA Inspection Standards for Aboriginal Prisoners 2008
- ACT Standards for Adult Correctional Services 2019
- Recommendations from the Royal Commission into Aboriginal Deaths in Custody 1991

These standards will be used by ICS to assess the treatment and conditions of Aboriginal and Torres Strait Islander people in custody in NSW and focus on five specific areas: Custody; Culturally Appropriate Care and Wellbeing; Rehabilitation and Preparation for Release; Resources and Systems; and Aboriginal Children and Young People. Once published, the ICS intends to review these standards regularly so that they remain relevant to the needs of Aboriginal and Torres Strait Islander inmates.

Addressing Equity and Discrimination Issues in the Delivery of our Mandate at Canada's Office of the Correctional Investigator

Office of the Correctional Investigator of Canada
Ottawa, Ontario.

As the ombudsman for federally sentenced offenders, Canada's Office of the Correctional Investigator (OCI) receives and investigates complaints brought forward by all federally incarcerated individuals. The Office works in collaboration with, but independent from, the Correctional Service of Canada (CSC) to resolve complaints and makes formal recommendations to improve conditions in federal penitentiaries. The Office has a long history of monitoring and publicly reporting on the needs and correctional outcomes of an increasingly diverse and complex prisoner population. The Office's Annual Report is the main vehicle used to publicly report findings and make informed recommendations to CSC to improve the situation of individuals behind bars. The Office has also conducted a number of systemic investigations focusing on specific segments of the incarcerated population.

What follows is a detailed description of some of the investigative and research work that the OCI has undertaken over the past few years to bring to light the challenges and barriers faced by Black and Indigenous prisoners, and importantly, the recommendations this Office has made to improve conditions for these groups.

Federally Sentenced Black Individuals

In 2013, the Office publicly released a ground-breaking study, *A Case Study of Diversity in Corrections: The Black Inmate Experience in Federal Penitentiaries*, examining the experiences and correctional outcomes of Black individuals under federal sentences. At the time, very little Canadian research had systematically explored the treatment of Black individuals within the criminal justice system and even less so on their experiences in correctional facilities. This was primarily because of the lack of or limited access to data. Interviews were conducted with over seventy Black individuals serving a federal sentence as well as with members of institutional Black Inmate Committees. The study highlighted the overrepresentation of Black individuals in federal penitentiaries where they

accounted for 9.5% of the total prison population, while representing less than 3% of the Canadian population at the time. The report also noted that Black individuals were over-represented in maximum security and segregation, incurred a disproportionate number of institutional charges and were more likely to be involved in incidents of use of force. The Office also highlighted that discriminatory behaviour and prejudicial attitudes by some CSC staff were also reported as common experiences for many incarcerated Black individuals. The report included a focus on Black women identifying gaps and challenges specific to this group. Based on the findings from this investigation, the Office made two principal recommendations to CSC, which included the need to develop a National Diversity Awareness Training Plan and to establish an Ethnicity Liaison Officer at each institution.

Following the release of the report, OCI Investigators continued to meet and discuss issues with Black Inmate Committee members and Black individuals across the country bringing issues and challenges forward to senior CSC staff working at federal penitentiaries. The Office updated its work on Black individuals in federal custody in its 2016-17 Annual Report where it noted that while CSC's response to the 2013 report was positive overall, very little had changed for Black people in federal custody. As a group, Black inmates continued to have poorer outcomes on many important correctional indicators (See OCI, 2017).

In October 2016, the United Nations (UN) Working Group of Experts on People of African Descent visited Canada to observe the human rights situation of African-Canadians. It was the first time in three years that Canada had received a thematic UN Special Procedures mandate holder. As part of its fact-finding mission, the Office presented the findings from its 2013 case study on the Black inmate experience to the Working Group. The OCI's presentation was important, as it was one of very few in the criminal justice field that focused specifically on the experiences of Black Canadians, rather than the more generic and general category of *visible minorities*. As noted by the UN Working Group, visible minorities are not a homogeneous group, underscoring the importance of examining the experiences of specific groups separately. Upon the conclusion of its visit, the United Nations Working Group of Experts on People of African Descent issued its findings and recommendations, many of which mirrored those made by the Office.

In 2017-18, the Office publicly reported on offender complaints received by the OCI concerning discrimination, harassment, CSC staff interactions and use of force. Complaints to the OCI concerning CSC staff interactions and discrimination have steadily increased

since 2015. Although Black inmates represented just 8% of the total inmate population at the time of this analysis, this group accounted for 37% of all discrimination complaints to the OCI between 2008 and 2018. This analysis continues to inform the work of our Office, particularly with respect to discussions with Black Inmate Committees and CSC staff at institutions.

More recently, in its 2019-2020 Annual Report, the OCI committed to conduct an investigation on uses of force involving incarcerated Black, Indigenous, people of colour and other vulnerable populations. In the coming months, several recommendations will be made to urge CSC to examine its use-of-force policies and practices with specific attention to Black and Indigenous peoples, as well as other vulnerable groups, who are disproportionately and most negatively affected. Finally, an updated review of Black individuals in federal custody will be conducted during 2021-22, which will include a statistical analysis of correctional outcomes as well as interviews with Black individuals and Black inmate committees.

The OCI continues to monitor the situation of Black Canadians in federal custody and encourage the Government of Canada (specifically, CSC) to move forward on recommendations that would ensure that Black Canadians in custody are adequately prepared and supported for release.

Federally Sentenced Indigenous Individuals

Of the six priority areas identified by the Office, issues affecting federally sentenced Indigenous individuals is a key concern and focus. Investigating individual cases as well as systemic issues that have an impact on First Nations, Métis, and Inuit men, women, and two-spirited individuals is part of the daily work of the OCI. The Office receives and investigates complaints brought forward by Indigenous individuals housed in federal institutions, including those from Healing Lodges operated by CSC as well as those run by community-based Indigenous organizations. Our Office has a dedicated Indigenous Champion[1] who works primarily with incarcerated Indigenous persons as well as with institutional Elders, Indigenous Liaison Officers, and staff. She is a source of knowledge to the Office on issues affecting Indigenous peoples in the criminal justice system. Furthermore, the Office has a portfolio lead who is responsible for the systemic work of the Office on matters concerning Indigenous peoples in federal corrections. All investigators from the Office meet with Indigenous individuals on a regular basis, and with

[1] See Hazel Miron's article at the beginning of this newsletter.

Indigenous inmate committees to hear communal concerns that have an impact on this population.

In addition to its daily and regular activities, the OCI's Annual Report includes a chapter or section dedicated to raising national concerns, highlighting cases, and issuing recommendations specifically on Indigenous corrections. The Office's public reporting on Indigenous peoples behind bars has served to bring attention to issues that would otherwise likely go unacknowledged and unaddressed. For example, in January 2020, our Office published a news release when the proportion of federally incarcerated Indigenous individuals reached an all-time high of 30%. This news release received national media attention and prompted much-needed discussion between our office, community organizations, and government departments on how to address the ever-growing concern of the overrepresentation of Indigenous peoples in federal custody.

Indigenous corrections has been a long-standing priority area for the Office. Notably, in 2013, the Office released a special report titled *Spirit Matters: Aboriginal Peoples and the Corrections and Conditional Release Act*. Essentially, this was a 20-year progress report on the treatment of Indigenous peoples in federal corrections since the implementation of the *Corrections and Conditional Release Act*. The review served to highlight numerous areas in which the correctional system continued (and in many ways, continues to this day) to perpetuate the conditions of disadvantage for Indigenous peoples in Canada. This report continues to be cited and relied upon by legal and policy experts, practitioners, academics, and advocacy workers to raise awareness on the gaps and challenges that persist in this area.

More recently, the Office has taken on an increasingly prominent role in informing the work of commissions and inquiries seeking to improve conditions for Indigenous peoples in the justice system. The Office has contributed to commissions, studies, inquiries, and the formulation of recommendations for the *Truth and Reconciliation Commission*, *National Inquiry into Missing and Murdered Indigenous Women and Girls* (MMIWG), and a number of government and parliamentary studies on issues impacting federally sentenced Indigenous peoples (See, for example, Standing Committee on Public Safety and National Security, June 2018 and Standing Committee on the Status of Women, June 2018).

For example, in 2018, the OCI participated in formal consultations with Commissioners for the National Inquiry into MMIWG to discuss matters of relevance to their respective mandates. In their final report, the Inquiry called for the full

implementation of the Office's recommendations for Indigenous corrections. Furthermore, a number of the Office's past recommendations were directly used in the MMIWG's *Calls for Justice*. In June 2021, one of the key recommendations the OCI formally issued in numerous Annual Reports (i.e., the need for a Deputy Commissioner of Indigenous Corrections) was included in the government's action plan to address recommendations by the MMIWG final report. The inclusion of this action-item, along with the need for more education, training, and services for incarcerated Indigenous women, girls, and gender-diverse persons was a significant and promising step, and can be attributed in part to the involvement of this Office in the initial inquiry, and the broader work and recommendations issued by this Office.

Over the last year, in addition to raising awareness regarding the over-representation of Indigenous peoples in federal custody in general, our Office has undertaken work to identify, investigate, report, and issue recommendations to address systemic concerns that disproportionately affect Indigenous peoples. For example, as described in the previous section, the OCI will report on the systemic investigation into the use of force with Indigenous people (as well as Black individuals, people of colour, and other vulnerable populations) in federal prisons. This investigation will also include an analysis on how force is applied to Indigenous women, and will issue a number of recommendations on reducing bias in the application of force to these groups. In addition, the OCI will conduct a larger examination of women's corrections and how the correctional system must better address the specific and unique needs of Indigenous women in federal prisons.

Systemic investigations into Indigenous programs and release mechanisms along the correctional "continuum of care" are currently underway for the coming year. These will serve to further advance knowledge and encourage the sorts of changes needed to improve the situation for Indigenous peoples who are serving federal sentences.

Ensuring the legal and humane treatment of individuals under federal custody is central to the mandate of the OCI. Championing anti-racism through our organizational philosophy and daily activities is, therefore, fundamental to the work we do investigating and challenging policies and practices that serve to perpetuate prejudice or the systemic oppression of specific groups. As evidenced by the examples provided above, the Office has made a significant contribution, over several years, to highlighting gaps in policy as well as the barriers faced by vulnerable populations behind bars. The Office has also made a number of important recommendations with respect to Black and Indigenous individuals,

and will continue to monitor and report publicly on the needs and experiences of these populations.

Resources

Dr. Anita Mackay recently published a book about OPCAT implementation in Australia titled, *Towards Human Rights Compliance in Australian Prisons*, with a foreword by Sir Malcolm Evans. It has been published online and is available for free download, therefore it might be a useful and accessible resource for members of the Expert Network.

The **Workplace Institute** is offering investigations training and consulting services to public and private sector agencies. Some of these courses are brand new, others cover fundamental investigative building blocks. They have also developed in depth courses on P.E.A.C.E. interviewing, report writing and several other topics. All the courses are delivered online.

Dr. Sharon Shalev, Research Associate at the Centre for Criminology, University of Oxford, invites you to participate in the "Mapping Solitary Confinement Project."

> This project's key aim is to paint a picture of why, when and how people can be housed in solitary confinement (sometimes called 'segregation' or 'separation') in different countries, and what their day looks like. The project also seeks to gather and exchange good practice examples, and to help inform reform efforts.
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> The questionnaire covers many aspects of solitary confinement (defined as 22+ hours a day in cell). Not all of the information would be available, but please include as much as you can. Please email me any sensitive or confidential information, and any reports, data sets etc.

We hope that you will lend your support to this important initiative by participating in the online survey or by filling out the offline form, which you can submit directly to Dr. Shalev at: Sharon.Shalev@solitaryconfinement.org

Click here to participate in the ONLINE survey
Click here to participate OFFLINE by filling out a Word version of the survey