



Issue 11

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Adapting Standards of Best Practice to Local Contexts through Prison Oversight



NETWORKS

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EXTERNAL PRISON OVERSIGHT AND
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The Expert Network on External Prison Oversight and Human Rights is committed to bringing together various agencies responsible for external prison oversight to share information and exchange best practices and lessons learned.

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Welcome Message from the Chair



Dear Members,

I am very proud to publish the 11th issue of our Network Newsletter, which explores how standards of best practice can be adapted to local contexts through the work of prison oversight. This very informative newsletter required a great deal of collaboration and effort. A special thank you to Emad Talisman and his co-editor, Steven Caruana, for their ongoing support and dedication. I would also like to thank the following authors for their excellent contributions to this issue:

- **Andreea Lachs**, *Detention Monitoring and Policy Advisor*, Office of the Inspector of Correctional Services, Australian Capital Territory.
- **Rebecca Minty**, *Inspector of Correctional Services*, Australian Capital Territory.
- **Belinda Chamley**, *Senior Inspection Officer*, Office of the Custodial Inspector, Tasmania.
- **Mark Huber**, *Director*, Office of the Tasmanian National Preventative Mechanism.
- **Neil Morgan**, *Emeritus Professor*, University of Western Australia.
- **Janis Adair**, *Chief Inspector*, Office of the Inspectorate, New Zealand.
- **Charlie Taylor**, *Her Majesty's Chief Inspector of Prisons*, England and Wales.
- **Howard Sapers**, *Visiting Professor*, University of Ottawa, Canada.

Adapting standards is something that all prison oversight mechanisms must do to promote human rights compliance in their respective jurisdictions. Most of my Office's work (i.e., Canada's Office of the Correctional Investigator) is informed by domestic legislation, which reflects our international human rights obligations. Occasionally, we are reminded of those international obligations.

Recently, I was asked to appear before the UN Working Group on Arbitrary Detention, which visited Canada to "assess the situation regarding deprivation of

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liberty.” There are relatively few flagrant or pervasive human rights violations in Canada. Instances of torture, cruel and unusual punishment, solitary confinement, or unlawful detention are rare. However, as with any privileged and well-resourced democracy, we shouldn’t focus entirely on obvious examples of arbitrary detention and deprivation. We must also look closely at how states perform on implementing best practices such as the *positive* obligation to provide rehabilitative programming and services, including tailored programs for marginalized and racialized groups. When a correctional system fails to fulfill its rehabilitative mandate, prisoners end up spending longer periods behind bars and this can contribute to higher rates of recidivism. Moreover, uneven access to programs and services for marginalized and racialized groups can produce differential outcomes while perpetuating systemic issues well beyond the prison.

In Canada, my Office has documented several segments of the penitentiary population who serve more time behind bars because the prison administration fails to fulfill positive rehabilitative obligations. Correctional outcomes for Indigenous and Black prisoners are dreadful. These individuals serve significantly more time in prison than others. Those with serious mental health issues also fare poorly in prison and are also released later in their sentence. Far too many aging prisoners and those nearing the end of life are incarcerated beyond parole ineligibility periods when they could be safely managed in the community instead.

All to say that for states that benefit from economic, political, and social stability, a higher threshold of performance is expected and a focus on compliance with positive human rights obligations must be the central preoccupation. Access to rehabilitative programming, mental health services, education and vocational training, and a supportive system of community corrections must all be closely scrutinized. Failure to do so can result in unnecessary or arbitrary incarceration, which is especially concerning when certain segments of the prison population experience adverse outcomes in greater degrees.

Featured Jurisdiction for the Current Issue

Between 2018 and March 2020, we always dedicated a section of our newsletters to the work of oversight within a particular country or jurisdiction. Past “Featured Jurisdictions” have included [Canada](#) (October 2018), [Australia](#) (March 2019), [Argentina](#) (September 2019), and the [Maldives](#) (March 2020). I am delighted to share that we have resumed this segment with a **special feature on a model of correctional oversight employed by three US states: New York, Pennsylvania, and Illinois**. For making this possible, we extend our gratitude to **Aidan King**, Project Coordinator for the collaboration

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among John Howard Association of Illinois, Pennsylvania Prison Society, and Correctional Association of New York.

A Special Thanks to a Friend and Network Member

Finally, I would like to take this opportunity to extend my gratitude on behalf of the network to Barbara Bernath, who will be [stepping down as Secretary General of the Association for the Prevention of Torture \(APT\) in August](#). Barbara has been at the helm of APT for 27 years. Barbara's leadership has been instrumental in guiding the APT through numerous challenges and successes, and her unwavering commitment to prohibiting the torture and ill-treatment of people in detention has left an indelible mark. It was a pleasure to join Barbara alongside Howard Sapers and Mark Kelly during our panel discussion at the ICPA annual conference in Antwerp last fall. Barbara's insights really helped to broaden our understanding of best practices in detention monitoring and oversight.



From left to right: Ivan Zinger, Barbara Bernath, Howard Sapers, and Mark Kelly

While we say goodbye to a generation of dedicated champions in the field of prison oversight, it is encouraging and reassuring to see a new cohort of leaders stepping up to carry the baton. This brings me great hope for the future.

Sincerely,

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

Don't Bench the Benchmark – Developing Detention Monitoring Standards to Make International Human Rights Locally Relevant



Rebecca Minty, *Inspector of Correctional Services*, Australian Capital Territory

Andreea Lachs, *Detention Monitoring and Policy Advisor*, Office of the Inspector of Correctional Services, Australian Capital Territory

We wish to acknowledge the Ngunnawal people as traditional custodians of the land on which we work, and pay our respects to Elders past and present. We also recognise any other people or families with connection to the lands of the Australian Capital Territory and region.

Introduction: Centering Human Rights Through Preventive Detention Monitoring

Detention monitoring standards are a vital tool for detention monitoring bodies working to uphold human rights of detained people and prevent ill-treatment, particularly for those bodies that are designated as National Preventive Mechanisms (NPMs) under the *Optional Protocol to the Convention Against Torture (OPCAT)*. The functions of an NPM are more expansive than checking off a list for compliance with international human rights standards. Rather, NPMs must assess conditions and treatment with a view to making recommendations designed to proactively prevent ill-treatment in detention.

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The European Court of Human Rights frequently refers to standards developed by monitoring bodies such as the European Committee for the Prevention of Torture (CPT). In [Mursic v Croatia](#), the Court observed that the

thrust of [preventive detention monitoring] activity is pre-emptive action aimed at prevention, which, by its very nature, aims at a degree of protection that is greater than that upheld by the Court when deciding cases concerning conditions of detention.

In other words, a preventive lens allows a more expansive approach than retrospective rights adjudication. Thus, in developing inspection standards, monitoring bodies should draw from human rights standards and adapt them to the local context to make them meaningful.

Nevertheless, tailoring standards to local contexts must be distinguished from departing from human rights standards altogether, due to arguments such as insufficient financial or human resourcing. For example, in its recent report to the Australian Government, the [UN Subcommittee on Prevention of Torture](#) recommended that the Government ‘provide all the human and financial resources necessary to ensure that treatment of detainees corresponds to international standards, including those established in the Nelson Mandela Rules’, having found that understaffing was impacting on detained people’s rights.

Standards should be living documents, allowing for updates reflecting changes in international human rights law and the prevention of ill-treatment. For example, in 2015, the original 1955 version of the [UN Standard Minimum Rules for the Treatment of Prisoners](#) was expanded and renamed the [Mandela Rules](#). A key change is that the use of solitary confinement is now prohibited for incarcerated people ‘with mental or physical disabilities when their conditions would be exacerbated by such measures.’ Developments in medical research should also be reflected in monitoring standards (e.g., while solitary confinement was [once thought to be beneficial, enabling people to ‘engage in inner reflection’](#), its [harms are now well-established](#)), as should technological advancements (e.g., [using technology like scanners rather than conducting strip searches](#)). A ‘living document’ approach also allows for updates to reflect the views of people with lived experience of incarceration (including locally) and learnings from detention monitoring visits.

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The Australian Capital Territory (ACT) [Office of the Inspector of Correctional Services \(OICS\)](#) has developed standards for adult and youth detention, and specific expectations on isolation of children and young people. This article will consider OICS' experience to date in developing and utilising standards in its work, and focuses on the development of expectations for isolation of children in detention as an example.

Background: The Australian Capital Territory Context

The ACT is a city-state with a population of 470,000. There is one adult jail with 424 beds and one youth detention facility with 40 beds, that is currently staffed for utilisation of up to 21 beds. Both detention facilities accommodate both remand and sentenced people, of all genders, subject to both protection and mainstream regimes, and under varied security classifications.

OICS was established through the passage of the [Inspector of Correctional Services Act 2017 \(ACT\)](#) to provide independent oversight of adult corrections and youth justice facilities through conducting whole of correctional centre / youth justice centre reviews, thematic reviews, and critical incident reviews. The [Explanatory Statement to the ICS Act](#) refers to OPCAT and preventive monitoring, and in 2020 [OICS was designated as part of the Australian National Preventive Mechanism for the ACT](#), along with the ACT Ombudsman and ACT Human Rights Commission.

OICS developed standards for [adult detention in 2018](#), and interim youth justice standards in 2019. These documents drew on more established custodial inspectorates' standards, including those of the Western Australian Inspector of Custodial Services,¹ but with some amendments reflecting the significant differences between the jurisdictions. In 2023, OICS expanded on these standards in a stand-alone document setting out [Expectations regarding isolation of children and young people in detention](#), and in April 2024 [released updated youth detention standards](#). OICS engages expert contractors during reviews to bring in additional professional² and lived³ experiences. To assist in the

¹ Of note, the WA Inspector of Custodial Services also updates their own standards, reflecting the best practice of revisiting standards as a core monitoring body function (e.g., see [Revised Code of Inspection Standards for Adult Custodial Services](#)).

² See, e.g., Inclusion on the team of a contracted public health physician for the [NPM Pilot Visit/Thematic Review on Isolation of children and young people at Bimberi Youth Justice Centre](#).

³ See, e.g., Inclusion on the team of a contractor with lived experience of disability for [the Healthy Centre Review of Bimberi Youth Justice Centre](#).

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practical application of standards during reviews, OICS has prepared aide-mémoires as a prompter for staff and contractors looking at particular topics.

The ACT was the first Australian jurisdiction to legislate civil and political rights, and its [human rights legislation](#) includes key rights relevant to detained people, such as the prohibition of torture and cruel, inhuman or degrading treatment or punishment, the right to humane treatment when deprived of liberty, the rights of children in detention, and cultural rights of Aboriginal and Torres Strait Islander people and other minorities. Detaining authorities are ‘public authorities’ under the *Human Rights Act 2004* (ACT). They are required to act and make decisions in accordance with protected rights and give proper consideration to human rights when making decisions. Having human rights protection in local law supports OICS’ human-rights based approach to detention monitoring and adds further weight to the relevance of rights-based monitoring standards.

What do we Mean When we Say, “Adapting International Human Rights to the Local Context?”

A concrete example of the need to adapt international human rights to the local context arises where a marginalised, racialised group is overrepresented in a particular place of detention. In the ACT (and nationally), Aboriginal and/or Torres Strait Islander people are grossly overrepresented: in 2023 [27.2% of incarcerated adults in the ACT were Aboriginal](#), yet they comprise approximately [2.2% of the general ACT population](#). According to the 2023 [Report on Government Services](#), in the ACT, an Aboriginal person is currently 24.6 times more likely to be in prison than a non-Aboriginal person, which has increased from 21 times more likely a year earlier (the average across Australia is 17.4).

In order for international standards to achieve the intended protections, their adoption locally must be tailored to reflect the unique experiences and needs of Aboriginal and/or Torres Strait Islander people. For example, when developing expectations for healthcare in detention, Australian monitoring bodies should include an expectation that the healthcare provided is culturally appropriate.⁴ In developing local, culturally appropriate standards, monitoring bodies should seek input from Aboriginal experts (across relevant disciplines) and Aboriginal Community Controlled Organisations.

⁴ See, e.g., [Australian Health Practitioner and Regulation Agency](#)’s definition: “Cultural safety is determined by Aboriginal and Torres Strait Islander individuals, families and communities. Culturally safe practice is the ongoing critical reflection of health practitioner knowledge, skills, attitudes, practising behaviours and power differentials in delivering safe, accessible and responsive healthcare free of racism.”

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Identifying risks of ill-treatment of detained Aboriginal and/or Torres Strait Islander people requires an appropriate analysis of evidence, and a monitoring body would benefit from having an Aboriginal and/or Torres Strait Islander person on the visiting team. In fact, [OICS' legislation provides for this explicitly](#): 'if a review relates to Aboriginal or Torres Strait Islander detainees, it may be appropriate to consult with Aboriginal and Torres Strait Islander representatives', and OICS has included Aboriginal contractors on previous reviews.⁵

Case Study – Don't Develop your Standards in Isolation

Why Develop the Isolation Expectations when OICS had Already Developed General Detention Standards?

In preparing for the 2023 [NPM Pilot Visit/Thematic Review on Isolation of children and young people at Bimberi Youth Justice Centre](#), OICS prepared specific, detailed expectations focused on isolation of children and young people. While OICS had previously published general Interim Standards for Youth Detention Places (the updated version was subsequently released in April 2024) these were broad, covering all aspects of detention.

Isolation can take various forms, and in the ACT may include solitary confinement, segregation (on safety and security, protective custody or health grounds), practices intended to be short term for 'behavioural' reasons (e.g., 're-sets' or 'time-outs'), lack of meaningful human contact, as well as cumulative isolation from different types of custody (e.g., as children are transferred between police custody to youth detention to court cells). These different aspects are difficult to capture and assess in a broader comprehensive set of standards. Furthermore, there was a necessary emphasis on a multidisciplinary approach, particularly from a clinical and child and adolescent development perspective. In doing background research to prepare for the visit, it became apparent that distilling key principles specific to isolation would assist the review (and could hopefully be a resource for others). That is how the idea for a specific set of *Expectations* came about.

What does Tailoring International Human Rights Law to the Local Context Look Like?

A particularly relevant local context consideration for the review of isolation of children and young people was the small size of the detention centre. We wanted to ensure

⁵ See, e.g., the input from Deadly Connections Community & Justice Services as part of the 2022 Healthy Prison Review: ACT Inspector of Correctional Services (2022) [Healthy Centre Review of Bimberi Youth Justice Centre](#).

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that we did not apply international human rights standards uncritically or in a siloed fashion, which could lead to breaches of other standards (noting that strict separation of remand and sentenced children and young people,⁶ or girls and boys,⁷ might lead to de-facto isolation or even solitary confinement in instances where numbers of detained young people at a place of detention were very low). In developing the [Isolation Expectations](#), conducting the review, and making recommendations to detaining authorities, OICS wanted to avoid unintended, harmful consequences for detained children and young people.

A challenge in developing the Isolation Expectations was the fact that much of the available international and national guidance focuses on only one form of isolation - solitary confinement ([confinement for 22 hours or more a day without meaningful human contact](#)). However, isolation that does not amount to solitary confinement may still have a significant harmful impact on a child or young person. Furthermore, it may not always be possible to anticipate (for both monitoring bodies and detaining authorities) when an act of isolation will ultimately progress to solitary confinement. It is also important to centre the experiences of children when exercising the NPM mandate (in adopting a more expansive approach to preventing or minimising the harms of isolation of children and young people). This is reflected in Expectations that, in some cases, surpass minimum international human rights standards, for example, an explicit prohibition on solitary confinement of children and young people.⁸

⁶ See Article 17 [United Nations Rules for the Protection of Juveniles Deprived of their Liberty](#). E.g., In [Bimberi Youth Justice Facility in 2022-2023](#), on an average day there were 14.9 unsentenced children and 8.4 sentenced children, a rate of around 64% (noting that children may then also be separated as a result of their [placement](#) or [security classification](#)). As a small jurisdiction with relatively few young people in detention, data and extrapolating trends or patterns should be considered with some caution. At the time of writing, the remand rate had been consistently much higher, fluctuating at around 80%.

⁷ E.g., In [Bimberi Youth Justice Facility in 2021-2022](#), there was an average of 8 children in detention per day, where 13 of 34 young people detained in Q1 were girls, and 8 of 28 were girls in Q2). OICS' experience has been that it is not uncommon for there to be only one girl in detention at a time.

⁸ E.g., Expectation 2.1: 'Solitary confinement of children and young people is prohibited. While this prohibition applies to all children and young people, particular attention is paid to children and young people with intellectual or physical disabilities and/or mental health conditions, noting that inadequate healthcare provision is not a justification to subject children and young people to solitary confinement. While solitary confinement of children and young people for any period of time is prohibited, the prohibition on prolonged and indefinite solitary confinement is particularly noted.'

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How were Tailored, Evidence-Based Isolation Expectations Developed?

In developing the Isolation Expectations, OICS adapted a number of solitary confinement standards and best practice principles and conducted extensive research on isolation and solitary confinement. Sources used included ‘hard’ and ‘soft’ law international human rights instruments, positions of UN bodies,⁹ guidance from the International Committee of the Red Cross and regional bodies,¹⁰ standards and reports of NPMs in other countries and monitoring and inspecting bodies across Australia, and views of international non-government organisations¹¹ and academics. Given the mental and physical health impacts of isolation, we also drew on insights from medical and health professionals.¹² Finally, we sought feedback on draft versions of the Expectations from international and domestic experts.

Of note, although preparation for the visit included a detailed assessment of relevant existing ACT legislation, policies and procedures, these were not determinative of the content of the OICS Isolation Expectations. Rather, reviewing these sources was a component of background research conducted in advance of the site visit.

How were the Isolation Expectations Used?

The Expectations were used in developing material to support OICS’ on-site inspection, including aide-mémoires, in-person interview questions for detained children and young people, online staff survey questions, recommendations and report writing.

A learning gleaned from this review process was that adapting international human rights to a local context refers not only to tailoring standards to the geographical location; it also refers to a point in time. It provided the opportunity to test whether the Expectations adequately considered the potential ongoing impact of the COVID-19

⁹ E.g., concluding observations, individual communications from United Nations Treaty Bodies, general comments and views.

¹⁰ E.g., Council of Europe’s European Prison Rules, the European Committee on Prevention of Torture’s reports, African Commission of Human Rights and Peoples’ Rights, and the Inter-American Commission on Human Rights guidelines and principles.

¹¹ E.g., DIGNITY and Penal Reform International.

¹² E.g., the International Council of Prison Medical Services, World Medical Association, World Health Organisation, and the American Public Health Association.

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pandemic on the human rights of children and young people in detention. Ultimately, it prompted some recalibration in the Expectations as noted below.

When OICS commenced the onsite component of the review in June 2023 we did not anticipate the extent of the lingering impacts of the COVID-19 pandemic on detention practices. We were surprised to find that *all* children and young people were still being required to undergo health isolation on admission to detention for a period of 6-7 days, ostensibly to prevent the spread of COVID-19. At this time, there were no COVID-19 restrictions in the ACT community, not even a requirement to isolate at home if COVID-19 positive. Notably, all restrictions previously placed on the detention centre by the ACT Chief Health Officer had been removed months earlier. We conducted contemporaneous research about the current risk posed by the virus in the community and in detention settings, and current COVID-19 risk mitigation measures in comparative jurisdictions. This was in order to ascertain if the limitations on children and young people's rights resulting from health isolation was proportionate to the current risk posed by the virus. This was necessary to assess whether the requirement, as set out in the Expectations, to use isolation as a last resort and for the shortest time possible was being met. The review team (that included a custodial health physician) determined that the isolation measures were no longer proportionate to the risk posed by COVID-19 and could not be justified due to the deleterious impact on children. Urgent recommendations were made, which fortunately precipitated a timely change in practices. These changes included removing the mandatory 6-7 days of health isolation on admission and replacing it with a policy that children and young people could cease isolation once they tested negative on a Rapid Antigen Test upon admission.

During our visit, we also found that when children were undergoing the mandatory COVID-19 health segregation, staff utilised PPE, including a mask and face shield. Initial health examinations by nurses on induction were conducted in full PPE including gowns, masks, face shields, gloves, and hair protection. This was at a time when no requirements for masks or social distancing remained in the community. PPE is an essential tool to prevent the spread of disease, depending on current risks. However, it can also be a barrier to building connections and rapport for children. It is important that the use of PPE be necessary, proportionate and trauma informed, particularly given that admission to custody can be a particularly difficult time. Following our visit findings, OICS developed a more detailed expectation with regards to a trauma-informed approach to PPE use:

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Expectation 7.2(2): Staff use of PPE during engagements with children and young people, including for those segregated for health reasons related to infectious diseases, is proportionate to the risk. This is particularly noting the impact using Personal Protective Equipment (PPE) can have on the quality of the experience (and level of trauma), communication, building trust and rapport, and the stigma for the child or young person.

Before the pandemic, the need for standards to cover the use of PPE (or at least, this level of specificity) may not have been self-evident. However, in a post-COVID-19 world, we much more readily understand the need for guidance to ensure restrictions do not limit human rights more than absolutely necessary.

Conclusion

Developing standards is an opportunity for detention monitoring bodies to tailor international human rights law to the local context. Relevant contextual factors include the geographic location, the risks posed at a particular point in time, and the demographic of the detained population and broader community (e.g., where Aboriginal and/or Torres Strait Islander people are disproportionately represented). The thoughtful and careful process of customisation must not be conflated with (nor used as an excuse for) a departure from minimum protections under human rights standards. Rather, it should manifest as a process by which human rights are made relevant to detained people in a local setting (i.e., achieving concrete outcomes on the ground), in accordance with the broader preventive approach envisaged by OPCAT. Customisation is the way to 'operationalise' international human rights standards. This creates an effective tool to positively influence detention practices.

Adapting Prison Oversight Standards of Best Practice to Local Contexts: Tasmania's Experience



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Australia's National Preventative Mechanism

Australia ratified OPCAT in 2017. Reflecting Australia's federation, each state and territory, and the Commonwealth, maintains jurisdiction and control over different places where people are deprived of their liberty. Therefore, each Australian government will implement Australia's National Preventive Mechanism (NPM) obligations separately, independently deciding on an approach for their jurisdiction.

Tasmania's National Preventive Mechanism

Tasmania's journey to OPCAT compliance has involved the development of the *OPCAT Implementation Act 2021* and appointment of Tasmania's NPM. The next step in this journey will be the establishment of the NPM office. Recognising that more information was needed to determine the best NPM framework for Tasmania, the Implementation of the Tasmanian National Preventive Mechanism project ran from September 2022 to

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September 2023. One of the milestones of this project was the development of draft Expectations for places of deprivation of liberty.

How Tasmania developed their NPM Expectations and Indicators

Developing Expectations and Indicators that reflect the local environment is not a simple task. It is not as easy as a desk-top review of current Expectations or Standards in use by an office that will be a part of your NPM network, such as Office of the Custodial Inspector, or transposing the Expectations or Standards of another NPM for your own use.

So, what steps did Tasmania take to develop their NPM Expectations and Indicators?

Take Experienced Staff Offline and/or Consider Outsourcing

As there were no staff within Tasmania who had experience with developing NPM Expectations, Tasmania engaged experts with significant subject matter expertise and career experience. Experts were principally identified through recommendations provided by stakeholders and selected on the basis of their availability and experience. The experts engaged were:

- Megan Mitchell AM, former National Children’s Commissioner, developed the ‘Expectations on the treatment of children and young people deprived of liberty’.
- Emeritus Professor Neil Morgan AM, former Inspector of Custodial Services in Western Australia, developed the ‘Expectations on the treatment of people deprived of their liberty in adult custodial centres’.

Reflecting the broad application of OPCAT, beyond custodial environments, expectations are also being created to examine the treatment of people deprived of their liberty in health and social care (consultants currently being engaged), mental health settings ([draft expectations](#)), and police and court custody ([draft expectations](#)). This included the engagement of additional subject matter experts:

- Scott Tilyard APM GAICD, former Deputy Commissioner of the Tasmania Police Service, developed the ‘Expectations on the treatment of people deprived of their liberty in police and court custody’.

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- Louise Finer, previously Head of the United Kingdom’s National Preventive Mechanism Secretariat, developed the ‘Expectations on the treatment of people deprived of their liberty under mental health law’.
- Sarah Cooke OBE, previously Chief Executive of the British Institute of Human Rights, developed the ‘Expectations on the treatment of people deprived of their liberty under mental health law’.

Lived experience and expert advice was also received regarding the treatment of people with disability deprived of their liberty in custody. Expert legal opinion was also received on the identification and application of Australia’s human rights obligations applicable to OPCAT, and related best practice.

Consult and Engage Widely, Internally and Externally

There had already been widespread consultation with stakeholders regarding the Tasmanian NPM’s scope and how to exercise its preventive mandate. This consultation process continued with the development of the draft expectations.

There was consultation with the relevant government departments responsible for the adult and youth custodial settings, as well as the custodial settings themselves. For adults that is the Department of Justice and the Tasmania Prison Service, and for youth that is the Department for Education, Children and Young People and the Ashley Youth Detention Centre. These consultations provided relevant information about settings, any related policies, process and practices, and understanding how the settings operate.

Consultation was also held with other Tasmanian stakeholders, including the Anti-Discrimination Commissioner, the Commissioner for Children and Young People, the Tasmanian Aboriginal Legal Service, the Interim Disability Commissioner, the Mental Health Council of Tasmania, and the Acting Chief Psychiatrist. Public, lived experience, and community stakeholder consultations also occurred.

Accompanied orientation visits with our consultant experts were conducted at the adult and youth custodial settings around Tasmania, police facilities, mental health facilities and other selected places. This enabled the project team and experts to view the physical settings and become familiar with the settings, and to gather relevant information to support the expectations’ development process. Attendees spoke to a variety of staff, including managers and staff on the floor, regarding policies and practices. Importantly, remanded and sentenced adults and young people were also consulted during these visits.

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People deprived of their liberty are important stakeholders for any NPM, and they must be part of the consultation process. Visits to custodial facilities included:

- Adult custodial settings:
 - Risdon Prison Complex, which includes the Southern Remand Centre;
 - Mary Hutchinson Women’s Prison;
 - Ron Barwick Prison;
 - Hobart Reception Prison; and,
 - Launceston Reception Prison.
- Youth custodial setting:
 - Ashley Youth Detention Centre.

Use Existing Expectations, but don’t just ‘Lift’ them Across

Every NPM is different. Existing Expectations from other NPMs provide a valuable guide in developing Expectations, but shouldn’t just be transposed across.

For the ‘Expectations on the treatment of people deprived of their liberty in adult custodial centres’, Tasmania made extensive use of the Expectations and Standards used in other jurisdictions. In particular, the Office of the Inspector of Custodial Services, Western Australia: *Revised Code of Inspection Standards for Adult Custodial Services* (2020). Tasmania also acknowledges the New Zealand Office of the Inspectorate *Te Tari Tirohia Inspection Standards* (2009) and HM Inspectorate of Prisons, *Expectations for men and women in prisons* (2014 and 2017). All of these NPMs are different from Tasmania in their legislation, geographical spread, number of facilities to be monitored, and the cultural and racial diversity of their populations. Therefore, these Expectations have been used to inform Tasmania’s Expectations, not directly transposed for use in Tasmania.

Tasmania’s Expectations

Tasmania’s draft Expectations were published on the Tasmanian NPM website to enable feedback from stakeholders. Feedback is still being received, and the Expectations will then be updated in response to this feedback.

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So, what did the consultant experts consider during the development of Tasmania's draft Expectations, and what do the Expectations contain?

Expectations on the Treatment of Children and Young People Deprived of their Liberty

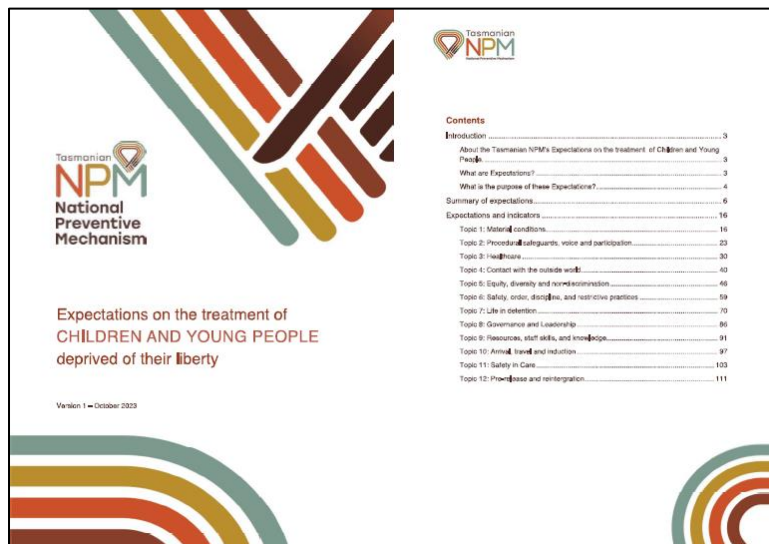
These [Expectations](#) focus on the person deprived of liberty, rather than the setting they are in. This is because the document is intended to have broad application, applicable to the many identified settings in which a child or young person may be deprived of their liberty. Depending on the nature of the setting, some expectations may not apply. Specific expectations have been developed for children and young people due to their inherent vulnerabilities and distinct developmental needs. It aims to ensure independent and objective assessments of outcomes for children, reflecting that treatment should take into account their rights, their developmental stage and vulnerability, and the care due to any child.

Where a child or young person is deprived of their liberty in a setting to which another expectations document also applies, such as in an adult custodial centre, the expectation will be that the setting complies with both documents.

The expectations were drawn up after extensive consultation and are based on and referenced against international and domestic human rights standards, including the National Principles for Child Safe Organisations. The National Principles were endorsed by all first Ministers across Commonwealth, state and territory governments in response to recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse (2012-2017). The expectations also build on existing inspection standards and, in particular, those relating to custodial inspection functions across Australia and internationally.

Each expectation theme is presented alongside summaries of the relevant human rights standards and indicators that the expectation has been met.

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Expectations on the Treatment of People Deprived of their Liberty in Adult Custodial Centres

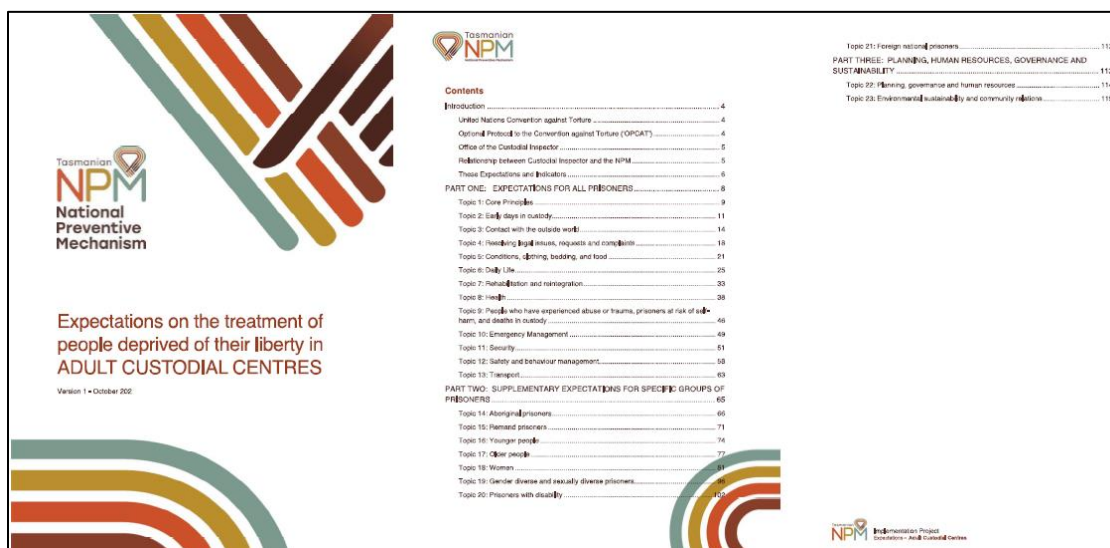
These [Expectations](#) are designed to meet the requirements of both the *Custodial Inspector Act 2016* and the *OPCAT Implementation Act 2021*. They replace the 'Inspection Standards for Adult Custodial Centres in Tasmania', issued by the Custodial Inspector in 2018. They reflect national and international instruments, including:

- *The Nelson Mandela Rules* (The United Nations Standard Minimum Rules for the Treatment of Prisoners, 2015).
- *The Bangkok Rules* (The United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, 2010).
- *Guiding Principles for Corrections in Australia* (2018 version). These Principles were developed and agreed by all Australian correctional services departments.
- *The European Prison Rules* (2020 version). The Rules apply to all 47 countries who are part of the Council of Europe.
- *The Yogyakarta Principles* (Principles on the application of international human rights law in relation to sexual orientation and gender identity, 2017 version).

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The Expectations are arranged thematically to ensure that people have easy access to specific areas and to support the Custodial Inspector's established thematic approach to inspections. There are three Parts to the Expectations:

- Part One lays out the general principles that are relevant to all persons in custody.
- Part Two provides supplementary Expectations for particular groups of people: Aboriginal people, remand prisoners, younger prisoners, older prisoners, women, LGBTQIA+ people, people with disabilities, and foreign nationals.
- Part Three covers planning, human resources, governance and sustainability.



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Future

These Expectations will soon be finalised and used for the first time. They will be updated in response to observations arising from their use by the Tasmanian NPM when examining custodial settings.

To remain contemporaneous and relevant, it is intended that the Expectations will be reviewed regularly.

Looking and Listening: The New Zealand Office of the Inspectorate's Inspection Standards – *An Ongoing Journey*



Janis Adair

Chief Inspector, New Zealand Department of Corrections

Mā te titiro me te whakarongo ka puta mai te māramatanga
“By looking and listening, we will gain insight”



The development of the Inspection Standards by the Office of the Inspectorate [*Te Tari Tirohia*] for the New Zealand Department of Corrections [*Ara Poutama Aotearoa*] has been an incremental journey as we have tested the practicality of their application, use and reporting.

The United Nations Office on Drugs and Crime publication '[Assessing compliance with the Nelson Mandela Rules – A checklist for internal inspection mechanisms](#)' (2017) sets out the crucial reasons why inspection standards are needed:

“Monitoring and inspection mechanisms shed a fresh and critical light on institutions which, by their very nature, are closed environments, and therefore require particular efforts to counter the risk of abuse... It is to contribute to a safe, secure and humane prison environment.”

Background

In 2017, the Inspectorate was significantly enhanced and moved from being primarily complaints focused to having a wider mandate, including carrying out inspections of prisons to ensure that prisoners are treated in a fair, safe, secure and humane way, and staffing was increased, both in number and skill base, to reflect the new functions. That year I was appointed as Chief Inspector.

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An ambitious programme commenced to inspect all 18 New Zealand prisons over a period of 20 months. Initially, the Inspectorate used unpublished Healthy Prison Standards to guide inspections, until the development and codifying of Inspection Standards specific to New Zealand prisons in 2019.

The Inspection Standards were informed by a wide range of international principles, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the ‘Nelson Mandela Rules’), HM Inspectorate of Prisons Expectations, and the European Prison Rules. Gender-responsive standards (for women and transgender prisoners) derive from the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (‘the Bangkok Rules’) and the Yogyakarta Principles, which were developed to complement and supplement the Nelson Mandela Rules. We also learnt much from the inspections completed by other oversight agencies, both domestically and internationally.

New Zealand’s distinctive circumstances were taken into account with the development of the Inspection Standards, in particular specific culturally responsive standards and indicators for Māori, who are over-represented in New Zealand prisons.

Between 2017 and 2019, the Inspectorate conducted 21 announced and unannounced prison inspections. This programme was then paused due to the Covid-19 pandemic and to allow for a greater focus on thematic reports, which offer Corrections valuable insights into the lived experience of prisoners across the prison network.

From 2020, the Inspectorate carried out a suite of work focusing on women in prison. This was initiated by a complaint from a lawyer representing three maximum security women prisoners at Auckland Region Women’s Corrections Facility, which led to a special investigation into the management of these women. The resulting report included adverse findings around the use of segregation and force.

Following this, the Minister of Corrections at the time directed a review of all women’s prisons. He stated: *“The corrections system and network was built to suit the needs of male prisoners. I believe we need to review the system and network to ensure we operate our women’s prisons based on the needs of female prisoners.”*

The Inspectorate broadened its scrutiny and carried out inspections at New Zealand’s three women’s prisons, and then undertook a thematic inspection of the lived experiences of women in prisons. Together, these five reports examined the challenges

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faced by women in prison and offered an opportunity for Corrections to refresh its policies, practices and procedures to make significant and lasting changes to the women's prison network.

A number of other thematic reports were conducted, which examined older prisoners, inter-prison transfers, separation and isolation, pregnant woman and those with young children, and suspected suicide and self-harm.

The [*Separation and Isolation Thematic Report: Prisoners who have been kept apart from the prison population*](#) involved inspections of all 18 prisons and found that 29% of prisoners experienced a period during which they were unable to associate with others. Similarly, for the young adult thematic inspection, which is currently being undertaken, inspectors visited all 18 prisons and interviewed more than 200 young men and women.

This thematic approach has led to insights and recommended improvements for the whole of the prison network, rather than a focus on individual sites.

The Current Situation

New Zealand currently has around 9600 prisoners in 18 prisons (including the three women's prisons and one privately managed prison), and the prison population is expected to continue increasing.

The Inspection Standards were updated in March 2023 with the addition of Leadership Standards, which apply to staff with leadership or management responsibility in a prison.

Prison inspections restarted in 2023, following the global pandemic, and five prisons have been inspected, including the Prisoners of Extreme Risk Unit which is contained within a maximum-security prison (there were also two inspections in 2021). The inspection of Manawatū Prison in 2023 was the first using the Leadership Standards.

Our Inspection Standards guide inspectors to deliver independent and objective assessments of the treatment and conditions for prisoners. During inspections and investigations, inspectors will seek to identify evidence that standards are being met. The indicators are not an exhaustive list and do not exclude other ways that a prison may achieve a standard.

Inspections completed by the Inspectorate provide a 'window into prisons', giving early warning of emerging risks and challenges, and highlighting areas of innovation and

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good practice that other prisons are encouraged to follow. Inspections play a critical part in ensuring independent oversight of the Corrections system.

The Inspection Standards require inspectors to consider 11 areas of prison life: leadership, reception and admission, first days in custody, escorts and transfers, duty of care, health, environment, good order, purposeful activity, reintegration, and prison staff.

Assessments are guided by four key principles:

- **Safety:** Prisoners are held safely.
- **Respect:** Prisoners are treated with respect for human dignity.
- **Purposeful activity:** Prisoners are able, and expect, to engage in activity that is likely to benefit them.
- **Reintegration:** Prisoners are prepared for release into the community, and helped to reduce their likelihood of reoffending.

Inspections are generally conducted by around six or seven inspectors from a specialist inspections team led by a Principal Inspector, and are supported by the Assistant Chief Inspector. I generally visit each site, pre- or post-inspection to ensure visibility and accountability.

A clinical inspector is part of each inspection to assess access to healthcare of prisoners at each site. The Inspectorate's clinical team consists of a Principal Inspector and three clinical inspectors, who are all registered nurses. As well as taking part in inspections and contributing to thematic inspections, they also respond to individual complaints and investigate deaths in custody (alongside general inspectors). This clinical input is a point of difference to many international jurisdictions.

From 2024, the Inspectorate started including a 'notable positive practice' section in its prison inspection reports. This section, which forms part of the introduction, highlights some of the positive practice our inspectors found at the prison in question. Inspectors look for innovative practices that led to improved outcomes for prisoners and which other prisons may be able to learn from. We may also highlight certain areas of practice which were 'business as usual' but where staff were performing well, or under complex or challenging circumstances.

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Additionally, the Inspectorate has moved to making overarching findings for key areas (rather than detailed findings for each section of the report). This approach means prison staff and management can see at a glance the findings we consider to be priorities. These overarching findings cover areas which we expect prison leaders, with support from the wider Department, to address in an action plan.

The Inspection Standards document is published on the [Inspectorate website](#) and key information is available in five other languages. The Inspection Standards are also printed and placed in prison libraries.

The Inspectorate takes every opportunity to promote the Inspection Standards to Corrections' staff. It is helpful for prison and management staff to be aware of and familiar with the Standards, to guide their day-to-day work rather than just assist them in being 'inspection-ready'. Our aim is for the Inspection Standards to be fully embedded in the working knowledge of custodial and health staff.

As Chief Inspector, I engage with Corrections' site and national leadership to share information and to promote further transparency, integrity and accountability.

The Inspectorate, while part of the Department of Corrections, is operationally independent which is necessary to ensure objectivity. Since 2019, I have reported directly to the Chief Executive, which further protects and supports the important functions of the Inspectorate.

Inspection Standards Review

When the Inspection Standards were released in August 2019, I made a commitment to review them periodically to ensure they remained responsive to the needs of New Zealand prisoners and reflected the latest United Nations guidance on the standards of care for prisoners and prison conditions.

In 2023, I determined that the Inspection Standards would be comprehensively reviewed for the first time.

I sought the assistance of Steven Caruana, Specialist Advisor OPCAT to the Australian Human Rights Commission, who carried out an extensive review focusing on relevant international developments and best practice approaches from comparable jurisdictions (Australia, England and Wales, Scotland, and Ireland) along with human rights rules and principles from 14 international agreements, and other relevant guidance

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material. Alongside that, inspection principles pertaining to infection control arising from the COVID-19 pandemic were considered.

Additionally, New Zealand senior lawyer Harriet Farquhar (and a colleague) assisted by reviewing domestic developments since 2019. This review considered seven Office of the Inspectorate thematic inspections and investigation reports, a number of Corrections' strategic and policy documents, and other sources including the [Office of the Ombudsman's OPCAT Expectations – Corrections](#) (June 2023), Independent Police Conduct Authority publications concerning monitoring places of Police detention, and interim reports from the ongoing Royal Commission of Inquiry into Abuse in State Care (noting that no final report has yet been released by the Inquiry).

Following these reviews, the Inspections Standards were assessed to ensure that any changes were appropriate in the New Zealand corrections environment. We took the opportunity to consolidate the document and, importantly, ensure it could be used in a practical way by the inspectors who visit prisons. We took a multidisciplinary approach, with input from Inspectorate staff with health, custodial, legal and communications backgrounds. The Inspection Standards were also reviewed from a disability lens by an external expert.

Previously, the [Inspection Standards](#) had separate sections for women and transgender prisoners. With the new approach and taking into consideration that *all* standards apply to these two groups, these sections have been integrated into the document as a whole. Specific gender-responsive standards and indicators continue to exist for these two groups, but in a more unified way.

The Inspection Standards continue to be informed by a wide range of international principles: the Nelson Mandela Rules, HM Inspectorate of Prisons Expectations, the European Prison Rules, the Bangkok Rules and the Yogyakarta Principles.

The review was also informed by a number of other international principles, including:

- The United Nations Basic Principles for the Treatment of Prisoners
- The United Nations Body of Principles for the Protection of Persons Under Any Form of Detention or Imprisonment

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- The United Nations International Convention on the Elimination of All Forms of Racial Discrimination
- The United Nations Convention on the Rights of Persons with Disabilities
- The United Nations Convention on the Rights of the Child
- The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment: Women in prison
- The Guiding Principles for Corrections in Australia
- Inspections standards documents from corrections' oversight jurisdictions in Western Australia, New South Wales, the Australian Capital Territory, and Queensland.

The updated version of the Inspection Standards is being finalised and will be released publicly in mid-2024.

I intend to continue to periodically review these Inspection Standards to ensure they reflect developments in both domestic and international jurisdictions for the treatment of prisoners.

We will continue to make improvements where appropriate. One likely significant development under consideration will be the involvement of people with lived experience of both disability and imprisonment to participate in future inspections.

We are still on our incremental journey with the Inspection Standards. Since the commencement of our programme of inspections in 2017, it is important that we recognise that we have made significant progress. The prison inspection process has been a learning journey for us and also for the Department of Corrections, which receives these inspection reports and is given the opportunity for continuous learning.

Adapting Standards of Best Practice to Prisons in England and Wales



Charlie Taylor

HM Chief Inspector of Prisons, England and Wales

Overview of HM Inspectorate of Prisons

HM Inspectorate of Prisons for England and Wales (HMI Prisons) is an independent inspectorate led by HM Chief Inspector of Prisons. We scrutinise the conditions for and treatment of prisoners and other detainees and report on our findings.

We help to make sure that detention in England and Wales, and Scotland for immigration, is humane, safe, respectful and helps to prepare people for release.

We do that by carrying out independent inspections of prisons, young offender institutions (YOIs), secure training centres (STCs), courts and places of immigration detention.

Our work forms part of the UK's obligations under the Optional Protocol to the United Nations Convention against Torture (OPCAT), which requires member states to regularly and independently inspect places of detention. The UK [National Preventive Mechanism \(NPM\)](#) was designated in 2009 in response to OPCAT. All 21 member bodies of the UK NPM visit or inspect places of detention such as prisons, police custody, immigration removal centres, children's secure accommodation and mental health institutions.

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About Our Inspections

We inspect prisons in England and Wales at least once every five years, although we expect to inspect most establishments every two to three years. Some high-risk establishments may be inspected more frequently, including those holding children and young people.

The inspection of facilities is predicated on a dynamic risk assessment, taking into account issues such as time since the last inspection, type and size of establishment, significant changes to the establishment or changes in leadership, and intelligence received.

The vast majority of our inspections are full and unannounced, assessing progress made since previous inspections and undertaking in-depth analysis.

In addition to our programme of full inspections, HM Inspectorate of Prisons also carries out independent reviews of progress (IRPs) in prisons and YOIs eight to 12 months after an original inspection where the findings were concerning. The purpose of an IRP is to assess progress in addressing the recommendations or areas of concern made at the previous inspection, to support improvement in prisons and YOIs, and to identify barriers to progress. Where I am particularly concerned about the performance of a prison, I can issue an Urgent Notification to the Secretary of State for Justice, who then has 28 calendar days to publicly respond to the concerns raised.

HMIP's Expectations

[Expectations](#) are the criteria we use to inspect prisons and other forms of detention. They are based on international human rights standards and are used to examine all aspects of life in detention. In particular, they seek to ensure that any restrictions imposed on prisoners are proportionate, lawful, accountable, necessary and non-discriminatory.

We have developed a different version of Expectations for each type of detention we inspect. For example, we have a different version of Expectations for immigration, women, children and court custody. However, our basic inspection methodology is consistent across all forms of detention. It consists of a series of broad thematic judgements known as healthy establishment tests.

The tests vary slightly but all have been developed from our four tests of a healthy prison, which are:

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- Safety: Prisoners, particularly the most vulnerable, are held safely.
- Respect: Prisoners are treated with respect for their human dignity.
- Purposeful activity: Prisoners are able, and expected, to engage in activity that is likely to benefit them.
- Preparation for release: Preparation for release is understood as a core function of the prison. Prisoners are supported to maintain and develop relationships with their family and friends. Prisoners are helped to reduce their likelihood of reoffending and their risk of harm is managed effectively. Prisoners are prepared for their release back into the community.

As previously mentioned, while the four tests are generally similar across the various types of detention we inspect, there are slight differences tailored to each context. For instance, the underpinning ethos to the [women's Expectations](#) is that women's needs and vulnerabilities are different from those of men in many ways, and women should not be held in environments which were designed for men and merely adapted slightly to accommodate women. We emphasise the role of safe and healthy relationships in underpinning women's safety, while recognising the role that formal mechanisms such as reward schemes and adjudications have in encouraging positive behaviour. Additionally, we acknowledge the impact of trauma on many women within the prison system and reflect this in our approach to our Expectations designed for the women's estate.

Furthermore, when inspecting children in custody we recognise the particular needs of children, thus our 'respect' test is renamed 'care'. It is because of the inherent vulnerability of all children that our [Expectations for children](#) remain more specific and demanding than those for other detainees.

Lastly, our [Expectations for immigration](#) detention reflect the fact that immigration detainees have distinct needs and should be held in non-punitive and non-carceral environments.

Each healthy prison test sets out the standards of treatment and conditions we expect an establishment to achieve. Each expectation is underpinned by a series of 'indicators', which describe the evidence that will help inspectors reach a judgement about whether the outcome is likely to have been achieved. The lists of indicators are not exhaustive, and they do not exclude an establishment demonstrating that expectations

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have been met in other ways. Our aim is for these indicators to be informative and supportive guides to help prisons achieve the desired outcomes.

Leadership Expectations

In 2021 I introduced a narrative judgement, which is not scored, about leadership in inspections of prisons for men and women and establishments for children. I chose to strengthen our inspection in this area because we believe the quality of leadership is one of the most important factors in driving improvement and ensuring better outcomes for prisoners. We want to use our reports to encourage effective leadership practices and to stimulate more thought, dialogue and training about leadership within HM Prison and Probation Service (HMPPS). In our Expectations, the term 'leader' refers to anyone with management responsibility, from a first line manager up to the Chief Executive of HMPPS.

When inspecting this area, HMI Prisons is looking for leaders who work collaboratively with staff and stakeholders, foster a positive working culture, allocate necessary resources to enable good outcomes for prisoners, and closely monitor progress in line with their objectives.

As part of the inspection, governors are expected to complete a self-assessment report (SAR) to give leadership teams an opportunity to provide information that will help us to make judgements about the leadership of their prison. The SAR is a template with four sections: the governor's overarching vision for the future of the prison, the prison's current performance in the four healthy prison tests, the governor's main priorities for the next year and progress made against key concerns and recommendations.

Continuous Development of Our Expectations

Our Expectations are all regularly reviewed so that we can be confident that we continue to fulfil our responsibility to deliver independent and objective assessments of outcomes for detainees. Our latest consultation focused on refining our [Expectations for prisons holding adult men](#), resulting in the publication of the sixth edition in October 2023.

We thought carefully about the content of each healthy prison test and made changes to better reflect the outcomes we expect for men in prison. For example, we changed the section previously called 'Behaviour management' to 'Promoting positive behaviour'. This approach widens our focus away from formal incentives schemes, which we know are only one element that affects prisoner behaviour. The importance of delivering a safe, decent and purposeful regime, having rewards in place for those

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behaving well and promoting principles of community and citizenship are just some of the indicators that might suggest that prisoners are encouraged to behave well. We changed the 'Equality, diversity and faith' section to 'Fair treatment', incorporating learning from our thematic review of the [experiences of black prisoners](#) and helping us to focus more on outcomes rather than process. And our previous 'Rehabilitation and release planning' section has become 'Preparation for release', with much more of a focus on outcomes over process.

We continue to regularly reflect on all our Expectations and consult on any changes with our stakeholders to ensure they remain current and aligned with international human rights standards.

Challenges Facing Prisons in England and Wales

At a time when prisons in England and Wales are grappling with some serious challenges, the importance of our Expectations is reinforced. A rising prison population has led to considerable overcrowding in some prisons – for example when we inspected [Bedford prison](#), we found almost three-quarters of prisoners living in cells that accommodated more prisoners than they were designed for. Continuing to remind the prison service that such arrangements simply do not meet our expectations, whereby prisoners ought to live in a clean and decent environment that meets agreed minimum standards in terms of aspects like size, is important.

The lack of education, skills and work activities taking place in prisons in England and Wales also continues to be a serious concern. Despite our expectation that prisoners are able and expected to engage in activity that is likely to benefit them, rarely have we seen prisoners getting sufficient time out of cell or being expected and encouraged to use time out of cell constructively. Continuing to shine a light on these issues and reinforcing our expectations, and the human rights-based principles underpinning them, is key.

Positive Impact of our Inspection Process

Despite the challenges facing prisons in England and Wales, some prisons have shown remarkable improvements since previously receiving poor inspection scores. This serves as compelling evidence that the inspection process can indeed catalyse positive transformations in both prisoner outcomes and the overall prison environment.

For example, our [Independent Review of Progress \(IRP\) of the Isle of Wight](#) in June 2023 found that the prison had made good or reasonable progress across all but one

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concern we raised at our 2022 full inspection. Leaders had acted quickly in a short space of time to deliver a more reliable regime and improved healthcare, and managers were using data analysis to routinely compare their performance against other category C prisons. Similarly, at [Risley our IRP](#) found improved care for those at risk of self-harm, substantial improvements in living conditions and all prisoners now had more time out of cell, with the new regime including evening association for the majority of them.

Regrettably, not all prisons undergo such transformative changes following an inspection, however, these instances, among others, demonstrate the capacity for prisons in difficult circumstances to successfully reverse their trajectory and improve conditions.

Monitoring Segregation Reform in Canada Through an Independent Advisory Panel



Howard Sapers

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Visiting Professor, University of Ottawa Department of Criminology

Like most jurisdictions, Canada¹³ has not always succeeded when it comes to upholding human rights in corrections. Indigenous and racialized people are overrepresented, people known to be living with serious mental health challenges have been confined in isolating conditions of confinement, pre-trial custody populations have ballooned, and special populations, such as trans people, the elderly, and those coping with physical frailties, struggle to have their needs met.

Independent oversight of correctional operations also varies across the country. There is a specialized Corrections Ombudsman (The Office of the Correctional Investigator) for federal corrections and an assortment of general jurisdiction ombuds and human rights mechanisms serving the provinces and territories.

One long standing concern for the Office of the Correctional Investigator has been the use of restrictive housing in Canada's federal penitentiaries where prisoners are sent to serve sentences of two years or more.

Restrictive housing has been known by many names. Until recent legislative changes, this form of custody was called Administrative or Disciplinary Segregation. In 2019, appeal courts in two Canadian provinces (British Columbia and Ontario) found that the Correctional Service of Canada's (CSC) use of segregation violated the Canadian *Charter of Rights and Freedoms*. The B.C. Court of Appeal unanimously ruled that prolonged, indefinite segregation deprived prisoners of life, liberty, and security of the person in a way that is grossly disproportionate to the objectives of the law (section 7), and the Ontario Court of Appeal,

¹³ There are 14 correctional jurisdictions within Canada; the federal system operated by the Correctional Service of Canada that houses people sentenced to two years or more, and 13 provincial and territorial systems that house people being held in pre-trial custody and those sentenced to less than two years.

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reflecting the Mandela Rules, found that placement in segregation for more than 15 consecutive days amounted to cruel and unusual punishment (section 12).¹⁴ Both courts also articulated concerns about the lack of truly independent oversight and accountability in regard to the use of segregation.

In response to the B.C. and Ontario courts, Canada's parliament passed Bill C-83, *An Act to amend the Corrections and Conditional Release Act and another Act* in 2019, effectively abolishing both disciplinary and administrative segregation in Canadian penitentiaries. Bill C-83 mandated the replacement of segregation with new Structured Intervention Units (SIUs). While many considered this a step in the right direction, the Government of Canada's claim that Bill C-83 would "transform federal corrections" was questioned by some. Despite good intent, the Bill lacked key definitions (e.g., "meaningful human contact" or "confinement in a structured intervention unit is to end *as soon as possible*"), enforceable oversight, restrictions on the placement of vulnerable (e.g., mentally ill) prisoners, and hard limits on the length of SIU stays.

In addition to creating the role of Independent External Decision Makers, who would review SIU transfers and conditions of confinement, this new model of restrictive housing was supposed to deliver on Bill C-83's response to the courts by allowing for of a minimum of four hours out-of-cell, two of which were to involve "meaningful human contact", and an end to indefinite isolation. These were the key justifications for the government's announcement that the unconstitutional use of segregation had ended. The goal was to bring Canadian federal corrections into harmony with the *Canadian Charter of Rights and Freedoms* and reflect internationally accepted norms established in the Mandela Rules. However, these changes have proven to be challenging to implement and CSC has received broad criticism about the operation of SIUs.

In the summer of 2019, the federal Minister of Public Safety established a Structured Intervention Unit Implementation Advisory Panel (SIU IAP), composed of eight people who would advise CSC and the Minister on the operation of SIUs. In its first year of operation, this external oversight mechanism for SIUs was frustrated by its inability to obtain administrative data from CSC, which reported that it still lacked the means to track and compile accurate information on the operation of the new units. At the end of the one-year appointment of its

¹⁴ *Canadian Charter of Rights and Freedoms*, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act, 1982 (UK), 1982, c 11.

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members, the first SIU IAP submitted a report devoid of any findings, and automatically lapsed during the summer of 2020 without being able to make any assessments of how the SIUs were operating.

A renewed SIU IAP was appointed in 2021 with improved Terms of Reference and guarantees of cooperation from CSC. On June 14, 2023, the SIU IAP mandate was extended to December 31, 2024. This version of the Panel has so far published a number of thematic and preliminary assessments of SIU operations as well as two Annual Reports.

The Panel has identified several concerns and problematic trends.

The IEDMs seem to be having little impact on the length of SIU stays. In each of the three years following the opening of the SIUs, being ‘ordered’ out of an SIU by an IEDM resulted in many prisoners actually staying *longer* than those who were ordered to remain. Additionally, 32% of the prisoners with stays of 75 days or more had not had their stay referred for the legislatively required “length of stay review” by an IEDM.

Many SIU stays are long. For example, in 2022, 45.5% were 32 days or longer. There is also significant regional variation in the use of the SIUs. For example, in 2022, 22% of the stays in Quebec were 32 days or longer, compared to 66% in the Pacific region.

In 2022, a substantial portion of SIU prisoners did not receive the benefit of having two hours of meaningful human activity out of their cell nor did they have at least four hours a day out of their cell. In fact, in 2022, 45.5% of the prisoners who had SIU stays that were 16 days or longer did not have their 4 hours out of cell on most (76% or more) days.

Approximately 23% of SIU stays have involved prisoners who were in the SIU for at least 16 days, did not receive their minimum four hours out-of-cell for most of the time (at least 76% of their days) and didn’t receive two or more hours of meaningful human contact. These indicators suggest that CSC has not improved the operation of SIUs over the first three years of implementation.

Prisoners with mental health needs or deteriorating mental health conditions are especially likely to experience prolonged SIU stays of 62 days or more.

The over representation of Indigenous people inside Canadian federal penitentiaries is a well-documented concern. While only 5% of adults in Canada are Indigenous, over 30% of federal prisoners are Indigenous. On January 1, 2023, there were 180 people in SIU cells, 79

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(43.9%) of whom were Indigenous. On that same day, “only” 32.4% of all federal prisoners were Indigenous. In other words, a higher proportion of Indigenous people were in SIUs than were in ordinary cells. Since the SIUs became operational in 2019, nearly 100% of women transferred into an SIU cell have been Indigenous.

A cross-cutting concern is related to the fact that the majority of federal prisoners have at least one mental health diagnosis (70% of men and 79% of women).¹⁵ CSC has found that the SIU population does indeed display complex risks and needs that require intensive levels of service beyond that of the mainstream population, and that prisoners who present with complex needs, such as tendencies towards violence or aggression, often require ongoing support and assistance to help safely reintegrate them into the prison population. Even so, CSC clearly states that the SIUs are not meant to be therapeutic or clinical units.

The SIU IAP’s 2021/2022 Annual Report, dated September 2, 2022, was publicly released and [posted on the Public Safety Canada website](#) on October 28, 2022. This Annual Report contained forty-one recommendations addressing fourteen areas of concern with a focus on:

- Alternatives to SIU Placements
- Length of SIU Stays
- Time Out of Cell/Meaningful Human Contact
- Inter-Regional Transfers
- Health Care
- Indigenous Prisoners
- Programs/Interventions
- Independent External Decision Makers

¹⁵ See, Beaudette, J. N., Power, J., & Stewart, L. A. (2015). *National prevalence of mental disorders among incoming federally-sentenced men offenders (Research Report, R-357)*. Correctional Service Canada; Brown, G. P., Barker, J., McMillan, K., Norman, R., Derkzen, D., & Stewart, L. A. (2018). *National prevalence of mental disorders among federally sentenced women offenders: in custody sample*. Research Branch, Correctional Service Canada; and, Cameron, C., Khalifa, N., Bickle, A., Safdar, H., & Hassan, T. (2021). Psychiatry in the federal correctional system in Canada. *BJPsych international*, 18(2), 42–46.

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Thirty-five of the recommendations were directed to the Correctional Service of Canada, and six recommendations were addressed to the Minister.

The [2022-2023 Annual Report of the SIU IAP](#) (dated January 11, 2024) was published on March 11, 2024. It contained only three recommendations, all addressed to the Minister of Public Safety. The recommendations are intended to ensure that any further change in how CSC operates is evidence-based and consistent with the rehabilitation and reintegration goals of the Service. The recommendations call for immediate action addressing three broad operational concerns:

1. CSC must be directed immediately to examine the relationship between the operation of the SIUs to its overall operations.
2. CSC must be directed immediately to develop and implement a plan to reduce the high number of Black prisoners, Indigenous prisoners, and prisoners with mental health problems who are being transferred to SIUs, as well as reducing their lengths of stay while in the SIUs.
3. CSC must be directed to immediately ensure that all prisoners held in an SIU for more than 15 days will have their case referred to an IEDM, regardless of whether or not the prisoner had been previously ordered released.

Each of these recommendations is grounded in the urgent need to align the operationalization of the SIU Model with the legislative goals of Bill C-83 and the overall mandate of federal corrections.

Responses from the Minister and CSC do not fully address the Panel's recommendations. All areas of concern have been acknowledged and some specific activities, such as CSC producing reports for the Minister's review, have been initiated. What is missing is a sense of urgency about the failure to end the harmful practices that prompted the creation of the SIUs. Notably, CSC has been non-committal to all the SIU IAP's recommendations in regard to multiple transfers experienced by SIU prisoners, amount of time out of cell, and the length of stay in SIUs. Aside from making a commitment to "enhance the timeliness and effectiveness of IEDM decisions" the Minister has not clearly committed to amending the *Corrections and Conditional Release Act* to establish more timely reviews and the enforceability of orders regarding SIU placements. Instead, the government is content to wait for the mandated 5-year parliamentary review of changes resulting from Bill C-83.

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The Panel will publish an additional Annual Report next summer and a final report in December 2025. It is still possible for CSC to make progress in satisfying the courts and fulfilling the intent of Bill C-83. The foundation for meaningful and sustained change is in place. Further legislative reforms and operational improvements will be required to successfully build upon this foundation.

The SIU IAP is a temporary accountability body providing some assurance to Canadians that their government is serious about addressing the *Charter* violations identified by the courts. Time will tell if it's work will result in sustained change.

FEATURED JURISDICTION: A Model of Correctional Oversight in the United States



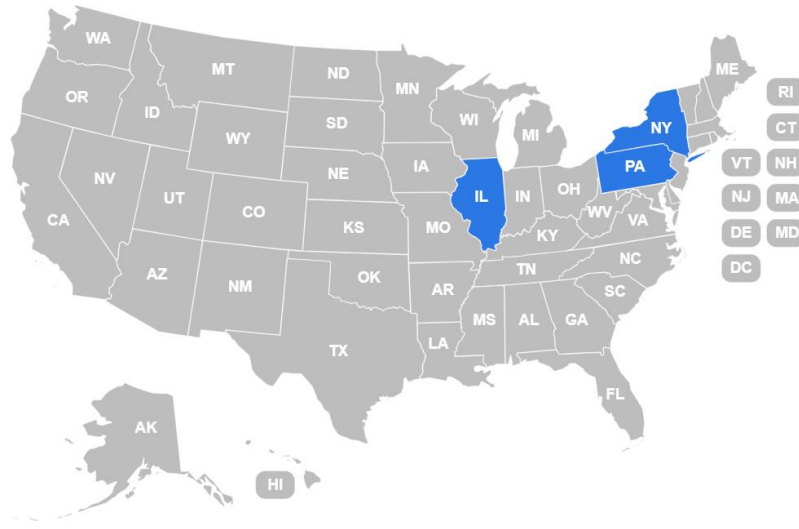
Prepared by Aidan King

Director, Correctional Association of New York, and Project Coordinator for the collaboration among [John Howard Association of Illinois](#), [Pennsylvania Prison Society](#), and [Correctional Association of New York](#).

Background and Context

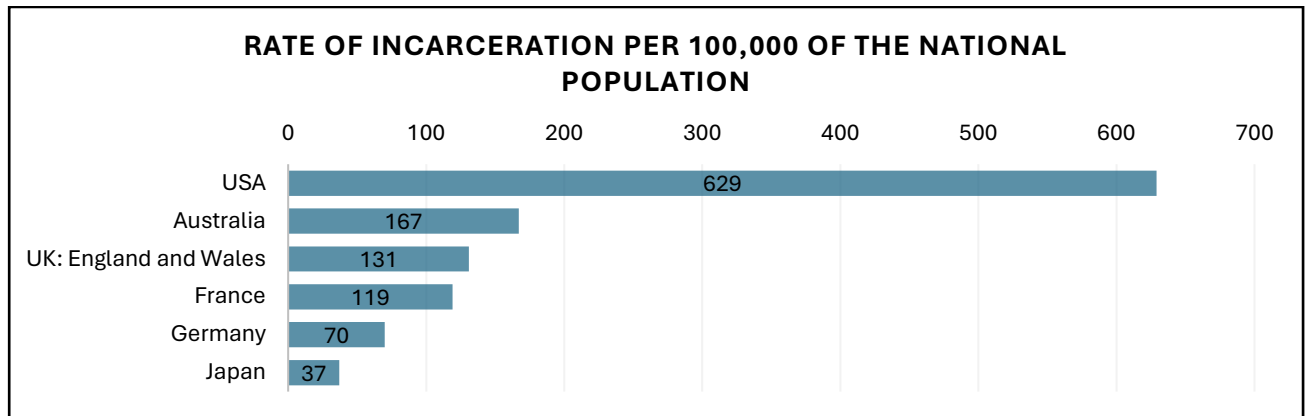
There are several models for correctional oversight in the United States of America. Our organizations, [The John Howard Association of Illinois](#) (JHA) established 1901, [The Correctional Association of New York](#) (CANY) established 1844, and [The Pennsylvania Prison Society](#) (The Society) established 1787, are the only *civilian* organizations conducting oversight of state prisons in the United States. Over the last four years we have collaborated to develop and demonstrate good practice in correctional oversight.

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Map created at www.fla-shop.com

Our civilian model is undertaken in an exceptional and complex context, the most notable being the astronomical rate of incarceration. In October 2021, more than 2 million people were incarcerated in the US at a rate of 629 per 100,000 people, considerably higher than other democracies.



Source: Fair, H., & Walmsley, R. (2021). [The World Prison Population List, 13th Edition](#). World Prison Brief.

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A second factor that makes the US exceptional is the stark racial disparities among prisoners. The 2022 imprisonment rate for black persons (1,196 per 100,000 adult U.S. residents) was more than 5 times the rate for white persons (229 per 100,000).

A third exception is the more general factor that the United States has historically placed less emphasis on rehabilitation than [other Western democracies](#) leading to poorer outcomes on [recidivism, employment and other factors](#).

Corrections and correctional oversight are uniquely complex in the US because multiple jurisdictions exist within the same spaces and there so many of them. Unlike many other countries, in the US there is a clear distinction between jails and prisons. Jails, which are used for pre-trial detention and run by local counties, are distinct from prisons where people are sent post-sentencing. State prisons hold people sentenced on state charges, while [federal prisons](#) hold people convicted of breaking federal laws. Furthermore, non-citizens subject to immigration proceedings are held by [Immigration Control and Enforcement](#).

Perhaps due to the size of the system, the punitive history of corrections, and because of the many different detaining authorities, correctional oversight in the US is less developed and coordinated than in other parts of the world. Across jurisdictions there is a scattered collection of oversight entities. There is little hope for of [ratification of the OPCAT](#) in the foreseeable future.

Historically, correctional oversight in the US has stemmed from litigation against correctional authorities and systems, imposed by judges when a settlement agreement has been reached in the case. Court appointed monitors typically report to the judge as to whether the corrections agency is in substantial compliance with the terms of the settlement. They do not monitor anything outside the terms of the settlement and their

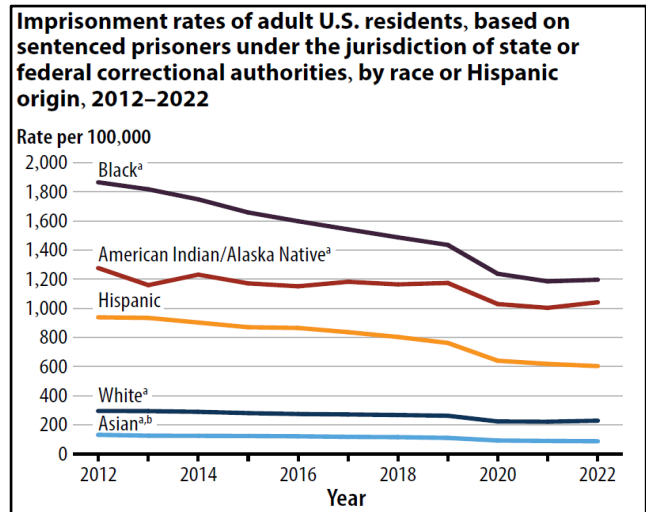


Figure reproduced from: Carson, E.A., & Kluckow, R. (November 2023). *Prisoners in 2022 – Statistical Tables*. Bureau of Justice Statistics, p. 13.

^a Excludes persons of Hispanic origin (e.g., “white” refers to non-Hispanic white persons and “black” refers to non-Hispanic black persons).

^b Includes Asians, Native Hawaiians, and Other Pacific Islanders.

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services typically end when the court is satisfied that substantial compliance with the terms has been attained.

In the last few years new or strengthened state created and empowered oversight in the form of ombuds offices has emerged in states such as [New Jersey](#), [Washington](#), [Hawaii](#), and these efforts are in the beginning stages in several other jurisdictions. Other states such as [Connecticut](#) and [Virginia](#) have passed legislation and are in preparatory stages of their work, others are reliant on state Offices of Inspector Generals. Across the country there are small community-based groups overseeing local jails with varying degrees of access. Finally, there is an active bill in the US senate to introduce [oversight of federal prisons](#).

The different entities exist largely independently of each other, but are brought together through networks such as the [National Association of Civilian Oversight of Law Enforcement \(NACOLE\)](#)

For more information

On correctional oversight in the United States, see: [Michele Y Deitch, But Who Oversees the Overseers?: The Status of Prison and Jail Oversight in the United States, 47 American Journal of Criminal Law 207 \(Summer 2020\)](#).

For updates and recent developments in the field in the US, see: [The National Resource Center for Correctional Oversight](#)

Featured Jurisdictions: State Prisons in Illinois, New York, and Pennsylvania

This wider context means that our work in state prisons is conducted in just one of multiple jurisdictions our three states, and many jurisdictions in many states have no independent oversight.¹⁶

There are important similarities across our jurisdictions. For example, prisons in all three states are largely staffed by white corrections officers in rural areas and hold disproportionately high rates of people of color from cities. As across the US, there are ongoing [failures to recruit and retain staff at adequate levels](#). In all three states, while the

¹⁶ While The John Howard Association of Illinois and The Correctional Association of New York work exclusively in state prisons, The Pennsylvania Prison Society conducts oversight of both state prisons and county jails.

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population remains very high by international standards, the incarcerated population has dropped significantly since [record highs in the mid-2000s](#).

There are also important differences. For example, healthcare is privatized in Illinois and Pennsylvania but not in New York where it is directly provided by the department of corrections. In Pennsylvania a requirement that people pay \$5 to see a doctor has a serious impact on accessibility of care. In New York, legislation prevents solitary confinement longer than 15 days. In Pennsylvania, unit managers at state prisons may be civilian rather than security staff.

There are also important differences in our organizations' mandates. CANY and The Prison Society have access to prisons mandated by the state whereas JHA does not. The Prison Society is the only one of our three organizations to conduct visits to jails as well as prisons. The main focus of the Prison Society's monitoring is on individual issues, which is handled by 'official visitors' whereas the other two organizations focus exclusively on systems oversight and change.

Despite these differences, we have identified ways to focus our work in four main areas:

- 1) Promoting transparency by forcing government data into the open.
- 2) Driving change in corrections policy and practice,
- 3) Creating metrics for comparing prison conditions across jurisdictions
- 4) Catalyzing growth in oversight within our states and across the nation.

1. *Promoting Transparency by Forcing Government Data into the Open*

In the absence of independent oversight and the pressure that would be exerted by these entities, correctional departments typically decline to publish administrative data or only publish it in inaccessible formats. Our organizations' efforts have resulted in departments publicizing their data to be used, interpreted, and questioned.

For example, CANY has developed [a dashboard](#) using data obtained through Freedom of Information requests, comprising 33 datasets which describe the population under custody, deaths in custody, and unusual incidents. While the New York State Department of Corrections and Community Supervision (NYDOCCS) publishes summary

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reports on these datasets, the level of detail and accessibility of data in this dashboard represents an unprecedented opportunity for policy makers, advocates, and researchers to understand what goes on in New York State prisons. More datasets will be added to this dashboard in the coming months.

JHA created and publicly shared [an interactive data visualization](#) of the Illinois prison population to demonstrate who is in prison (by age, race, offense class, etc.), so that conversations about specific populations and offense classes are grounded in fact. JHA has legislatively increased mandatory correctional data reporting to include information on the use of restrictive housing, incidents of assault inside prisons, and the reporting of deaths that occur in correctional custody. Additionally, the organization issues facility reports using select publicly available data (e.g. [page 25](#)), and during COVID-19 was successful in getting the Illinois Department of Corrections (IDOC) to publish data on [COVID-19 cases, tests and hospitalizations](#), and in making COVID-19 policies and memos publicly available.

Citing IDOC's decision to publish COVID-19 data, the Pennsylvania Prison Society asked the Pennsylvania Department of Corrections (PADOC) to follow suit, which they did. As the only one of the three organizations with jurisdiction to go into county jails, the Society put pressure on local jails to report COVID-19 infections. They also collected their own data through calls to county jails and health departments in those counties that declined to make the information public. All of this data was synthesized and published in an interactive map on the home page of the Prison Society's website, which was updated weekly. This map provided critical information for families concerned about loved-ones in prison and enabled increased media analysis of COVID-19 transmission in correctional facilities.

Promoting Transparency Case Study

COVID Map in Pennsylvania Demonstrates the Potential of Open Data

When COVID-19 started spreading in March 2020, Pennsylvania's prisons were left in the shadows. County jails were not required to publish data on infections and deaths, leaving worried families wondering whether their incarcerated loved ones were at risk. Prisons in rural areas without a local newspaper or television station – the main information source for outbreaks in jails – were left especially in the dark.

The Prison Society launched the COVID-19 tracking map to shine a light on how the pandemic was affecting prisons and jails. It was the only resource that provided a statewide picture of the virus' spread in correctional facilities and brought together information for each of Pennsylvania's 23 state prisons and 62 county jails.

The target audience for the map was the thousands of families who were calling the Prison Society for information on their loved ones and the facilities they resided in. The secondary audience was the media. Thanks to the tracking-map, media mentions of the Prison Society doubled from 12 a quarter to 32 a quarter during the height of the pandemic. The map was the Society's most visited web page.

The COVID-19 tracking project is understanding that the need for basic information about prisons extends beyond pandemics. In 2023, the map was archived. Later this year, a new interactive map with essential information about county jails will be launched. Like the COVID-19 map, it will be the only resource to bring together timely information about jail populations, staffing numbers, family visits, and other information into an easy-to-use visual interface.

2. *Driving Change in Corrections Practice and Policy*

Our work consistently realizes meaningful change. In Illinois, the effort to abolish a system whereby incarcerated people pay for a portion of their own care was supported by JHA's survey data, which legislators found to be a persuasive reason to change the law. The organization and its data were central to a reform to decrease community supervision times and to expand eligibility for incarcerated people to get sentencing credits in order to reduce lengths of stay in prison. JHA was also a driving force in changing the law and

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policy around getting prisoners access to State ID cards prior to release. As mentioned above, JHA also drafted and successfully advocated for the Illinois Death in Custody Act, leading to increased publicly available information on deaths that occur in custodial settings.

In Pennsylvania, a Prison Society monitoring report highlighting a 16-hour gap between mealtimes in the Philadelphia jails resulted in changes to policy. The Society [survey](#) of residents in the Allegheny County Jail (ACJ) also identified widespread hunger and insect-infested food. As a result, within two months, Allegheny County changed food service providers and exterminators. Because the Society visits the ACJ on a monthly basis, it can confirm that the new providers have improved food quality and sanitation. On the state level in Pennsylvania, PADOA agreed to increase prisoner wages after a Prison Society [analysis of Commissary Prices](#). An [analysis of state DOC visiting policies](#) by the Prison Society put pressure on the PADOA to resume family visits post-pandemic, despite the Department's reluctance.

In New York, changes were implemented in the use of restraints in disciplinary units following [CANY's report](#) which found widespread noncompliance with the *HALT Solitary Confinement Act*, which imposed restrictions on the use of solitary confinement. In October 2023, the New York DOC (NYDOCCS) implemented a significant change to departmental policy by announcing a pilot whereby prisoners in general population will be able to make phone calls via tablet, expressly identifying CANY's repeated recommendation on the issue as an impetus for the change.

Our work changes policy and practice, not just through our legislative initiatives or large victories, but also through many small-scale yet impactful interventions. For example, the Illinois, John Howard Association worked with correctional officers to help develop visual cues for a deaf man; proposed a simple system to ensure that workers do not incorrectly mark medication as 'refused'; and, persuaded the Illinois DOC to publicly track incoming concerns by issue and facility. Each of us effects these kinds of changes through our daily work in vital but immeasurable ways.

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Driving Change in Policy Case Study

New York State Department of Corrections and Community Supervision Changes Shackling Policy in Residential Rehabilitation Units after CANY Issues Report on Solitary Confinement Policy

On June 21, 2023, the New York State Department of Corrections and Community Supervision (DOCCS) released a significant policy update in response to recommendations outlined in CANY's report. The report, which was covered in the [Times Union](#) and acknowledged in widely viewed [social media posts by Campaign Zero](#), urged DOCCS to adhere to the HALT law by making individualized determinations regarding the use of restraints on incarcerated individuals participating in out of cell programs in Residential Rehabilitation Units (RRU).

Prior to this change, DOCCS had been employing a practice of universally restraining incarcerated individuals by shackling them to chairs and desks during programs. This policy reversal reflects the influence of CANY's first-hand observations of the conditions in disciplinary units and an indiscriminate use of restraints for individuals out of cell. This played a vital role in raising public awareness about DOCCS's lack of adherence with the HALT law and emphasized the importance of allowing incarcerated individuals to engage in programs without restraints. The shift signifies a step towards a more humane and just approach to rehabilitation within the prison system, aligning with both the letter and the spirit of the HALT law.

3. Creating Metrics for Comparing Prison Conditions Across Jurisdictions

Our three organizations have demonstrated leadership in creating publicly accessible metrics on complex issues, previously only captured on an ad hoc basis. Central to this is our testing of a shared-instrument based off the [“Measurement of Quality of Prison Life \(MQPL\)”](#) survey tool, which was developed at the University of Cambridge’s Prisons Research Centre and is used extensively throughout Europe.

The MQPL has played a crucial role in allowing us to apply objective measures to interpersonal and intangible aspects of prison life. The MQPL has been conducted face-to-face at Sing Sing Correctional Facility in New York, and in Coal Township and Mahonoy

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Institutions in Pennsylvania. In Illinois, it was conducted both remotely and in person across multiple prisons.

In Illinois, the MQPL was used to compare two women's prisons. The data showed clear differences in perceptions of fairness and legitimacy. The scores, further explained by the corresponding statements, helped drive focused discussion on findings with correctional staff and supported more targeted, actionable recommendations.

Crucial to our use of the MQPL has been our organizations' constant presence in prisons and understanding of systemic issues. This context allows us to understand and unpack the data on prison climate in a more nuanced fashion than could be done with the survey scores alone.

The three organizations are incorporating aspects of the MQPL into ongoing, regular work with the goal of building larger comparative datasets over time. For example, in New York, MQPL questions will be added to CANY's annual survey. In Illinois, JHA is developing a [dashboard of MQPL data](#) that contextualizes information gathered on monitoring visits and will help compare climate and culture throughout the state system to potentially generate takeaways that drive meaningful change.

In the future, we aim to apply the same principle to measure the transparency of administrative data in our three states.

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Creating Metrics Case Study

MQPL Data Dashboard

JHA distributed MQPL surveys to the roughly 28,000 people held in the 27 secure facilities operated by the Illinois DOC (IDOC). The voluntary and anonymous surveys are distributed prison by prison and returned to JHA by mail. The survey was fielded system wide from summer 2022 through to the spring of 2023. Over 8,000 surveys have been returned and analyzed, and open-ended responses were transcribed and evaluated.

Loyola University Center for Criminal Justice (CCJ) staff and student research fellows, along with interns and volunteers, have been helping JHA staff code responses, analyze the data, and visualize findings in ways that will enable IDOC administrators and the public to understand and act on them. It's part of a new collaboration intended to benefit both organizations. A new undergraduate class on prison reform, taught jointly by JHA and CCJ staff, is another product of the partnership, as are JHA internships and fellowships for select Loyola students that began last summer. The idea is to provide JHA with extra analytic capacity and research support, while giving Loyola students valuable hands-on experience and exposure to the real world of criminal justice research and reform, prisons, and prison oversight.

The project has produced a [data dashboard](#) of indicators on the quality of prison life across each facility. This allows JHA and other stakeholders working in Illinois to understand how policies and practices in individual prisons impact the quality of life in prisons. Understanding relationships between staff and incarcerated people helps identify areas requiring change and ways in which improvements can be realized.

4. Catalyzing Growth in Oversight Within Our States and Across the Nation

Our work has inspired others to replicate our approaches to accessing and monitoring prisons and jails. In October 2023, the newly created Arizona Oversight Commission requested technical assistance from the three organizations. We conducted a training visit with the Commission at Tucson State Prison Complex. The Arizona

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Governor's office has requested our continued assistance and guidance on the creation of an independent, mandated, resourced, and staffed prison oversight agency.

In addition, the recently formed New Jersey Office of the Corrections Ombudsperson has sent staff to shadow monitoring work by the three organizations. We have all fielded calls and given advice to newly formed and proposed oversight bodies. Together, we have given advice and input to Hawaii, Indiana, Miami-Dade County in Florida, North Carolina, and Onondaga County in New York.

In Philadelphia, the Prison Society is playing a key role advising on the [foundation of a new city oversight board](#). A group of clergy learned from CANY over an extended period and subsequently used CANY's model to gain access to monitor Erie County Jail. In Illinois, JHA played an important role in expanding the jurisdiction of the Illinois Office of Juvenile Justice Ombuds.

Catalyzing Growth Case Study

Capacity Building of the Arizona Commission of Corrections

In January 2023, Arizona Governor, Katie Hobbs, established a State Oversight Commission by executive order. The commission is made up of sixteen independent citizens with knowledge of the prison system, but without oversight experience. The commission is tasked with monitoring state prisons and providing the Governor with recommendations. Their first report [was published November 2023](#).

Recognizing that correctional oversight requires specific skills and considerations, the commission contacted our three organizations for guidance and technical assistance.

As research has shown, capacity building works best as a hands-on consultative process. The prison monitoring directors from The Society and JHA conducted a multi-day site visit to Arizona in October 2023. During this visit the two practitioners led a crash course in prison monitoring including cultural competency and interview skills, followed by a full-day monitoring visit to a maximum-security prison. The practitioners then led members in a debriefing session to discuss the visit experience, lessons learned, to collate the gathered data, and workshop the commission's next steps. To consolidate this intervention's impact, we plan to maintain ongoing contact with the commission.

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The Future of Correctional Oversight in the United States

In the United States, departments of corrections are confronting numerous crises, including in the recruitment and retention of staff and the corresponding impact on incarcerated people. Oversight entities play a key role in understanding and recommending solutions to such crises, and we are directly responding to the need for the modern data-driven solutions required to understand them.

Our regular presence in facilities, understanding of correctional operations, use of staff surveys and outreach, and engaging in conversations with staff unions and correctional leaders puts us in a singular position to understand and analyze core issues by integrating different perspectives and experience with data. Finally oversight practitioners are aiming to develop a framework for quantifying and communicating its own impact, by expanding on the comparisons of shared metrics across jurisdictions and seeking to understand how policies and practices impact prison conditions and the treatment of incarcerated individuals.

In the development of oversight in the United States, practitioners are constantly taking note and learning from colleagues across the world. In doing so, we can draw on learning from elsewhere and adapt methods to our local contexts. In the future we look forward to deepening this collaboration and continuing to share our learnings with this international community of experts in oversight.

Announcement



The International Corrections and Prisons Association’s Annual Conference will be hosted by the Singapore Prison Service this year. It will take place in Singapore from September 1st to 6th, 2024, at the Grand Copthorne Hotel. The theme of the conference is “**Enabling Desistance: Beyond Recidivism.**”

**For more information and to register, [CLICK HERE](#)
(Early registration ends on June 30th)**