

**PAEC – Inquiry into the Victorian Government's Response to the COVID-19 Pandemic
HEARING, 26 August 2020**

Questions on Notice taken by Dr Emma Cassar, Commissioner, Corrections Victoria

(1) Verified transcript, page 22:

Ms VALLENCE: Thank you so much, Mr Radford. I would like to pass my questions now to Dr Cassar, Corrections Commissioner. **Commissioner, in total how many days of lockdown have been served in Victorian prisons during the COVID-19 pandemic?**

Dr CASSAR: Thanks, Ms Vallence. I do not have those figures in front of me, but I am happy to take that on notice.

QoN Response:

As lockdowns are applied selectively there is no relevant metric for the total number of days prisons have been subject to lockdown. For example, a particular unit at a prison may go into lockdown in response to a symptomatic prisoner being moved to quarantine or for contact tracing purposes.

Lockdowns have assisted with the safe management of the risk of COVID-19 since March. It has been used on these occasions;

- The Melbourne Assessment Prison, Metropolitan Remand Centre and Port Phillip Prison commenced half day lockdowns across several units in late March 2020 to support physical distancing across the prisons.
- Loddon Prison was locked down for one day on 3 April 2020.
- Ravenhall, Hopkins Correctional Centre, Langi Kal Kal, Barwon Prison, Fulham and Loddon were in lockdown from 21 July 2020. All but Fulham and Ravenhall returned to normal operations on 23 July 2020. Fulham returned to normal operations on 24 July; Ravenhall returned to normal operations on 25 July 2020.
- Loddon (including Middleton annex) and Tarrengower prisons on the morning of 24 July 2020; the prisons resumed normal operations on the evening of 24 July 2020.
- Lockdown measures were taken at Port Phillip Prison on 15 August; the prison resumed normal operations on 19 August 2020.

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Ms VALLENCE: Thank you. **How many emergency management days have been applied to Victorian inmates to date?**

Dr CASSAR: I also do not have those figures in front of me. I am happy to take that on notice. But I can talk to the benefits of the strategy and some of the positives that we have seen throughout the system, which are that this is a strategy that has been used for decades to keep the system safe in these emergency times, and in this case it has done that.

Ms VALLENCE: Thank you.

QoN Response:

Under the *Corrections Act 1986*, an Emergency Management Day (EMD) may be granted for prisoners who demonstrate good behaviour while suffering disruption or deprivation during an industrial dispute, emergency or other circumstances of a special or unforeseen nature.

As part of the COVID-19 response in prisons, prisoners have experienced restrictive regimes, such as significantly less hours out of cell or lockdowns, or being placed in a quarantine regime, such as 14 days in protective quarantine upon reception into prison. In many instances, quarantine regimes result in prisoners being held in their cells for 23-24 hours per day.

EMDs are a vital part of ensuring compliance with infection prevention and control measures (including mask wearing and social distancing), as EMDs are not granted for prisoners who demonstrate poor behaviour and do not comply with infection prevention measures. This approach has helped maintain a settled prison system despite significant restrictions being introduced for many prisoners.

Whether EMDs should be granted is determined after considering the extent of disruption or deprivation and whether the prisoner was of good behaviour.

As at 26 August 2020, 71,020 days have been granted to 4,313 sentenced prisoners (average of 16.4 days).

An additional 106,874 days have been applied to prisoners on remand and may never be realised. For remandees, EMDs granted are applied to a sentence of imprisonment, if one eventuates.

These have been granted on a one-day for one-day basis.

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Ms VALLENCE: Thank you. Commissioner, on 21 July this year six prisons were sent into lockdown following a positive COVID case with a prison officer in Ravenhall Correctional Centre. **How many emergency management days have been applied in relation to those lockdowns—and if you could take that on notice if you do not have it—and will they be awarded at a one-for-one rate?**

Dr CASSAR: Sorry, I will have to come back to you in terms of the exact number for the Ravenhall matter. At this stage they continue, as I previously briefed, on the one-to-one.

Ms VALLENCE: Sorry, you just cut out there. So they will be awarded on a one-for-one rate?

Dr CASSAR: At this stage that has been the strategy.

QoN Response:

While up to four days is the maximum number of Emergency Management Days (EMDs) that can be granted under the Corrections Act for every day of disruption or deprivation, during the COVID-19 emergency, the Commissioner's policy is that the number of EMDs granted will be close to or equivalent to the number of days of disruption or deprivation. To date, in response to the COVID pandemic, EMDs have been granted on a 'one for one' basis.

Corrections Victoria was advised on 21 July 2020 that a GEO prison officer at Ravenhall Correctional Centre had tested positive for COVID-19. Whilst contact tracing processes were underway, Ravenhall and a further five prisons were placed into lockdown, including Hopkins Correctional Centre, Langi Kal Kal, Barwon Prison, Fulham and Loddon.

Precautionary lockdown measures were lifted on 23 July with the exception of Ravenhall, which remained in lockdown until 25 July until all staff members tested received their results.

For this period, an average of three EMDs have been applied per eligible prisoner. In total, 10,990 emergency management days were awarded to 3,221 prisoners across the five locations who were impacted by this COVID-19 response.