

9 July 2018

Our ref: GA-VK+BDS

Commissioner Martin APM  
Queensland Corrective Services  
Department of Justice and Attorney-General  
Office of the Commissioner  
GPO Box 1054  
Brisbane Qld 4001

By email: [Commissioner@dcs.qld.gov.au](mailto:Commissioner@dcs.qld.gov.au)

Dear Commissioner

**Prisoners in prolonged solitary confinement**

We write in relation to prisoners in prolonged solitary confinement and respectfully request a census snapshot of prisoners held in prolonged solitary confinement on Monday 2 July 2018.

We refer to the UN Standard Minimum Rules on the Treatment of Prisons (the Nelson Mandela Rules), in particular Rules 44 – 46:

**Rule 44**

*For the purpose of these rules, solitary confinement shall refer to the confinement of prisoners for 22 hours or more a day without meaningful human contact. Prolonged solitary confinement shall refer to solitary confinement for a time period in excess of 15 consecutive days.*

**Rule 45**

*1. Solitary confinement shall be used only in exceptional cases as a last resort, for as short a time as possible and subject to independent review, and only pursuant to the authorisation by a competent authority. It shall not be imposed by virtue of a prisoner's sentence.*

*2. The imposition of solitary confinement should be prohibited in the case of prisoners with mental or physical disabilities when their conditions would be exacerbated by such measures. The prohibition of the use of solitary confinement and similar measures in cases involving women and children, as referred to in other United Nations standards and norms in crime prevention and criminal justice, 28 continues to apply.*

**Rule 46**

*1. Health-care personnel shall not have any role in the imposition of disciplinary sanctions or other restrictive measures. They shall, however, pay particular attention to the health of prisoners held under any form of involuntary separation, including by visiting such prisoners on a daily basis and providing prompt medical assistance and treatment at the request of such prisoners or prison staff.*

## Prisoners in prolonged solitary confinement

2. Health-care personnel shall report to the director, without delay, any adverse effect of disciplinary sanctions or other restrictive measures on the physical or mental health of a prisoner subjected to such sanctions or measures and shall advise the director if they consider it necessary to terminate or alter them for physical or mental health reasons.

3. Health-care personnel shall have the authority to review and recommend changes to the involuntary separation of a prisoner in order to ensure that such separation does not exacerbate the medical condition or mental or physical disability of the prisoner.

The Queensland Law Society respectfully requests the following census data with respect to the number of prisoners held in **prolonged solitary confinement** in Queensland, on Monday 2 July 2018. Specifically, could you please advise:

- The number of male and female prisoners in prolonged solitary confinement (as defined by Rule 44 to be a period in excess of 15 consecutive days). For the avoidance of doubt, please provide a breakdown of these prisoners by age group and gender).
- The average length of the collective time spent in prolonged solitary confinement in a continuous period for a prisoner who was held in solitary confinement on 2 July 2018 (this should include concurrent periods of solitary confinement undertaken in a continuous stream).
- The name of each facility that was holding prisoners in prolonged solitary confinement on 2 July 2018.
- The number of prisoners in prolonged solitary confinement on 2 July 2018 who are impacted by a physical and/or mental disability or cognitive impairment (including, for example, acquired brain injury, Asperger's syndrome, Autism).
- The number of prisoners who were in prolonged solitary confinement on 2 July 2018 who are receiving daily visits from health care personnel/s.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy Manager, Binny De Saram on (07) 3842 5895 or by email to [b.desaram@qls.com.au](mailto:b.desaram@qls.com.au) or our Senior Policy Solicitor, Vanessa Krulin by phone on (07) 3842 5872 or by email to [V.Krulin@qls.com.au](mailto:V.Krulin@qls.com.au).

We look forward to your prompt response.

Yours/faithfully

  
Ken Taylor  
President