

26 August 2021

Hon Anthony Roberts
Minister for Counter Terrorism and Corrections
Via email: lanecove@parliament.nsw.gov.au

Dear Minister,

RE: Health and safety of persons in custody in NSW during the pandemic

NSWCCL expresses concern in relation to the health and safety of persons in custody in NSW in light of the current COVID-19 pandemic.

August has seen an increase in the number of people testing positive for COVID-19 in correctional facilities, while their population is particularly vulnerable to the virus. This is especially the case for Aboriginal and Torres Strait Islander people, who are over-represented in NSW correctional facilities and have been disproportionately impacted by COVID-19.

In particular, factors such as close proximity between prisoners, the higher rate of underlying medical conditions in prisons, and insufficiencies in sanitation and healthcare place prisoners under heightened risk of infection and consequently suffering from serious health effects. For all of these reasons, there is a risk of super spreading in prisons and it is crucial that all necessary measures be taken immediately to mitigate the risk of this happening.

Accordingly, NSWCCL recommends the following:

1. Rapid COVID testing should be available within correctional facilities, to ensure that COVID cases are detected and isolated quickly.
2. Vaccines should be made available for prison staff and prisoners. Information about the vaccination rates in custody should be made available to the public.
3. Urgent steps should be taken to ensure that the Commissioner for Corrective Services' special COVID-19 powers are exercised to release prisoners who are most at risk of having health complications if they contract the virus, as well as offenders who pose a low level of risk.
4. Additional mental health resources should be made available to prisoners for the duration of the restrictions. Bans on visitors should only be used as a means of last resort.
5. Quarantine and isolation are health measures, and therefore they should not look like punitive measures resembling solitary confinement. Prisoners should retain access to all resources and services, including educational resources.

Given the risks posed to prisoners' physical and mental health by the current COVID-19 outbreak, the NSWCCL wishes to stress once again the importance of rapid testing and vaccination, and the need to consider the release of a limited number of prisoners.

On 12 August 2021, we wrote to your colleague the Minister for Health, the Commissioner for Corrective Services and the CEO of Justice Health expressing similar concerns and asking a

number of questions. We attach a copy of that letter to the present one, and ask that you take steps to have a response to same expedited.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Pauline Wright". The signature is written in a cursive style with a large initial "P".

Pauline Wright
President
NSW Council for Civil Liberties