

Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Bill 2022

Submission No:	19
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Publication:	Making the submission and your name public
Attachments:	See attachment

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SUBMISSION TO QUEENSLAND GOVERNMENT MONITORING OF PLACES OF DETENTION (OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE) BILL 2022

Introduction

As a law student, member of the community and an individual with lived experience in this space, I have a professional and personal obligation to make the following submission.

I would like to share with this inquiry, a very personal story. This story contains allegations of severe physical, mental and sexual abuse. Some of this abuse has been documented and investigated by both government and non-government agencies and some of it has not. This is my personal story, it sadly, is not an isolated story and I will attempt to better explain this further in my submission.

What Is This Inquiry?

The purpose of the Bill, as set out in the explanatory notes, is to facilitate visits by the United Nations Subcommittee on Prevention of Torture (the Subcommittee) to places of detention in Queensland. The Subcommittee has the ability to conduct visits to Australia under the Optional Protocol to the Convention Against Torture (OPCAT).

The Commonwealth Government ratified OPCAT on 21 December 2017.

OPCAT aims to prevent torture and cruel, inhuman or degrading treatment or punishment by establishing a two-part system of regular visits to places where persons are deprived of their liberty. OPCAT requires ratifying state parties to:

- accept periodic visits by the Subcommittee to places of detention
- establish a domestic national preventive mechanism (NPM) to conduct regular visits to places of detention.

The Subcommittee is established under Article 2 of OPCAT and has a mandate to visit places of detention and make recommendations to state parties concerning the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment.

To enable the Subcommittee to fulfil its mandate, state parties that ratify OPCAT undertake to provide the Subcommittee with:

- unrestricted access to all places of detention and their installations and facilities, subject to particular grounds for objecting to a visit
- unrestricted access to all information concerning the number of persons deprived of their liberty in places of detention, and the number and location of places of detention
- unrestricted access to all information referring to the treatment of those persons and conditions of detention
- the ability to privately interview persons deprived of their liberty and any other person the Subcommittee believes may supply relevant information
- the liberty to choose the places it wants to visit and persons it wants to interview.

The Bill provides a consistent framework to provide the Subcommittee with access to places of detention in Queensland, and information to assist the Subcommittee to fulfil its mandate under OPCAT. The Bill will also remove legislative barriers that restrict physical access to inpatient units of authorised mental health services under the *Mental Health Act 2016* or to the forensic disability service under the *Forensic Disability Act 2011*.

My Introduction to, and experience with the Queensland Prison System

Mackay - Police Watchhouse

I was arrested and refused bail in 2016 for a string of offences which, on their own were not very serious offences but on my own admission, I was quite out of control at this time and in need of help and support. Offences related to alcohol abuse, drink driving, evade police, trespassing, resist arrest and bail offences. When I was arrested, I had attempted to hang myself in a tree behind my home, this was in a school and in doing so, I fell out of that tree breaking my right leg.

Whilst in the watchhouse I attempted to take my own life multiple times with any means possible. I attempted to stab myself in the neck with a pen when asked to sign something, sever my main artery with a plastic juice cup, cut my wrists with a plastic spoon and other quite disturbing methods. I was held in the watchhouse for a period of two weeks as the suicide attempts and also medical attention required for the leg prevented moving me to another facility.

The day I was finally transferred to Rockhampton Prison, I was due to have surgery performed on my leg as the tibia had fractured down the centre from my knee downwards and required surgical pins, placed to pull it all back together.

Rockhampton (Capricornia) Correctional Facility - Medical Unit

When I was accepted as a prisoner into the Rockhampton based Correctional Centre, I was told by officers that I had received quite a lot of negative media attention whilst in custody and for that reason, would be treated as a 'high profile' and 'protection prisoner'. Shortly after mentioning this to me, the officer handed me some razors and soap before telling me to 'finish the job' whilst in the shower. I immediately removed the razor blades from the razor and although contemplating suicide at this time, I took the razor blades and hid them in the splint I had been given at the Mackay Hospital, when in Police custody.

I was taken into an interview room where I was assessed in relation to my mental health, thoughts of self-harm/suicide and discussed some of the recent attempts to end my life that had taken place in the Mackay watchhouse. During this session I presented the razor blades to the Psychologists, and I was placed into an observation cell with harm prevention dress and two officers were to sit at my bedside 24/7 until I was reassessed as lower risk.

Rockhampton Hospital

I was taken to Rockhampton Hospital by Corrective Services staff, one in particular a dog squad officer sent as an escort began telling me how he would love for me to get up and run so that he could put a bullet in my back as a dog and bragged about his skills, he had been practicing. Whilst at the Hospital, I was informed that although the Mackay Hospital had suggested a surgery, given my 'High Profile' and 'Protection' status and likelihood of assault, an operation would not be a suitable option as it would require daily dressings from nurses and if I was to be assaulted whilst in prison and the wound open, I could get an infection in my leg and require amputation. As I was on remand and not sentenced, it was decided that I

have my leg placed into a cast instead. As an individual identified as 'high risk' and 'with protection' status, I could not get the medical treatment I required.

Rockhampton (Capricornia) Correctional Facility - Medical Unit

Whilst being held in the medical unit on observations I was regularly verbally abused by staff members and physically assaulted on one occasion when an officer took a rolled-up towel and whacked me on my broken leg telling me how, he could not wait to get me into the unit and see how long I would last.

After two-three weeks in the medical unit of the prison, I satisfied staff that I was mentally stable and that the risk of self-harm was low, and I was escorted to a protection unit in the prison. When I left the medical unit, I was escorted by two officers, I was handcuffed which was difficult as I could not walk without the aid of crutches. There was an officer there who made a phone call to the unit manager to let them know that I was coming down and joked about how I was not expected to last very long and that he was hoping to win the bet.

I was then escorted to an office known to me as the supervisor's office where the supervisor asked me questions and gave me a short run down of the expectations and requirements whilst I was in prison before being taken into the unit.

Rockhampton (Capricornia) Correctional Facility – Protection Unit

I spent 4 days in a protection unit with other prisoners before I was violently assaulted in a laundry. An officer (the same officer who while sing the phone to notify the unit manager I was coming down and who had, spoke about how long I was going to last and suggested he would win a bet) asked me to see him at the officer's station where he told me that I was required to go to the laundry to get some clothes. I went into the laundry where I was assaulted by at least three other prisoners. When they were finished assaulting me the leader of the group pulled me up off the ground and told me the guards wanted me raped however, they felt bad because I had a broken leg and was on crutches mentioning that I should consider myself lucky.

Two of the offenders were later charged in relation to this assault after an investigation by the Queensland Corrective Services Investigation Unit and one confessed and told the officers that the request for the assault had come from the prison officers in return for special privileges however, the second individual charged had provided two statutory declarations from other prisoners to say that he was not there at that time and the Police were unable to take this matter any further.

After the assault I was taken back to Hospital for x-rays and additional medical treatment. I could no longer use my crutches due to my injuries and was placed into a wheelchair.

Rockhampton (Capricornia) Correctional Facility - Detention Unit/Solitary Confinement

It is after returning from hospital on this occasion that I was placed into the Rockhampton Detention Unit on a safety order. A safety order places a prisoner in solitary confinement for the safety of the prisoner and/or others. When I arrived in the Detention Unit, the officer running the unit on that day was the same officer that had previously hit my broken leg with

the towels in the medical unit however, he on this occasion treated me with respect and did not assault me again.

Whilst in the Detention Unit in Rockhampton I had nil complaints; I was happy to be kept safe and had no further issues with staff or prisoners. What I loved most about the Rockhampton Detention Unit in particular is that the Prison Manager of the prison at the time, a female woman, would do a weekly inspection. The Prison Manager would ask us directly if we had any complaints, needed any medical treatment or any support at all. This treatment was nothing but humane and I would recommend other Prison Managers do the same as I cannot say that the Detention Units in other prisons are so well kept, safe and humane.

I was notified by the Prison Manager personally that, my placement within the centre had been assessed and that it was unlikely I could be kept safe. I was placed onto a waiting list for a prison transfer. I was transferred to Townsville (Stuart Creek) Correctional Centre.

Townsville (Stuart Creek) Correctional Centre – Harold Gregg Protection Unit

Whilst at Townsville Correctional Centre I was placed again, into the protection unit. I was safe here, still on remand, unsentenced. I remained in this unit for quite some time however, one day I was asked to change cells, and this was a problem because the cell that the officers wanted me to go to have a bunk bed with an extremely overweight and elderly prisoner already in this cell. It was impossible for me to climb up onto the top bunk in this cell as I still had a broken leg and used crutches.

Because I had refused the direction of staff, the Prison Manager of this jail came down into the unit with extra officers and locked every prisoner away except for me. The Prison Manager told me this was prison, and I was expected to do as I was told and if I refused any of the officers' directions and/or disobeyed any commands I would be taken to the detention unit. I was asked if I understood, and I said 'yes'.

Shortly afterwards I was asked again by a prison officer to change cells and again, I told the officer that I could not for medical reasons. The officer smiled and told me I would be going to the detention unit. The Prison Manager again returned with additional officers who took my crutches, forcing me to walk without them.

Townsville (Stuart Creek) Correctional Centre – Detention Unit/solitary Confinement

I spent maybe two weeks in the detention unit for failing to obey the officers' orders where I was mistreated, physically and verbally abused, was not allowed access to necessities such as toilet paper and on one day in particular I was not given any food. This treatment was 'punishment for continuing to disobey the directions of officers whilst in the detention unit. As I had a broken leg, I was required to keep my leg in a medical brace. Each morning officers would come into my cell (routine) and ask me to remove my leg brace and I refused. The officers told me that they had spoken to the doctors and nurses, and they were told I no longer needed the leg brace. I told them that I had not yet been provided with medical advice regarding the removal of the brace and if the officers could organise a visit to the medical unit or the hospital to confirm then I would be happy to remove it. This was never organised.

One day I was taken out of the cell and into an interview room within the detention unit. I was in the room with two supervisors, one sat adjacent to me in a chair, and another stood over me to my right-hand side. I was told that if I so much as flinched or moved a muscle it would be seen as a sign of aggression and that the supervisor standing over me would assault me. I was then told that I would be removing my leg brace, or I would be spending the rest of my life in solitary confinement. I told the supervisor that I preferred the detention unit as I was safe and that until I received medical clearance, I would not remove the brace. I was threatened some more before being placed into a cell without any of my reading materials, paper, pens, diaries and toilet paper. Everything had been removed. I was told that I would get my things back when I started complying.

The following day a [REDACTED] officer was on duty and was handing out the daily meals to each cell one by one however when the officer got to my cell, the officer said that I did not deserve to eat and continued only to provide meals to each of the other prisoners. I did not receive any food this day because I had refused to remove my leg brace.

Eventually, I was placed back into the protection unit.

Townsville (Stuart Creek) Correctional Centre – Harold Gregg Protection Unit

I remained in the same unit for a few weeks until, perhaps coincidentally the same officer in charge of the unit the day I refused to move cells requested that I move units. Again, I refused as I had been threatened by other prisoners who shared a prison yard with our bedroom windows. The officer smiled and told me that I was in jail and would do as I was told.

I used the prison phone to call prison intel who arranged to meet with me. I told prison intel about my situation, the 'high profile' and 'protection' status, the prison assaults, transfers, threats and basically everything that had happened up to and including that point. The intel officers recommended that I remain in the unit, and I did so, for a few more weeks until the same officer was again on shift.

I called prison intel again as they told me I would not be moved because of the risks to my safety but they did not answer, and I left a message. (I found out from the officers later that they had asked a supervisor to speak with me and return me to my original unit) this did not occur.

Townsville (Stuart Creek) Correctional Centre – Medical Unit

In order to remain in the unit, I used the intercom to threaten self-harm and I was instead taken to the medical unit for observation. I was not allowed access to my crutches and as I could not walk without them, I had to crawl and hop like a kangaroo to the toilet. One day (it was a weekend) the officers were all standing around pointing and laughing at me, I felt humiliated, they were saying 'look he's a kangaroo'. I was allowed a phone call and used this call to phone my mother who then called the jail and asked to speak with the supervisor, this supervisor apologised and told her he did not know why I was in the medical unit or why I was forced to move units if I was on a 'protection' order.

The supervisor came to see me, apologised and told me he would send me back to the unit.

Townsville (Stuart Creek) Correctional Centre – Harold Gregg Protection Unit

I remained in this unit for some time until the same officer came into the unit again and told me that I would be moving again and smiled. I was certain that by now this officer was setting me up for some kind of assault or torture and that it was more than a coincidence that every time this particular officer was rostered on in the unit that I was to move to another unit. She smiled and asked me if I was going to slash up today or whether I was going to call intel (to save me) again?

This time I refused. The officer then took me into an interview room where she read the prison rules verbatim, a rather large document that took between 20 and 30 minutes to read. Still, I refused to move and had a panic attack. Additional officers were called in to remove me by force and all began verbally abusing me, laughing and pointing whilst one officer said, 'I'm going to film this and send it to his wife'. I was dragged from the unit physically, still with a broken leg and my crutches removed. I was dragged until an officer began complaining the officer had hurt his back. (This officer later filed a complaint in relation to the damage to his back as a result of dragging me through the prison). I was placed into a wheelchair and taken back to the detention unit.

Townsville (Stuart Creek) Correctional Centre – Detention Unit/solitary Confinement

Whilst in the detention unit on this occasion I experienced more verbal abuse and attempts of officers to have me remove my leg brace which I refused. Whilst in the detention unit I witnessed verbal and physical abuse. There was a prisoner who was kept in the yard all day and refused access to the toilet. He was begging guards for hours to let him use the toilet, but they refused, and he defecated outside in the yard. Later, officer went into his cell and forced him to put his face into his own faeces before leaving him there handcuffed without access to a shower to wash basin. This was one of the more severe 'inhumane' acts I witnessed.

On occasion prisoners were not fed, were denied yard access, toilet access and necessities such as toilet paper almost on a daily basis.

Prisoners were routinely mistreated in this facility.

One day we were visited by an 'official visitor' and told we could make complaints. The official visitor reports back to the 'Prison Manager', (a system that needs overhaul). I began making complaints to the official visitor who was taking notes one day, when she became distracted by the guards mistreating another prisoner. She never came back and finished listening to my complaints. The Prison Manager never once visited this detention unit in this prison.

Townsville (Stuart Creek) Correctional Centre – Harold Gregg Protection Unit

After returning to the unit for a short time and after, attending Court and being sentenced to six months imprisonment for the offences I was charged with, I was again asked to move, by the same officer who had attempted to have me move on each of the previous occasions and this time, broke, worn down and helpless I complied.

I was placed into a cell with an [REDACTED], a violent offender who was on remand charged with the manslaughter of his child, having previously served time for rape. I was abused verbally and physically abused daily and each night by this man. It started as 'I'm just

toughening you up' because he considered me weak. Other inmates and officers were aware but did nothing and I felt so low and vulnerable that I did not speak up. I had tried on many occasions to avoid this by threatening self-harm, calling prison intel and outright refusing to move, that I figured there was no point in trying to protect myself, I became extremely depressed.

Eventually this offender would rape me with a 'shiv' or 'prison knife' ([REDACTED] [REDACTED]). That night I screamed and cried out in pain, but the other inmates just kept telling me to shut up. I was actually threatened by an inmate the next day who told me if I ever acted like that again, waking people up he would ' [REDACTED] me up'. I remember telling him what was happening and although he looked sympathetic, he said that sounds like a me problem and I would need to stand up to this guy and because I couldn't fight, I would have to stab him to death or at least to a point where he could do me no more harm. I am not a violent person; I was not in prison for any violent offences, and I was terrified. I did nothing.

One day, about a week or so after this incident I was asked to speak with an officer at the officer's station who informed me I would be taken to the hospital for another x-ray. I returned to the table and when I told my cell mate, I was going to hospital he told me that I wasn't and demanded I go back and tell the officer that I could not go. I followed his direction, and the officer told me that I had no choice, I had a broken leg, and it was time to go to hospital. My cell mate then assaulted me while the officer was watching.

The officer then pulled me out and asked what was going on and I told him nothing was going on, 'in any event' he said, 'you're going to the hospital'. Before leaving for hospital, I was required to undergo a strip search. It was during this search that officers noticed that my entire body was covered in bruises and that I had been assaulted on more than one occasion. I broke down.

I had spent weeks, trying to be 'tough' and not say a word. I could not hold it in anymore and I broke down. Officers then began taking photographs with one officer telling me that my cell mate was going to rape me and had been abusing me more and more incrementally each day in order to condition me into being his ' [REDACTED] '. I have been through a lot in my life, but this was one of those moments I will never forget, the fear and absolute helplessness I felt in that moment cannot easily be explained.

I was taken to hospital and once returning, I was taken out of that unit and that cell and placed onto a safety order for the remainder of my time in custody (a week or so).

Upon leaving prison on this occasion, I contacted the Corrective Services Investigation Unit and also the Crime and Misconduct Commission. Both agencies were limited in what they could do, I found out that footage is only kept for a period of three months and otherwise destroyed, other prisoners were not likely to talk and the police told me there was no point pursuing charges against the cell mate because he was already going down on manslaughter and any sentence for the rape and torture would run concurrently meaning, he would not serve any additional time and that I would be placing myself and my family at unnecessary risk of retaliation in the future.

so weak

Mareeba/Cairns (Lotus Glen) Correctional Centre

I was later held on remand in Lotus Glen on two separate occasions for six and two months in 2017/2018 before being released for the final time.

Whilst in Lotus Glen I also spent a great deal of time in solitary confinement for various reasons. For the most part, the treatment was pretty good however there were incidents where I was assaulted by officers and mistreated all documented since. I had on this occasion begun making direct complaints in the form of 'blue letters' to the Prison Manager and on one occasion the Prison Manager through the head psychologist, through my personal psychologist told me that if I were to withdraw all of my formal complaints against them, that my life would go back to normal, so I did however, I was still kept in the detention unit for a considerable amount of time. I experienced more of the same treatment in this prison including for example, my belongings being taken and misplaced by officers, resulting in a reimbursement from the prison upon release.

One thing that stood out in this detention unit was how the indigenous were treated, Cairns is closer to the Cape communities and has a higher rate of indigenous prisoners and I regularly witnessed the mistreatment of these indigenous prisoners, some left out in the yard without toilet access or drinking water all day, guards would become frustrated with language barriers and ignore them when they were trying to ask for access to food, toilets and other facilities.

Ongoing Medical Issues

As a result of poor medical treatment in 2016, my right leg is still much smaller than the left, I am currently having my leg examined by a specialist because of the constant pain associated with bending my knee. The cartilage has deteriorated, and my leg never properly healed. I spent six months in custody and received no physio at all.

Generally speaking, a broken leg is required to be in a cast for 6 weeks before beginning physio with full movement expected within three months. I spent the whole six months without the ability to walk and I am considering taking legal action against the state for this injury and also, some of the abuse I suffered. I am now outside of the personal injury claim period and considering tortious damages instead.

I am sure that there are other Queenslanders suffering similarly and I would like to see the Queensland Government investigate this further.

Ongoing Psychological Issues

As you can imagine, the physical, verbal, psychological and sexual abuse I suffered has caused me considerable ongoing pain and mental health issues such as PTSD, depression and on occasion anxiety. I am fortunate for the care and support from Dr Jeff Nelson over the last 5-6 years as without his support, guidance and belief in me, I would not be the person I am today. For the most part, I am healing and contributing a great deal within my local community of Cairns.

Conclusion

I have three proposals I would like the Inquiry to consider.

Firstly, I submit that I agree with the main point of the bill which is to allow the United Nations access to places of detention in Queensland.

Secondly, I would like to see the Queensland Government investigate my claims, the claims of others and encourage the Queensland Government generally, to consider its own independent investigation into places of detention in order to highlight and address the issues I have raised and issues I know are not isolated, throughout this very personal submission.

To consider now that I am rehabilitated and contributing to the community in so many positive ways is a credit to myself and myself alone as the system, the way it works, the prisons and the extreme violence and abuse that occurs in them does not support rehabilitation, it supports the opposite. If we are to start seeing more rehabilitation and keep people out of prison, reducing crime we must listen to those with lived experience.

I would lastly like to take this opportunity to suggest the Queensland Government establish a Royal Commission into institutional abuse generally. There is a reluctance among prisoners to speak up about the trauma, violence, corruption and abuse suffered within the prison system and this was initially a problem for victims of childhood institutional abuse during that Royal Commission in the past. I think we can do better and that we must do better.

Inmates, prisoners and former prisoners are reluctant to speak for a number of reasons, in prison there is a fear of retribution from the system and also other inmates as you could be labelled a 'dog' and seriously harmed as a result and for those who have been released and moved on with their lives, they may find revisiting these issues traumatic, they may have moved on, put their time in custody into the back of their mind in an attempt to forget or move on from that trauma.

I know that for the most part, people do not care about prisoners and 'they deserve it' is a common saying among those that have never been to prisons, but sometimes good people go to prisons, bad things happen to individuals on remand, unsentenced, not yet guilty and those incarcerated in relation to minor offences. There was a study conducted (forgive me, I have tried to reference this study and could not find it) into Goulburn Prison which found a high rate of murders and extremely violent crimes were being committed by former Goulburn Prison inmates who had been beaten and brutalised whilst in custody. The study ultimately supports the theory that, if we want to rehabilitate people and have less violent people, we need to treat them humanely.

I would like to think that the Queensland Government is serious about the fair treatment of all Queenslanders whether they are prisoners or not and that, a Royal Commission into institutional abuse and custody in general could provide valuable insights into the system and make positive changes possible.