



Government of **Western Australia**
Department of **Justice**
Corrective Services

Response to OICS Draft Report:

**Review into People in Custody with an
Intellectual Disability**

March 2024

Version 1.0

Response Overview

Introduction

On 14 February 2023, the Office of the Inspector of Custodial Services (OICS) announced the commencement of a review into *People in Custody with an Intellectual Disability* (the review).

To assist with the inspection, the Department of Justice (the Department) provided a range of documentation as well as access to systems, custodial facilities, staff and prisoners.

On 26 February 2024, the Department received the draft review report and has provided comments and responses to the 10 recommendations.

Department Comments

Identification of people with an intellectual disability is complex and as per the research findings presented in the OICS report, intellectual disabilities can be invisible, can show no overt signs of impairment and be confused with other disorders.

Early identification can benefit individuals through the provision of early support and intervention and help them avoid prison or reduce their time in custody.

The research findings further indicate issues around identification have limited the ability to estimate the prevalence of intellectual disabilities among adult prisoners and youth detainees. For example, people in custody with foetal alcohol spectrum disorder (FASD) show few signs of functional impairment and therefore may go undetected¹.

The Department agrees early identification of people in custody with an intellectual disability is the key to providing appropriate supports aimed at ensuring their disability does not unfairly disadvantage them throughout their rehabilitation journey.

The introduction of the Functional Impairment Screening Tool has assisted the Department in identifying more people in custody with cognitive impairments. Additional training on insight and awareness has been provided to clinical staff and the Department is also exploring secondary assessment tools for cognitive assessments to help improve identification.

Work to improve the accuracy and effectiveness of the Functional Impairment Screening Tool is ongoing. The Department's Western Australian Office of Crime Statistics and Research (WACSAR) is working in partnership with leading experts and other interested jurisdictions to establish and undertake a validation study of Functional Impairment Screening Tool. Given the standard of evidence required to properly validate the tool, it is anticipated that the study will be undertaken over two to three years. Once validated, information sharing platforms will be explored to allow the information to be shared amongst staff, enabling them to better understand the prevalence of impairments across their facility.

Other identification avenues include self-reporting, health assessments, staff observations, the Department's Disability Co-ordination Team (DCT) and through contact with external agencies.

¹[Pakunwanich & Mazurek, 2020](#)

The DCT, is the central liaison point for disability information in the adult custodial environment, has created online training modules for Corrective Services staff working in prisons and Adult Community Corrections settings aimed at enhancing staff awareness of disabilities, breaking stereotypes, overcoming preconceptions and supporting custodial staff to more confidently work with adult inmates with a disability. The training is mandatory and covers the following modules:

- Understanding and Responding to Individuals with Disability
- Disability in the Criminal Justice System
- Government Services for Offenders with Disability
- Guardianship and Administration Orders

The Department welcomes the findings of the intellectual disabilities review, which highlights the issues faced by people with intellectual disabilities in the Department's care and will consider the recommendations made to address the issues.

Response to Recommendations

1 Establish an overarching model to guide the custodial journey for people living with a disability.

Level of Acceptance:	Supported in Principle
Responsible Division:	Corrective Services / Strategic Reform
Responsible Directorate:	Offender Services / Strategic Policy and Projects

Response:

The Department recognises the importance of supporting people in custody living with disabilities and strives to deliver the best care possible to this cohort.

The recommendations from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability are currently being considered by Government, which will inform how services and support provided to people in custody with disabilities can be improved and how the Department can work more collaboratively with other agencies in this regard.

The potential establishment of an overarching model of care for people in custody with disabilities will be informed by the above program of works and will be subject to Government support and resourcing.

2 The Government should commit additional resources for the expansion of the Disability Coordination Team within the Department of Justice.

Level of Acceptance:	Noted
Responsible Division:	Corrective Services
Responsible Directorate:	Offender Services

Response:

This recommendation is a matter for Government.

3 Develop a policy framework for identifying disabilities in young people who enter custody.

Level of Acceptance:	Supported
Responsible Division:	Corrective Services
Responsible Directorate:	Women and Young People

Response:

The Department adopts a number of methods and strategies for screening and assessing young people in custody for disabilities, which are undertaken by allocated Youth Justice Officers or Senior Case Managers.

It is acknowledged these methods and strategies are not formalised in policies and procedures and the Department is committed to developing a policy framework to underpin consistency in screening practices for young people.

The onsite health team under Child and Adolescent Forensic Services has commenced screening young people on a pilot basis. Screening processes will be refined throughout this pilot and embedded into operational delivery as appropriate.

Screening will also consider validation of assessment and screening tools for Aboriginal young people.

4 Commit to sharing Functional Impairment Screening Tool results with custodial staff on the offender database in a manner that respects patient privacy but enables better day-to-day care of people in custody.

Level of Acceptance: Supported in Principle
Responsible Division: Corrective Services
Responsible Directorate: Offender Services

Response:

The Department supports the sharing of information with custodial staff, including the results of functional impairment screening.

This observational assessment carried out by clinical staff is yet to be validated as a reliable tool for the identification of functional impairments in people in custody, although a collaborative validation study is currently in development within WACSAR.

The Department will look at the most practical and effective method of sharing functional impairment screening results with custodial staff should validation be supported.

5 The Department to review how disability information is captured and shared throughout the estate and identify opportunities to remove information silos and improve consistency of information between different systems and processes.

Level of Acceptance: Supported – Current Practice / Project
Responsible Division: Corrective Services
Responsible Directorate: Offender Services

Response:

This recommendation primarily relates to how information on the Total Offender Management Solution (TOMS) system is shared between youth and adult profiles when a person in custody transitions from youth to adult custody.

The Department has established the process of facilitating planning meetings prior to the transfer of a young person to adult custody. Attended by relevant stakeholders involved in the management of the young person, the planning meetings ensure relevant information captured on the young person's TOMS profile is identified for transfer to their adult profile.

Once information has been transferred between the TOMS profiles, any information held on that person's intellectual impairment will be captured on the TOMS Disability Module, which is a central point of information for staff to access, review and better understand the needs of prisoners with impairments and how best they can be managed and supported.

6 Identify and reduce potential barriers that may be preventing people with an intellectual disability from accessing minimum-security facilities.

Level of Acceptance: Supported in Principle
Responsible Division: Corrective Services
Responsible Directorate: Adult Male Prisons

Response:

People with intellectual disabilities are not automatically precluded from accessing minimum-security facilities. Placements are made following an assessment process which also takes into consideration an individual's level of functioning and the care and supports available at the facility to keep them safe.

The Department will review and assess potential barriers and the steps required to reduce them.

7 Collaborate with the National Disability Insurance Agency to expand the presence of Justice Liaison Officers across the custodial estate in Western Australia.

Level of Acceptance: Noted
Responsible Division: Corrective Services
Responsible Directorate: Offender Services

Response:

National Disability Insurance Agency (NDIA) Justice Liaison Officers (JLOs) are not client facing staff and do not interact with people in custody.

The purpose of the JLOs is to establish and facilitate communication between Department staff and external support services, to enable people in custody with impairments to access these support services.

The DCT serves as the Department's liaison with JLOs, with both the DCT and JLOs currently being co-located at the same work location, along with health services and mental health services.

8 Introduce criminogenic treatment programs tailored for people with an intellectual disability and explore opportunities to adapt existing programs that could also suit their needs.

Level of Acceptance: Supported in Principle
Responsible Division: Corrective Services
Responsible Directorate: Offender Services

Response:

The Department currently does not have the required expertise or resourcing to introduce criminogenic programs tailored specifically for people with intellectual disabilities, nor to adapt existing programs to meet the specific needs of this cohort.

The proposed expansion of the DCT will help provide the expertise and resourcing necessary to address this recommendation.

9 Develop a policy guidance to establish the expectations of the prisoner carer, selection process, and gratuity arrangements.

Level of Acceptance: Supported in Principle
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

The Department will undertake a review and analysis of existing policies, procedures, and operational practices to determine the need for further policy guidance in relation to prisoner carers.

10 Develop a policy to offer prisoners with more severe impairments, who are unable to work or participate in constructive activities, a reasonable base level of income.

Level of Acceptance: Supported in Principle
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

As with recommendation nine (9), the Department will undertake a review of current policies and procedures surrounding gratuities in relation to prisoners with severe impairments who are unable to work or participate in constructive activities.