



Public Service Association of SA Inc

Community and Public Sector Union · SA Branch · SPSF Group



29 July 2016

The Hon Peter Malinauskas, MLC
Minister for Correctional Services
GPO Box 668
Adelaide SA 5001

Dear Minister

Re: Prisoner at Large From Yalata Labour Prison

The Public Service Association (PSA) refers to the article printed in the Advertiser newspaper on 27 July 2016 titled "*Minister lashes prison staff*".

The article appears to report a Ministerial Statement you provided to State Parliament on Tuesday 26 July 2016 which blamed, in part, Correctional Officers at Yalata Labour Prison for the prisoner being at large.

The PSA acknowledges that a prisoner remaining at large is an unacceptable situation.

However, we do not agree that Correctional Officers at Yalata Labour Prison are responsible for this prisoner being at large.

The prisoner, Mr Rigney, was released into the community on Home Detention Bail. Home Detention Bail is monitored and managed by the Community Corrections service of the Department for Correctional Services. Mr Rigney's Home Detention Bail Agreement clearly states that a Community Corrections Officer was assigned to supervise him. Mr Rigney was also fitted with a GPS tracking device which is monitored by Community Corrections.

Correctional Officers must ensure they have the appropriate authority before placing any person into custody. Had they detained Mr Rigney, and it was subsequently established that no authority existed, they could have been liable for unlawful detention. This would also have been the case had they placed Mr Rigney in a secure location while establishing the authority to detain. The Gatehouse at Yalata Labour Prison does not have a secure location for detaining prisoners. The only option would have been to detain Mr Rigney in the Admission Holding Cells.

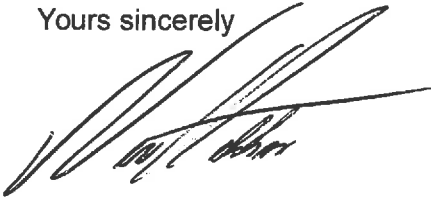
At the time of this event Correctional Officers at Yalata Labour Prison were operating without any instructions or guidelines covering events of this kind. This is confirmed by the fact that DCS hastily issued two Deputy Chief Executive Instructions on 26 July 2016 (ie after the event) to cover situations where prisoners are granted temporary court leave during their custodial period and unscheduled admissions.

The PSA is willing to work with DCS to ensure appropriate procedures are in place to prevent future incidents of this kind from occurring.

However, it is completely unacceptable to blame Correctional Officers at Yalata labour Prison for this event, especially as relevant instructions or guidelines did not exist prior to it.

Please feel free to contact PSA Senior Industrial Officer, Manager, Strategy and Policy Simon Johnson by email at sj@cpsu.asn.au or by phone on (08) 8205 3220 should you require further clarification on this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nev Kitchin', with a long horizontal flourish extending to the right.

**NEV KITCHIN
GENERAL SECRETARY**