

Department of Corrections unreasonable to place prisoner with mental illness in mainstream unit

Legislation	Ombudsmen Act 1975
Agency	Department of Corrections
Ombudsman	David McGee
Case number(s)	275593
Date	July 2010

Whether the Department of Corrections was unreasonable to place prisoner in mainstream unit given specific medical condition of mental illness—Ombudsman upheld complaint

The complainant claimed the Department of Corrections (the Department) had been unreasonable to place him in a mainstream unit in prison when it was aware of his specific medical condition.

While the Department accepted that mental illness does not in itself prevent placement in a mainstream unit, the Department knew that the complainant had a chronic mental illness and that, when unwell had been known to assault, and be assaulted by, other prisoners. The complainant had been transferred to a special unit specifically because he was experiencing an episode of being mentally unwell. This circumstance would appear to escalate the likelihood of a physical altercation between him and other prisoners, and was in fact cited as one of the driving reasons for his transfer by the Health Centre Manager.

While it seems apparent that custodial staff at the prison were advised that the complainant was transferred so that he could be placed in the Special Needs Unit at the prison due to his current episode of deteriorating mental health, this information was not relayed to the medical team or the induction team. A thorough risk assessment process was undertaken at the outset but relevant staff were not aware of the complainant's bipolar condition and previous mainstream unit placements. The complaint was sustained.

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