

Advocating for yourself, your family or a prisoner

Advocacy means supporting or backing a particular cause on somebody's behalf. It can involve making requests, complaints or simply informing the relevant person about a particular situation.

What should you do?

If you have concerns about the way that you have been treated while visiting a prison, the way a prisoner has been treated, or another issue, then you can make a complaint. In writing letters of complaint, family members should detail the issue, record which staff they have spoken to so far regarding the matter and what advice they have received to date. The steps for making a complaint are as follows:

Step 1. Speak directly to the Operations Manager of the particular prison

Step 2. Write a letter to the General Manager of the particular prison

Step 3. Write a letter to the Minister of Corrections

Step 4. Write a letter to the State Ombudsman

Any complaints by family members should always be raised at the prison level first. Complaints should only be made to the Ombudsman when other avenues have been exhausted, and should list steps already taken to attempt to resolve the matter.

Ombudsman Victoria

Level 9, 459 Collins Street, Melbourne VIC 3000
(03) 9613 6222, Toll Free **1800 806 314**

Minister of Corrections

Level 26, 121 Exhibition St, Melbourne VIC 3000
(03) 8684 0900

**See the VACRO website for contact details on all
Victorian prisons**

Helpful tips

- Always have the name and title of the person that you wish to raise concerns about
- Write down the date of the incident or incidents and your version of what happened
- Be clear about what you believe is not okay. This might include not being given the correct information, a professional not completing a task that you believe is part of their role, behaviour or language that is inappropriate

The following are some tips for effective advocacy with the prison system.

- Know the right person to speak to. Ring the prison and ask who you should speak or write to. Don't waste time and energy talking to people who have no power to do anything about your situation
- Rehearse how you are going to express your concern or request. Draft a letter and show it to a neutral person who can give you feedback
- Wait until you are calm and composed. It is no use trying to communicate when you are stressed, tired, or upset
- Be assertive, not aggressive. Stick to the facts and avoid abusive language, finger pointing, sarcasm, swearing or threats. It is more likely that you will get a sympathetic hearing if you are courteous and calm
- Don't make demands. State your request and the reasons why it is reasonable
- Write down the name of each person you talk with. Start with the lowest level of authority that might be able to act on your complaint or respond to your request. Don't be afraid to go further up the chain of command if you feel that the response is inadequate

Helpful tips (cont'd)

- Don't expect an immediate response
- If your request is turned down or your concern is dismissed, don't expect to be told why. Sometimes, prison workers cannot divulge information because it breaches privacy laws or could compromise the security or smooth functioning of the prison. For example, you may be angry that your partner has been transferred to a more distant or higher security prison. However, your partner may not have told you that he was involved in a disciplinary breach and that is why he was transferred. Prison workers cannot tell you about such incidents without the prisoner's consent
- Listen to the response. Don't react before you have had time to consider what the person has said
- Be prepared to compromise

Check you facts

Some prisoners can become dependent on relatives for things they can do for themselves. Before advocating on behalf of a prisoner, it may be useful to ask the following questions:

- Has the prisoner provided you with correct and complete information?
- Do you have enough information to make an informed complaint?
- Has the prisoner done their own asking/complaining yet, or asked but did not like the answer?

It is important to be aware that the prisoner may complain to family members about unfair treatment at a time when they are in crisis. Unless it is an emergency, families should think twice before rushing in to complain on the prisoner's behalf. Often, given a day or two, the problem looks less overwhelming for the prisoner and a complaint is not necessary.

Legal representation

Prisoners can access legal aid from prison if they are eligible. If they are not eligible they can employ a private solicitor. There are phone books that prisoners can use to get in contact with prospective solicitors.

Families should therefore not always feel obligated to organise and fund legal representation on behalf of a prisoner. Prisoners should be encouraged to put solicitors on their phone list and contact them independently.

For more information, contact Victoria Legal Aid on (03) 9269 0120 or visit www.legalaid.vic.gov.au

Community Correctional Service (CCS)

You can ask to speak to the Supervising Officer at the relevant CCS office. If you do not feel that your issues have been resolved you can contact the following people in order; the Location Manager and then the Area General Manager. Ask reception at the CCS office for these contacts.

Complaints against Magistrates

Any complaint in relation to a Magistrate must be in writing and forwarded to the Chief Magistrate at:

Melbourne Magistrates' Court,
233 William Street,
Melbourne, Vic. 3000
GPO Box 882G,
Melbourne, Vic. 3001

Complaints against Court staff

Any complaint in relation to court staff must be in writing and forwarded to the Chief Executive Officer at:

Melbourne Magistrates Court,
233 William Street,
Melbourne, Vic. 3000
GPO Box 882G,
Melbourne, Vic. 3001

Complaints against Police

The Police Conduct Unit (Complaints and Compliments) of the Ethical Standards Department can be contacted at:

Level 2 Flinders Tower,
637 Flinders Street Melbourne 3005, PO
Box 415, Melbourne 3005, or by
telephoning **1300 363 101**, or facsimile
9247 3498 or by email at
ethical.standards@police.vic.gov.au