

MEMO



Government of South Australia
SA Health

**To Deputy Chief Executive – SA Health
Executive Directors – Mental Health Services
Clinical Directors – Mental Health Services
Sector Managers – Mental Health Services
Department of Correctional Services
SA Prison Health Service**

From Chief Psychiatrist | Director Mental Health Policy

Date June 2014

Mental Health Treatment for Prisoners

The Office of the Chief Psychiatrist has worked in collaboration with partner agencies to identify the lawful service options for prisoners to receive mental health treatment.

There are 6 available options for services:

1. **Voluntary community treatment in prison** – custody provided by Dept of Correctional Services, treatment provided by SA Prison Health Services or Forensic Mental Health Services. The prisoner will remain in prison and receive voluntary treatment.
2. **Involuntary community treatment in prison** – custody provided by Dept of Correctional Services, involuntary treatment provided under a Community Treatment Order by SA Prison Health Services or Forensic Mental Health Services. The prisoner will remain in prison and receive involuntary treatment under a Community Treatment Order.
3. **Voluntary inpatient treatment in a Treatment Centre with DCS guard (or G4S officer)** – custody provided by Dept of Correctional Services, treatment provided by Mental Health Services. DCS staff will remain with the prisoner for the duration of their voluntary treatment by mental health services in an acute mental health ward in a Treatment Centre.
4. **Voluntary inpatient treatment in James Nash House without DCS guard (or G4S officer)** – care and control provided by James Nash House, treatment provided by Forensic Mental Health Services. Requires that a prisoner is given a Leave of Absence by the CE of DCS with the conditions that “the prisoner must reside at James Nash House and is in the care and control of the Director of Forensic Mental Health Services”. Staff at James Nash House may “involuntarily house” the prisoner while they provide voluntary mental health treatment.
5. **Involuntary inpatient treatment in a Treatment Centre with DCS guard (or G4S officer)** – custody provided by Dept of Correctional Services, treatment provided under an Inpatient Treatment Order by Mental Health Services. DCS staff will remain with the prisoner for the duration of the involuntary treatment under an Inpatient Treatment Order in an acute mental health ward in a Treatment Centre.
6. **Involuntary inpatient treatment in James Nash House or PICU without DCS guard** – care and control provided under an Inpatient Treatment Order by James Nash House or

PICU, involuntary treatment provided under an Inpatient Treatment Order by James Nash House or PICU. The prisoner will receive involuntary treatment and care and control under an Inpatient Treatment Order in James Nash House or a “closed” mental health ward in a Treatment Centre, without DCS staff presence.

And one legally valid option which is not to be used in practice. This option is included for completeness but is never to be used, as it is against SA Health policy.

7. **Voluntary inpatient treatment in a Treatment Centre without DCS guard** – custody self-managed by prisoner, treatment provided by Mental Health Services. While this option is legally valid, it is not to be used in practice. A prisoner may leave the facility at any time as Health staff have no power to enforce custody. This creates risk for the prisoner, SA Health and the Dept of Correctional Services.

The most appropriate treatment setting for each prisoner will be decided by SA Health and the Dept of Correctional Services based on clinical need, legal status and service availability.

If you need further information please contact Forensic Mental Health Services or the Office of the Chief Psychiatrist.

A summary table of the options for the mental health treatment of prisoners is attached for your convenience.



Dr Peter Tyllis
Chief Psychiatrist | Director Mental Health Policy

Options for the Mental Health Treatment of Prisoners Summary Table

1. Voluntary community treatment in prison			
Custody Law	Treatment Law	Custody Agency	Treatment Agency
Correctional Services Act	NA	Dept of Correctional Services	SA Prison Health Service or Forensic Mental Health Service

2. Involuntary community treatment in prison			
Custody Law	Treatment Law	Custody Agency	Treatment Agency
Correctional Services Act	Community Treatment Order – Mental Health Act	Dept of Correctional Services	SA Prison Health Service or Forensic Mental Health Service

3. Voluntary inpatient treatment in a Treatment Centre with DCS Guard			
Custody Law	Treatment Law	Custody Agency	Treatment Agency
Correctional Services Act	NA	Dept of Correctional Services	Forensic Mental Health Service or Inpatient Mental Health Service

4. Voluntary inpatient treatment in James Nash House without DCS Guard *			
Custody Law	Treatment Law	Custody Agency	Treatment Agency
Correctional Services Act	NA	Forensic Mental Health Services	Forensic Mental Health Service
* If a prisoner is given a Leave of Absence by the CE of DCS with the conditions that “the prisoner must reside at James Nash House and is in the care and control of the Director of Forensic Mental Health Services”, staff of JNH may use care and control to “involuntarily house” the prisoner while they provide voluntary treatment.			

5. Involuntary inpatient treatment in a Treatment Centre with DCS Guard			
Custody Law	Treatment Law	Custody Agency	Treatment Agency
Correctional Services Act	Inpatient Treatment Order – Mental Health Act	Dept of Correctional Services	Inpatient Mental Health Service

6. Involuntary inpatient treatment in James Nash House or PICU without DCS Guard **			
Custody Law	Treatment Law	Custody Agency	Treatment Agency
Inpatient Treatment Order – Mental Health Act	Inpatient Treatment Order – Mental Health Act	Forensic Mental Health Service or PICU Service	Forensic Mental Health Service or PICU Service
** Temporary care and control becomes the responsibility of JNH or PICU for the duration of the Inpatient Treatment Order only. The CE of DCS retains overarching custody.			

Legally valid option not to be used in practice

7. Voluntary inpatient treatment in Treatment Centre without DCS Guard ***			
Custody Law	Treatment Law	Custody Agency	Treatment Agency
Correctional Services Act	NA	Dept of Correctional Services	Inpatient Mental Health Service
*** While this option is legally valid, it is not to be used in practise. A prisoner may leave the facility at any time as Health staff have no power to enforce custody. This creates risk for the prisoner, SA Health and the Dept of Correctional Services.			