



Inspector of
Custodial Services

Inspector of Custodial Services

Inspection of Emu Plains
Correctional Centre 2021



Inspector of Custodial Services

Produced by the Inspector of Custodial Services

Level 3, 50 Phillip Street
SYDNEY NSW 2000

P: 0427 488 689

E: custodialinspector@justice.nsw.gov.au

W: www.inspectorcustodial.nsw.gov.au

ISSN: 2207 0389

April 2022

© State of New South Wales through the Inspector of Custodial Services April 2022. This work may be freely reproduced for personal, educational and government purposes. Permission must be received from the Inspector of Custodial Services for all other uses.

The document has been prepared by the Inspector of Custodial Services for general information purposes. While every care has been taken in relation to its accuracy, no warranty is given or implied. Further, recipients should obtain their own independent advice before making any decisions that rely on this information.

For extended copyright permissions or to request the report in an alternative format such as Braille, audiotape, and large print contact custodialinspector@justice.nsw.gov.au.

Contents

Inspector's overview	4
Glossary of terms and acronyms.....	6
Executive summary	7
Recommendations	10
Emu Plains Correctional Centre profile	11
Inspection process.....	13
1 Classification and placement.....	14
1.1 Classification of women.....	14
1.2 Placement at Emu Plains Correctional Centre.....	16
1.3 Duration of stay.....	17
2 Staffing	18
3 Custodial conditions	21
3.1 Physical environment	21
3.2 Food and nutrition.....	23
3.3 Clothing and bedding	24
3.4 Structure of day.....	24
4 Safety and security	27
5 Health and wellbeing.....	29
5.1 The Justice Health and Forensic Mental Health Network.....	29
5.2 Psychology	30
5.3 Purposeful activity	31
5.4 Family contact	32
5.5 Faith services	34
6 Rehabilitation and release preparation	35
6.1 Case management.....	35
6.2 Services and programs	36
6.3 Employment and education	37
6.4 The Hub	39
7 Jacaranda Cottages.....	41
7.1 Access to the program	41
7.2 Life at Jacaranda Cottages.....	43

Inspector's overview

In NSW women comprise a very small portion of the population in custody. Despite the number of women in NSW custodial centres having increased by 50% between 2011 and 2017,¹ they still only represent just over 6.5% of adults held in custody.² As a result of this, the gender-specific needs of women in prison are easily overlooked and historically, they have not had access to the same level of service, programming and opportunities as men.

In the NSW custodial system women are often held in custody alongside men in predominantly male correctional centres. There are currently only three correctional centres that are designated women's correctional centres and of these, Emu Plains Correctional Centre (EPCC) is the only minimum security centre.³ In a system that often fails to adequately account for women's pathway out of custody, the value of EPCC cannot be overstated.

The announcement by Corrective Services NSW in 2020 that EPCC would be repurposed, to focus on improving employment outcomes for Aboriginal women and to expand the Mothers and Children's Program, was welcomed by my office. We decided to delay our planned inspection of Emu Plains CC by a few months to observe these new initiatives.

At the time of our inspection there were only 34 women at EPCC. This may have been partly due to declining numbers of women in custody in NSW, and partly due to the challenges of managing the COVID-19 pandemic. Restrictions on access to EPCC for external service providers, disruptions to family visits and the suspension of community excursions for women and their children, have all constrained EPCC's operations.

However, even taking all of these factors into account, it did not fully explain the underutilisation of the only women's minimum security centre in a system where the majority of women are classified as minimum security. I was left with the impression that the repurposing of EPCC was poorly considered and does not, in its current form, address previously highlighted issues in the women's custodial system.

I would like to see EPCC, and the specialist programs it hosts, adequately supported to improve employment outcomes for Aboriginal women, provide a meaningful placement for women and their children, and provide a minimum security placement for women that assists them to be successful after release.

I am optimistic about the recent appointment of a custodial director with responsibility for the women's custodial centres, and to have received recent advice that work is underway by CSNSW to develop a women's-specific pathway that accounts for programs, case planning and employment needs. These will no doubt assist EPCC as well as other custodial centres holding women in NSW.

I am also pleased to hear that a working group has been established at EPCC to address some of our recommendations, particularly in relation to:

- clarifying its mission and priorities

1 Evaan Ooi 'Recent trends in the NSW female prison population' (Bureau Brief no. 130, NSW Bureau of Crime Statistics and Research, January 2018).

2 Corrective Services NSW, Corrections Research, Evaluation and Statistics: Offender Population Report (week ending 6 February 2022).

3 Broken Hill Correctional Centre, Clarence Correctional Centre, Mid-North Coast Correctional Centre and Wellington Correctional Centre all accommodate women but are predominantly centres for men. Silverwater Women's Correctional Centre, Dillwynia Correctional Centre and Emu Plains Correctional Centre are correctional centres designated to hold only women.

- effectively supporting the operations of the Mothers and Children's Program
- increasing self-catering options for women, and
- increasing transparency of processes and systems at the centre.

I look forward to monitoring the progress at EPCC.

Glossary of terms and acronyms

Aboriginal	'Aboriginal' when used in this report is inclusive of Aboriginal and Torres Strait Islander people.
AVL	Audio visual link
ALCC	Amber Laurel Correctional Centre
Bangkok Rules	United Nations Rules for the Treatment of Women Prisoners and Noncustodial Measures for Women Offenders
CMU	Case management unit
COPP	Custodial Operations Policy and Procedures
COVID-19	Coronavirus disease caused by the SARS-CoV-2 virus
CSI	Corrective Services Industries
CSNSW	Corrective Services NSW
EPCC	Emu Plains Correctional Centre
ICS	Inspector of Custodial Services
ICS Act	<i>Inspector of Custodial Services Act 2012</i>
IDC	Inmate development committee
JH&FMHN	Justice Health and Forensic Mental Health Network
Mandela Rules	United Nations Standard Minimum Rules for the Treatment of Prisoners
OS&P	Offender services and programs
WRP	Work release program

Executive summary

Emu Plains Correctional Centre (EPCC) is a minimum security women's custodial centre located near Penrith in Greater Western Sydney. In the NSW custodial system women are frequently held in custody alongside men in predominantly male correctional centres. This occurs in five correctional centres. There are currently only three correctional centres that are designated women's correctional centres and of these, EPCC is the only minimum security setting.⁴ The availability of a stand-alone minimum security setting for women is vital and the recommendations we have made following our inspection are focused on improving and enhancing EPCC.

We inspected EPCC in April 2021. We had previously inspected EPCC in 2015 and 2016 as part of an inspection series focused on inmate clothing and bedding. Between these two inspections EPCC was repurposed. Its accommodation capacity was reduced from 193 to 80, and its aims were to expand the existing Mothers and Children's Program and improve post-release employment outcomes for Aboriginal women through the commencement of a Commonwealth funded program - the Hub. When we inspected the centre there were only 34 women at EPCC. We found that in the wake of the repurposing, EPCC's placement criteria had become too restrictive. Many women who were classified as minimum security were no longer eligible for placement at EPCC. Five women were involved in the Hub program for Aboriginal women and eight women were involved in the Mothers and Children's Program. It was disappointing that instead of expanding the Mothers and Children's Program, its capacity had been reduced. Opportunities for the remaining 22 women (not engaged in the Hub program for Aboriginal women or the Mothers and Children's Program) were scant and much of the information we obtained about service delivery before the inspection was inconsistent with the picture we observed during the inspection. Many of the de-institutionalising activities and services that are standard offerings in men's minimum security facilities were not offered at EPCC.

EPCC would benefit from strong and stable leadership to assist staff in understanding its purpose. It is also recommended that staff receive specific training and development that is relevant to this purpose and the needs of minimum security women. We observed a stark absence of purpose for EPCC outside its role as the host of the Mothers and Children's Program and the Hub program for Aboriginal women. EPCC needs to define its purpose outside of these programs because they only account for 35 out of 80 places for women at EPCC. It leaves a group of women who are nearing their release from custody without purposeful and meaningful activity to engage in. We have recommended that CSNSW review the criteria and reduce the associated barriers to women's progression to EPCC.

The physical environment at EPCC remains a strength of this custodial centre. The cottage style units are well suited to accommodating women and the open layout of the centre is appropriate for a minimum security facility. Its location within the greater Sydney metropolitan area is also an asset. EPCC has an open campus that enables freedom of movement for women. The accommodation was in good condition in both the main centre and in Jacaranda Cottages, where the Mothers and Children's Program operates. Facilities at EPCC, including the library, the gym and its equipment, and the Yarning Circle, were underutilised because women's access to these facilities was fettered. Each house had a shared kitchen but women were not encouraged to self-cater, despite their strong preference and the evidence that self-catering is an important de-institutionalising feature of a minimum security environment. We recommend that activities relevant to the needs of minimum security women are accessible at EPCC.

⁴ Broken Hill Correctional Centre, Clarence Correctional Centre, Mid-North Coast Correctional Centre, Junee Correctional Centre, Bathurst Correctional Centre and Wellington Correctional Centre all accommodate women but are predominantly centres for men. Silverwater Women's Correctional Centre, Dillwynia Correctional Centre and Emu Plains Correctional Centre are correctional centres designated to hold only women. While several of these correctional centres can hold minimum security women, they are predominantly high security facilities.

Significant improvements to the provision of clothing and bedding have been made since our previous inspection. We acknowledge the work done by CSNSW to develop a women's inmate clothing range and encourage ongoing consultation with women in custody around its suitability. We noted with disappointment that warm jackets are still not standard-issue items for people in custody during winter after our previous recommendation.⁵

The safety of inmates and staff, and the security of any custodial environment are critical issues. In a minimum security setting, this is less about the physical containment of a site, and more about dynamic or relational security measures, and procedural security measures. We have made recommendations to strengthen these areas at EPCC. We observed minimal interactions between staff and women at EPCC and note that both the Hub program and the Mothers and Children's Program are constrained by a lack of consistent custodial support. We observed inconsistencies in visitor processing, gatehouse management, and the searching of women in custody, which we have made recommendations to address, including that CSNSW cease the routine strip searching of women at EPCC. Concerningly, we also found that strip searching practices at Jacaranda Cottages, where children are accommodated, were not sufficiently responsive to the needs of children and were an unreasonable source of stress on women trying to manage their caring responsibilities. EPCC needs to ensure that security protocols are applied consistently and in accordance with relevant state-wide and local operating procedures.

Health services are delivered by the Justice Health and Forensic Mental Health Network (JH&FMHN). Primary health nurses staff an onsite health centre that operates every day from 8am to 4.30pm. Health services at EPCC were well resourced, and included in-reach services for Aboriginal women. However a range of health services, including health promotion initiatives and the visiting Aboriginal family health worker, had not been consistently available at EPCC between March 2020 and April 2021 due to COVID-19 restrictions.

Enabling and supporting family contact should be a focus of a women's custodial centre, especially at EPCC, where the Mothers and Children's Program operates at Jacaranda Cottages. It was pleasing to see the new co-located caseworker initiative operating at EPCC. This commenced in early 2020 and involves the co-location of a community services caseworker from the Department of Communities and Justice at EPCC to improve the access for a parent in custody to information about their child or children in care.

At the time of our inspection in-person visits had recommenced subject to some COVID-19 restrictions, such as mask wearing and physical distancing. These had resumed in the main centre's visits facility but women from Jacaranda Cottages were not permitted to bring their children with them into the main centre to participate, an inequitable arrangement that was ceased during our inspection. Virtual visits using electronic tablets have been introduced in NSW custodial facilities to mitigate the impact of restrictions placed on in-person visits due to COVID-19, and these remain available at EPCC. We encourage the implementation of a virtual visits schedule that is flexible and responsive to all women's needs, including those who have families residing across international time zones. We also recommend that women be able to use telephones or tablets after they are locked into their accommodation at 5pm.

In a minimum security custodial facility for sentenced women there should be strong emphasis on release preparation. As no criminogenic programs are offered at EPCC and women arrive with case plans already established, we expected considerable engagement between relevant staff and women around securing transitional support and preparing for release. During our inspection we found critical staffing gaps and observed that EPCC was assessed relative to other custodial centres in shared resourcing models as having lower needs because there were so few women accommodated. Several women were not aware that services and programs officers were available at EPCC. More collaboration is urgently needed between

⁵ Inspector of Custodial Services NSW, *Prison Greens: The clothing and bedding of inmates in NSW* (Report, June 2017) 23-24.

the case management and offender services and programs functions to develop an approach that ensures women at EPCC have access to consistent and accessible release planning support.

Education and employment are critical to the rehabilitation efforts of a custodial placement. We were disappointed that outside the Commonwealth funded Hub program, there was no education available at EPCC, including any training attached to employment units. All women are expected to work Monday-Friday, and employment is the only structured activity offered at EPCC. However, the range of work does not align with post-release employment opportunities. We have also made recommendations to improve work safety conditions.

The Hub program is operated by CSNSW's Aboriginal Strategy and Policy Unit and aims to improve post-release employment outcomes for Aboriginal women. The program combines formal education programs (hospitality, and language, literacy and numeracy) with cultural components. Five women were participating in the Hub during our inspection. Unfortunately challenges in securing cultural program facilitators meant that only the formal education component was being delivered. This program offers great potential for Aboriginal women in custody and we strongly encourage CSNSW to support the Hub program to secure reliable and consistent community facilitators and to expand its formal education offerings.

The Mothers and Children's Program operates at Jacaranda Cottages, a distinct area at EPCC that is outside the secure perimeter of the main centre. Children who are not yet school-aged can reside with their parent fulltime and school-aged children can reside with their parent on weekends and during school holidays. The impacts of parental incarceration on dependent children is well documented. While non-custodial sentences are preferable for reducing these impacts, we think that custodial placement options for women and their dependent children are also important and necessary.

The physical setting at Jacaranda Cottages is a major asset to the program and is conducive to having children in residence. The compound has indoor and outdoor play spaces and equipment. Housing is shared but provides good amenity for children and their parents. Women are wholly responsible for the care of their children, which includes cooking, accessing community health care and education and shopping. Any activities that are outside the EPCC complex require women and their children to be under custodial escort. During the inspection excursions into the community were limited to the one or two days each week that a custodial officer was available to escort women. Prior to the repurposing of EPCC, and the subsequent introduction of COVID-19 restrictions on visitors to custodial facilities, there had been several regular external service providers who attended Jacaranda Cottages. Despite restrictions on visitors having been rescinded, none of these services had resumed. Prior to the inspection we were advised that a range of internally facilitated activities were available at Jacaranda Cottages, including playgroup, mothers group and story time. Our observations and accounts from women indicated these were not available. Attention is needed urgently to ensure that the Mothers and Children's Program at Jacaranda Cottages is sustainable and consistently delivered, both of which are very important for the health and wellbeing of children who reside there.

We also recommend that CSNSW commit to designating an additional secure placement option for women in the Mothers and Children's Program for women who do not meet the criteria for Jacaranda Cottages. This would reduce the impact of parental incarceration on children of women who are on remand, who are ineligible for placement at Jacaranda Cottages. There are several cottages within the secure perimeter of EPCC that are separate from the main compound area and no longer occupied, that could be suitable. Clear information about the Mothers and Children's Program, including eligibility and the assessment for entry should be provided to women in custody. Women who are being considered for the entry to this program should receive regular updates and written advice about any decisions affecting them and their children.

Recommendations

The Inspector recommends:

1. Corrective Services NSW reviews the placement criteria for Emu Plains Correctional Centre to reduce barriers to placement for minimum security women.
2. Corrective Services NSW ensures that women staff are available at Emu Plains Correctional Centre across a range of functions.
3. Corrective Services NSW ensures staff at Emu Plains Correctional Centre receive specific training and development relevant to working with women and the identified purpose of the correctional centre.
4. Corrective Services NSW ensures that custodial support is available to the Hub and the Mothers and Children's Program.
5. Corrective Services NSW facilitates regular access for women at Emu Plains Correctional Centre to the Yarning Circle in the visits area.
6. Corrective Services NSW increases the self-catering options for women at Emu Plains Correctional Centre.
7. Corrective Services NSW ceases the routine strip searching of women and ensures searching protocols are applied consistently at Emu Plains Correctional Centre.
8. Corrective Services NSW increases access to activities at Emu Plains Correctional Centre that are relevant to the needs of minimum security women.
9. Corrective Services NSW provides access for women to contact their family after they are locked into their accommodation, and implements virtual visits at Emu Plains Correctional Centre that support family contact needs.
10. Corrective Services NSW prioritises the consistent and accessible delivery of release planning and transitional support to women at Emu Plains Correctional Centre.
11. Corrective Services NSW ensures information about how Emu Plains Correctional Centre operates is accurate and accessible to women, including those from non-English speaking backgrounds.
12. Corrective Services NSW completes a food safety audit at Emu Plains Correctional Centre.
13. Corrective Services NSW delivers work safety inductions and ongoing work instruction at Emu Plains Correctional Centre that are accessible for women from non-English speaking backgrounds.
14. Corrective Services NSW aligns employment offerings at Emu Plains Correctional Centre with post-release employment outcomes.
15. Corrective Services NSW commits to providing a placement option for mothers and children in a secure setting that is accessible to women on remand and sentenced women.
16. Corrective Services NSW offers criminogenic programs at Emu Plains Correctional Centre to reduce barriers for entry to the Hub and the Mothers and Children's Program.
17. Corrective Services NSW provides consistent information about the Mothers and Children's Program to women in custody and provides written updates, including advice about appeal rights, to women who are being considered for entry to the program.
18. Corrective Services NSW facilitates greater access at Jacaranda Cottages for women and their children to participate in activities to support children's physical, emotional and social development.
19. The Inspector also recommends that this report is made public immediately upon being tabled in NSW Parliament, in accordance with section 16(2) of the Inspector of Custodial Services Act 2012.

Emu Plains Correctional Centre profile

Location

Emu Plains Correctional Centre (EPCC) is located on Darug country at the base of the Blue Mountains. Its street address is 1 Old Bathurst Road, Emu Plains NSW 2750.

Function

EPCC holds sentenced women with a minimum security classification. Its stated focus is to improve post-release employment outcomes for Aboriginal women through the Hub program and to accommodate the Mothers and Children’s Program where children can reside in a custodial setting with their mothers.

EPCC is managed by the governor of Dillwynia Correctional Centre through a functional manager who is based at EPCC fulltime. Women who are classified to EPCC are transited via Dillwynia Correctional Centre first.

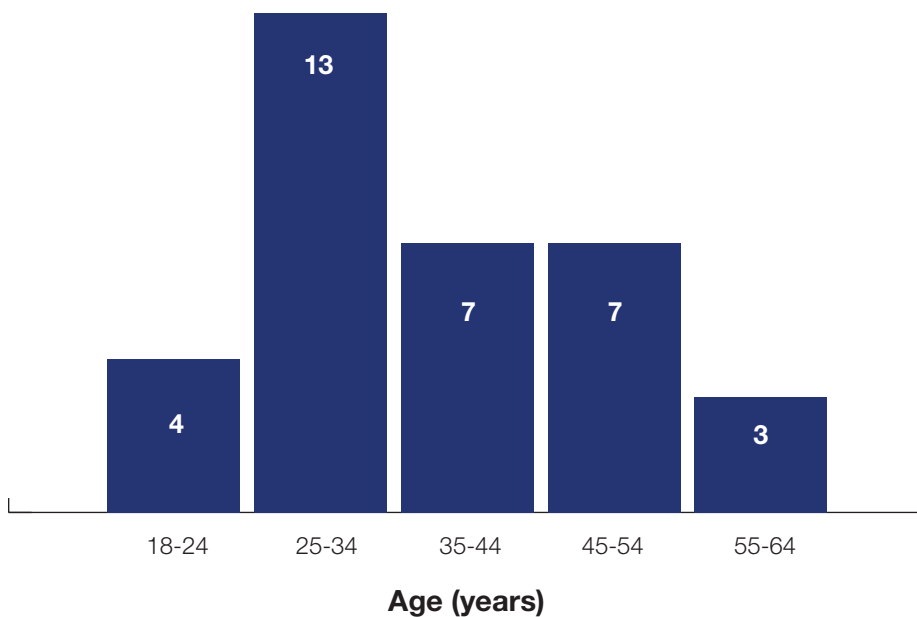
Capacity

EPCC has a maximum capacity of 80 women. The main centre can accommodate up to 65 women across seven houses. The Mothers and Children’s Program occupies the separate but adjacent Jacaranda Cottages, which can accommodate up to 15 women with their children across eight houses.

Inmate profile

All women at EPCC are sentenced and classified as minimum security ‘Category 2’.⁶ Women are also required to be eligible to do supervised work and programs outside the secure perimeter fence. The following profile is of the 34 women who were at EPCC on 1 February 2021.

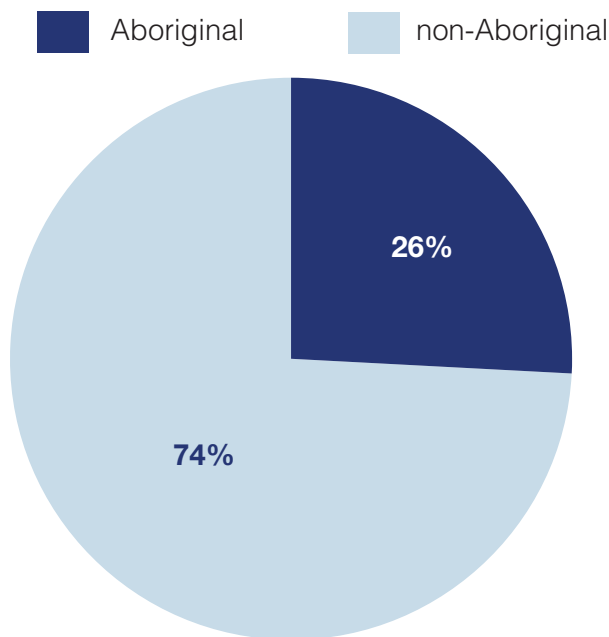
Figure 1: Ages of women at Emu Plains Correctional Centre



- More than 70% of women have children.
- 44% of women had children living with them immediately prior to their incarceration.
- One woman was pregnant.

⁶ Clause 13 of the *Crimes (Administration of Sentences) Regulation 2014* prescribes a five-tier classification system for women inmates with Category 1 the lowest security rating and Category 5 the highest security rating.

Figure 2: Aboriginal women at Emu Plains Correctional Centre



- Just over 44% of women were not born in Australia.
- Four women required interpreters.
- 29.4% of women spoke a language other than English at home.
- Almost 27% (9) of women were subject to Immigration Release Notification.

History

EPCC's physical site previously operated as a prison farm for men. In 1994 Corrective Services NSW's (CSNSW) planning unit developed a Women's Action Plan which included recommendations to make custodial settings in NSW more responsive to the needs and experience of women. One recommendation was to redevelop and recommission the prison farm at Emu Plains as a minimum security correctional centre for women.⁷ EPCC was opened in 1995, with accommodation for 70 women. The Jacaranda Cottages were subsequently built and the Mothers and Children's Program commenced at EPCC in 1996 with capacity for up to 40 women and 16 children.

As the number of women in custody continued to increase in NSW the capacity of EPCC was increased to 193 (including 45 women in the Mothers and Children's Program). Until 2020 EPCC held sentenced and unsentenced women with minimum security classifications (Category 1 or Category 2).

Most recently, in late 2020, EPCC was repurposed. Its capacity was reduced from 193 to 80 places and placement was limited to sentenced, Category 2 classified women.

Inspection dates

Pre-inspection liaison visit: 28 January 2021

Inspection: 22–27 April 2021

Previous inspection by the Inspector of Custodial Services

EPCC was previously inspected in September 2015 as part of the [Prison Greens: The clothing and bedding of NSW inmates](#) series of inspections. The associated report was published by the Inspector in June 2017.

⁷ Corrective Services NSW, *The Women's Action Plan: A 3 Year Strategy for Female Inmates in NSW Correctional Facilities* (June 1994) 5, 38-39, 41-42.

Inspection process

The office of the Inspector of Custodial Services (ICS) was established by the *Inspector of Custodial Services Act 2012* (the ICS Act) in October 2013. The mandate of the office is to provide independent scrutiny of the conditions, treatment and outcomes for people in custody, and to promote excellence in staff professional practice. The Inspector is required to inspect each adult custodial centre at least once every five years and report on each such inspection to the NSW Parliament with relevant advice and recommendations.⁸

Inspection provides independent information gathering and analysis concerning what is working well and which areas require improvement. Prior to, and after, the onsite inspection, a range of information was obtained (through meetings and in documentary form) from CSNSW and the Justice Health and Forensic Mental Health Network (JH&FMHN).

During the onsite inspection component, observations were made, documentation was obtained and discussions were held with individual women in custody at EPCC, groups of women in custody (including the inmate development committee), and a range of CSNSW and JH&FMHN staff at EPCC.

In preparing for this inspection the coordinating inspection and research officer also visited the Brisbane Women's Correctional Centre to observe the operation of a Parental Support Unit in a secure custodial setting.⁹

The inspection considered sensitive information and methodologies. In accordance with section 15 of the ICS Act, information that could prejudice the security, discipline or good order of any custodial centre, or identify or allow the identification of a custodial centre staff member, has been removed in the public interest.

A draft report or relevant parts thereof were provided to CSNSW and JH&FMHN in accordance with section 14(2) of the ICS Act and submissions have been received from both. In accordance with section 14(1) of the ICS Act, the Inspector provided the Hon Dr Geoff Lee MP, Minister for Corrections with the opportunity to make a submission in relation to the draft report. In accordance with section 14(3)(b) of the ICS Act, each submission was considered before the finalisation of the report for tabling.

⁸ *Inspector of Custodial Services Act 2012* s 6.

⁹ Queensland Corrective Services allows a child/children to be accommodated with a prisoner at all four women's custodial centres, two of which are high security settings.

1 Classification and placement

1.1 Classification of women

CSNSW operates a multi-tiered security classification system for women in custody in NSW that is prescribed by the *Crimes (Administration of Sentences) Regulation 2014*.¹⁰ CSNSW has ascribed maximum, medium and minimum security ratings to the classifications and these are set out in Figure 3.¹¹

Figure 3: Classification of women in custody

Classification	Definition
Category 5 (maximum security)	The inmate represents a special risk to national security (for example, because of a perceived risk that they may engage in, or incite other persons to engage in, terrorist activities) and should always be confined in special facilities within a secure physical barrier that includes towers or electronic surveillance equipment.
Category 4 (maximum security)	The inmate should always be confined by a secure physical barrier that includes electronic surveillance equipment.
E1 (maximum security)	The inmate has committed an escape offence and represents a special risk to security and should always be confined: <ul style="list-style-type: none"> a) in special facilities within a secure physical barrier that includes towers or electronic surveillance equipment; or b) by a secure physical barrier that includes towers, other highly secure perimeter structures or electronic surveillance equipment.
E2 (medium security)	The inmate should always be confined by a secure physical barrier.
Life (medium security)	An inmate who has little or no prospects for release. They are serving: <ul style="list-style-type: none"> a) a sentence of imprisonment for life for the term of their natural life; or b) an existing life sentence, and are the subject of a non-release recommendation by the sentencing court. Inmates with a Life classification should always be confined by a secure physical barrier.
Category 3 (minimum security)	The inmate should be confined by a physical barrier unless in the company of a correctional officer or some other person authorised by the Commissioner.
Category 2 (minimum security)	The inmate need not be confined by a physical barrier at all times but needs some level of supervision by a correctional officer or some other person authorised by the Commissioner.
Category 1 (minimum security)	The inmate need not be confined by a physical barrier at all times and need not be supervised.

Unsentenced women are indicated by a letter ‘U’ alongside each classification, except for ‘Life’ classification, which is only prescribed for a sentenced inmate. Figure 4 shows the classification range of women in custody and Figure 5 shows the classification range of Aboriginal women in custody.

¹⁰ *Crimes (Administration of Sentences) Regulation 2014* cls 13, 14, 14A.

¹¹ *Corrective Services NSW, Policy for Inmate Classification and Placement (Version 2.0 February 2021)* 9.

Figure 4: Classification of women in NSW custody¹²

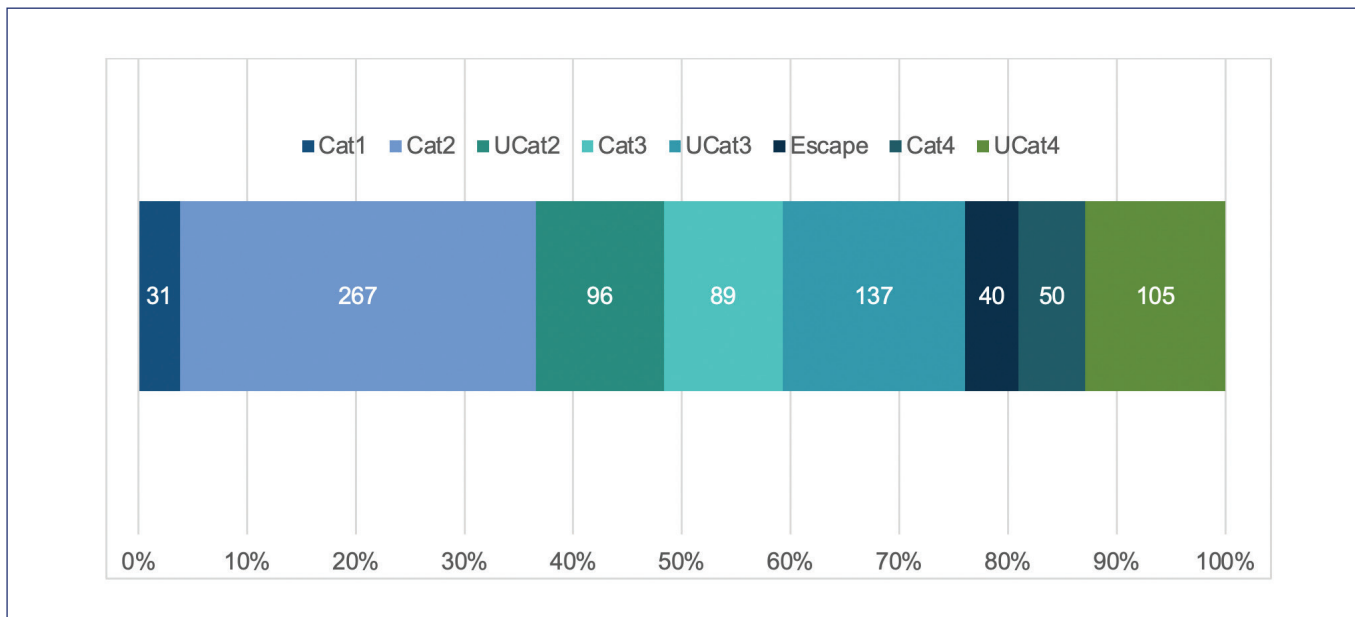
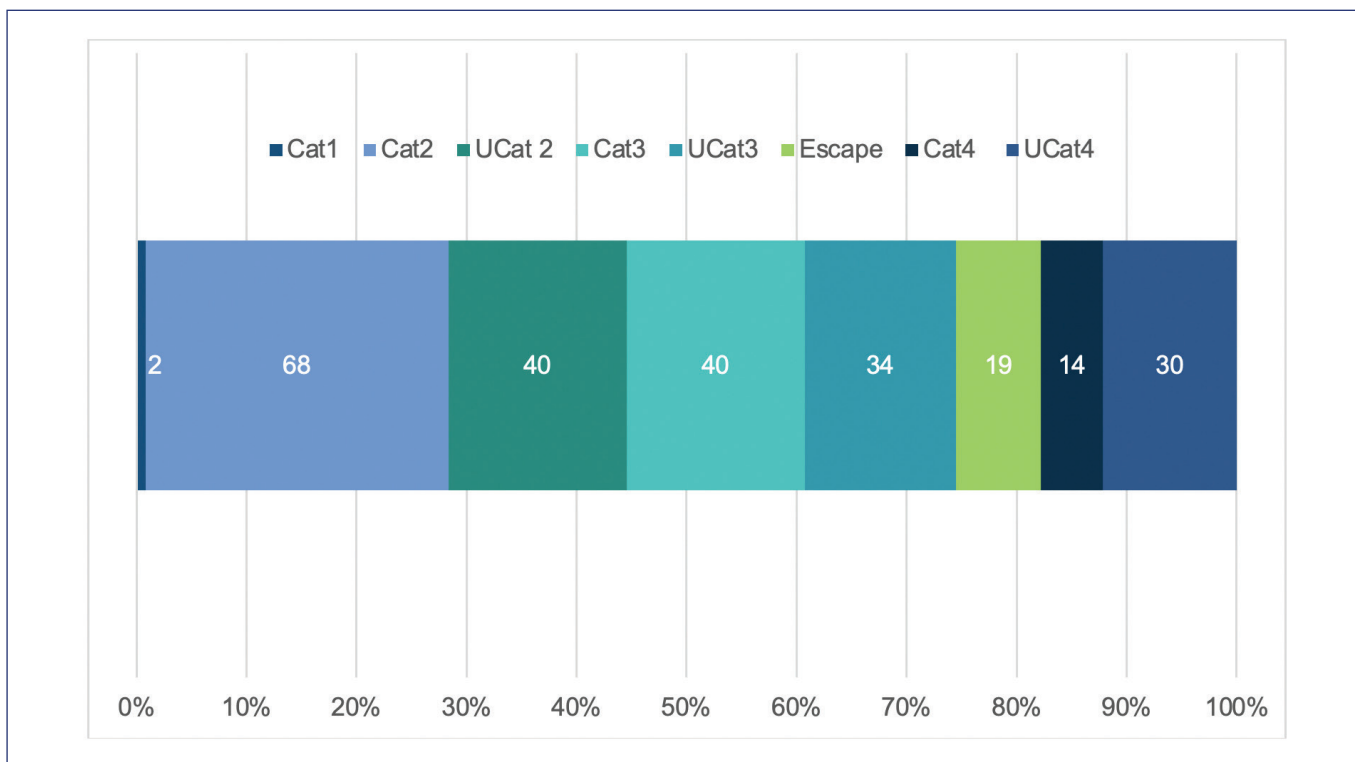


Figure 5: Classification of Aboriginal women in NSW custody¹³



12 Information provided by CSNSW, 16 September 2021. This chart reflects the classifications of women in custody on 28 July 2021. The chart excludes one 'Life' classified woman, one woman classified under the Parole Board, and 53 'Unclassified' women.

13 Information provided by CSNSW, 10 June 2021. This chart reflects the classifications of Aboriginal women in custody on 4 June 2021. The chart excludes one 'Life' classified woman and 25 'Unclassified' women.

1.2 Placement at Emu Plains Correctional Centre

Current eligibility for placement at EPCC requires that women:

- are sentenced and hold a Category 2 security classification
- have a current On-Complex order made under section 6(2) of the *Crimes (Administration of Sentences) Act 1999*
- have no special placement or protective custody requirements
- are first transited through Dillwynia Correctional Centre.¹⁴

A range of CSNSW stakeholders confirmed that identifying women who were eligible to be placed at EPCC was a challenge. Prior to its repurposing in 2020, EPCC held both sentenced and unsentenced women, with minimum security classifications of Category 1 and 2 (Cat1, Cat2, UCat2). Figure 4 shows that approximately 45% of women in custody were previously eligible for placement at EPCC. In June 2019 EPCC held 90 women in the main centre with more than half of this group unsentenced. There were an additional 36 women residing in the Jacaranda Cottages.¹⁵

In contrast, since the repurposing, only 31% of women in custody are sentenced and classified Category 2. During our inspection EPCC's maximum state had been reduced to 80 and it was holding only 34 women across the main centre and Jacaranda Cottages. Unfortunately, this decrease did not reflect a broader decrease in the number of women in custody in NSW. Instead, it reflects the narrowing of criteria for placement at EPCC.

In the week ending 25 April 2021, there were 833 women in CSNSW custody. Only 45% of those women were sentenced with no outstanding appeal or court matters.¹⁶ While Category 2 classified women comprise a substantial portion of this 45%, eligibility is narrowed by any special placement needs, which cannot be accommodated at EPCC. In the week ending 25 April 2021 there were only 188 women in custody who held Category 2 classification without special placement or protective custody needs.¹⁷ As criminogenic programs are not delivered at EPCC, women must have also completed programs identified in their case plans. With the recent introduction of a criminogenic program for people serving very short sentences, there is only a small cohort of people in custody who do not have identified program needs to be met.¹⁸

Eligibility is narrowed even further by the requirement that women hold a section 6(2) order (On-Complex). This order is made by the governor (of Dillwynia Correctional Centre and EPCC) and provides authority for an inmate to carry out community service work, work for CSNSW or work for a public or local authority inside the correctional centre, outside the correctional centre but inside the correctional complex, or outside the correctional complex.¹⁹ It is unclear why all women must have these orders before coming to EPCC. While some of the work sites are located outside the main correctional centre, on the broader EPCC complex, this is not the case for all employment. The requirement that women hold a current section 6(2) order is burdensome and appears to be used as another layer of security assessment rather than for

14 Corrective Services NSW, *Emu Plains Correctional Centre Placement Guide* (undated) accessed 28 January 2021.

15 Information provided by Corrective Services NSW, 25 June 2019.

16 Corrective Services NSW, *Offender Population Report: Week ending 25 April 2021* (Corrections Research, Evaluation and Statistics report issued 28 April 2021) 2.

17 Information provided by Corrective Services NSW, 22 April 2021.

18 CSNSW's Short Sentence Intervention Program is for people who will serve a sentence of less than five months after their initial classification by CSNSW. Due to their short sentence, these inmates may not have otherwise completed any programs in CSNSW custody.

19 *Crimes (Administration of Sentences) Act 1999* s 6(2).

the purpose of directing an inmate to complete particular work or activities as is stipulated by the *Crimes (Administration of Sentences) Act 1999*.

Women are required to transfer to Dillwynia Correctional Centre to enable assessment of their suitability for this section 6(2) order (On-Complex) before commencing their EPCC placement. The impact of requiring women to transit through Dillwynia Correctional Centre is disruptive and costly. It presents delays in women arriving to EPCC and contributes to unnecessary movements of women between correctional centres, which exacerbates stress for women who are subjected to strip searching as they leave a correctional centre and as they arrive at the next correctional centre. CSNSW has suggested that a dedicated intelligence officer would be required at EPCC to conduct these assessments from EPCC. If this is a genuine barrier to women transferring direct to EPCC, this staffing allocation should be considered.

Women classified Category 3 are considered minimum security by CSNSW, however, they are denied access to a placement in the only designated minimum security setting for women in NSW.²⁰ Women classified as Category 1 with lower security needs are also denied placement at EPCC and, therefore, access to the Hub and the Mothers and Children's Program. Women who progress to a Category 1 classification while at EPCC are not permitted to remain. Some women expressed their reluctance to progress to a Category 1 classification because of the potential disruption to their participation in the Mothers and Children's Program with their child or children. We are confused about why CSNSW is increasing barriers for women to access the Hub and the Mothers and Children's Program, and to progress to a minimum security setting at EPCC.

1.3 Duration of stay

During the inspection we heard accounts that some women were being transferred to EPCC very close to their release date. A transfer from one correctional centre to another can be stressful. Women are required to organise their property, let family know of their changing circumstances, and are subject to a routine strip search on arrival at the new correctional centre.²¹ They need to learn about local processes and build rapport with unfamiliar staff and inmates. This stress can be especially significant for women who are nearing their release and managing the associated uncertainty.

We spoke to a woman who had arrived at EPCC from another correctional centre with less than one week until her release from custody and little understanding of why she had been transferred. CSNSW records indicate that during the period 1 January 2021 to 30 April 2021, 67 women were received at EPCC. Of these women, 42 (63%) were released or transferred to another correctional centre within that period and 22% stayed less than two weeks.²² While the opportunity for women to spend time in a minimum security setting before their release is important, the current lack of services and coordinated support at EPCC means there is very little utility in a disruptive, short term placement of less than two weeks.

Recommendation 1: CSNSW reviews the placement criteria for Emu Plains Correctional Centre to reduce barriers to placement for minimum security women.

20 Corrective Services NSW, *Policy for Inmate Classification and Placement* (Version 2.0 February 2021) 9. While Jacaranda Cottages does not have a secure physical barrier and could not accommodate Category 3 classified women, the main centre has a secure perimeter fence.

21 Corrective Services NSW, *Custodial Operations Policy and Procedures: 17.1 Searching inmates* (Version 1.8, December 2017) 11.

22 Information provided by CSNSW, 30 July 2021.

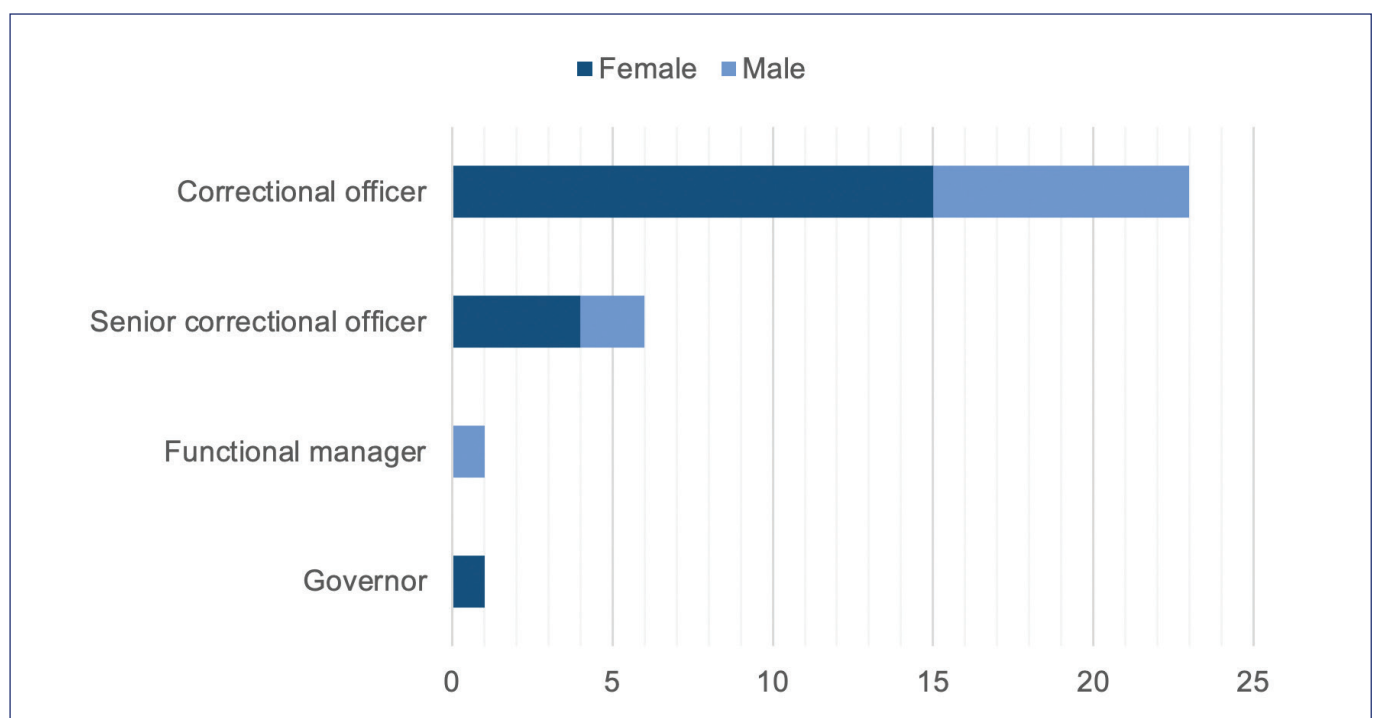
2 Staffing

Staffing is a determining factor for the conditions of any custodial setting. In a women's correctional centre gender-responsivity and cultural sensitivity are key staffing considerations. The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) stipulate that:

- Pathways should exist for women staff to progress to leadership roles with responsibility for the management of women in custody.²³
- Prison management needs to have a clear and sustained commitment to increase awareness of, and prevent, gender-based discrimination against women staff.²⁴
- Staff working with women in custody should be trained in the gender-specific needs and rights of women in custody.²⁵

Ensuring a custodial staff reflects the diversity of people held in custody is a key element of staffing capability in a women's correctional centre. Figure 6 shows a breakdown of custodial staff at EPCC by gender.

Figure 6: Breakdown of custodial staff at EPCC by gender



It was pleasing to note that over 60% of custodial staff employed at EPCC at various ranks are women. The current governor of EPCC is female, however they are based primarily at Dillwynia Correctional Centre, for which they also have responsibility. Unlike larger correctional centres, there is only one functional manager position at EPCC, who is effectively responsible for managing the daily operations of the centre. At the time

²³ *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders*, GA Res 65/229, UN Doc A/RES/65/229 (16 March 2011, adopted on 21 December 2010) Rule 29.

²⁴ *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders*, GA Res 65/229, UN Doc A/RES/65/229 (16 March 2011, adopted on 21 December 2010) Rule 30.

²⁵ *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders*, GA Res 65/229, UN Doc A/RES/65/229 (16 March 2011, adopted on 21 December 2010) Rule 33.

of the inspection this position was occupied by a male staff member. It is important that CSNSW ensures that there is a pathway for women to progress in the organisation, particularly into leadership roles that involve managing the conditions and treatment of women in custody.

The Offender Management and Programs functions at EPCC (services and programs, case management, and classification and placement) have current staffing profiles with at least 50% women, and up to 100% women. However, during our inspection we observed that case management and services and programs were operating without regular female staffing presence onsite. The inspection team heard that this was due to a combination of staff absence and the cluster model of service delivery, where staff work across multiple locations. In this model resources are allocated according to an assessment of priority across the cluster. During the inspection we observed that fewer staffing resources were being deployed to EPCC because there were so few women held there. While the challenge of allocating resources across a large custodial system is acknowledged, EPCC must be resourced adequately to ensure that women in this minimum security setting receive appropriate and relevant services.

Despite hosting two specialist programs - the Commonwealth funded Hub for Aboriginal women, and the Mothers and Children's Program at Jacaranda Cottages - there was little evidence that EPCC staff had developed the specialised skills and knowledge to support and supervise the participating women. In contrast, most staff considered both programs separate from the custodial centre and outside their scope of responsibility. Regular structured and informal opportunities for collaboration and information sharing between staff working across the EPCC complex would strengthen and reinforce the organisational purpose at EPCC. Correctional staff working in a custodial centre that offers a key program for Aboriginal women and a placement option for Aboriginal and non-Aboriginal women to have their children reside with them need to be sensitive to the cultural and gendered needs of these women.²⁶ These gaps in staffing capability have been identified previously in ICS reports and we reiterate the need for these gaps to be addressed.²⁷ CSNSW's Brush Farm Corrective Services Academy offers some training modules that are designed to enhance the capabilities of staff who are working with women in custody, including the trauma-informed practice workshop, and a mental health awareness workshop. CSNSW data indicated that only one third of EPCC's custodial and overseer staff had completed the trauma-informed practice workshop and there was no data confirming completion of the mental health awareness training by any staff at EPCC.²⁸ Since the inspection we have been advised that a three-day 'managing female offenders' course was developed for staff and that some EPCC staff completed this in December 2021.²⁹ It is vital that this training is delivered to staff at all correctional centres that hold women.

There were also staffing-related constraints on the operation of the Hub and the Mothers and Children's Program. EPCC management required that women only left the correctional complex under custodial escort, but neither program had allocated escorting officers. The Hub was designed as a Monday-Friday program but women were unable to attend five days a week because a custodial officer was only available to escort women to the Hub Monday-Wednesday. At Jacaranda Cottages women and their children need to attend community appointments and excursions but a custodial officer was only available to provide escort once or twice weekly. If the number of women in Jacaranda Cottages increases to its maximum capacity, access to the community will need to be facilitated up to five days a week. The success of these programs both rely on custodial support and CSNSW needs to ensure that this is available.

26 *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders*, GA Res 65/229, UN Doc A/RES/65/229 (16 March 2011, adopted on 21 December 2010) Rule 13.

27 Inspector of Custodial Services NSW, *Women on Remand* (Report, February 2020) 68-69; Inspector of Custodial Services NSW, *Inspection of Mary Wade Correctional Centre* (Report, October 2020) 20.

28 Information provided by Corrective Services NSW, 5 August 2021.

29 Information provided by Corrective Services NSW, 15 November 2021 and 28 January 2022.

Recommendation 2: CSNSW ensures that women staff are available at Emu Plains Correctional Centre across a range of functions.

Recommendation 3: CSNSW ensures staff at Emu Plains Correctional Centre receive specific training and development relevant to working with women and the identified purpose of the correctional centre.

Recommendation 4: CSNSW ensures that custodial support is available to the Hub and the Mothers and Children's Program.

3 Custodial conditions

3.1 Physical environment

EPCC is located on the banks of the Nepean River at Emu Plains in Greater Western Sydney. It was established in 1914 as a prison farm for men and originally accommodated a market garden and working dairy. While neither remains operational the site retains the expansive grounds and open layout of a farm.

Both the main centre and Jacaranda Cottages have a campus-style layout with accommodation units surrounding communal outdoor green spaces that women can freely access and move about in during the day. This freedom of movement and open green space, in combination with accommodation that is low density, single story and more community than custodial in character, is reflective of a minimum security environment.

Emu Plains Correctional Centre main compound with yarning circle



The main centre is secured by a perimeter fence and internally comprises Areas 1 and 2. Area 1 accommodates up to 65 women across seven cottage-style units or 'houses'. Houses 1, 2, 4, 5, 6 and 7 can accommodate nine women and house 3 can accommodate ten women. While most women occupy small single bedrooms, the bathroom, kitchen, lounge and dining facilities are shared. Area 1 accommodation was in good physical condition and facilities were in good working order.

Lounge room in Area 1 house



Shared bathroom in Area 1 house



Area 1 accommodates the health centre and a multipurpose activities and programs space. An education building with classrooms and offices is also in Area 1 but it has been deemed structurally unsound and is awaiting demolition or significant repair works.

A special accommodation unit in the main centre has one two-person assessment cell, three management cells, and one dry cell. All cells in the special accommodation unit have cameras. None was in use during the inspection.

During the inspection we met with women from the Inmate Development Committee (IDC) in a Yarning Circle that was installed in the outdoor visits area in the main centre. In addition to its importance during visits, this outdoor area is conducive to reflection, contemplation and peer exchange. Unfortunately, it was not available for women to access during the day. Use of this facility should be encouraged and enabled, especially in the afternoons when there is very little purposeful activity available.

Yarning Circle and outdoor visit space



Area 2 is separated from Area 1 by an internal fence and has an additional four units that can each accommodate up to nine women. This accommodation has not been used since the repurposing of EPCC in 2020. During our inspection we were advised by staff that Area 2 had been designated for holding women requiring medical isolation while awaiting their COVID-19 test result or with confirmed COVID-19. The facilities in Area 2 were not sufficiently clean for occupation by women. Since our inspection CSNSW has advised that maintenance has been carried out in Area 2 and it is now available as accommodation at EPCC.

Area 2 also has audio visual link (AVL) facilities to enable women to attend court or other legal or professional appointments virtually. Since the criteria for placement at EPCC changed in 2020 to exclude women with any outstanding court matters, use of the AVL suites is limited to State Parole Authority hearings, Family Court matters, occasional administrative tribunal hearings, and contact from Windsor Community Corrections.

Discussion of the physical environment and facilities at Jacaranda Cottages, which is separate from the main centre, is contained in chapter 7 of this report.

Recommendation 5: CSNSW facilitates regular access for women at Emu Plains Correctional Centre to the Yarning Circle in the visits area.

3.2 Food and nutrition

Meals at EPCC are standard issue by Corrective Services Industries (CSI). Lunches comprising a sandwich, piece of fruit and biscuit are issued to women at 11.30am. There is a small commercial kitchen facility with a rethermalising oven used to heat the pre-made frozen dinners, which are served to women at 1.30pm along with cereal packs for the following morning's breakfast.

It is unclear why a hot dinner is served at 1.30pm when women are not required to return to their units for the evening until 5pm. This is a practice that occurs routinely in maximum security settings where people are locked into their cells for the night at 2pm. It is wholly inconsistent with the daily schedule for women at EPCC and its function as a minimum security correctional centre.

Despite houses in the main centre being equipped with a shared kitchen, cooking appliances and utensils were not available and self-catering was not encouraged. Appliances were generally limited to a kettle, microwave and sandwich press. Cutlery was limited to disposable packs that women requested from custodial staff. Special purchases of meat and eggs, as is commonplace at men's correctional centres across NSW, were not available at EPCC. Men in custody can routinely purchase meat packs through the inmate purchasing system to barbeque. This provides some variety to the CSI readymade meals.

Still frozen lunch



Shared kitchen in Area 1 house



Women unanimously expressed their preference for more self-catering options and were disappointed that their requests for an occasional community barbeque had been refused. Providing women with increased choice about what they prepare and eat, as well as associated responsibility for purchasing groceries and preparing meals is consistent with a minimum security placement. Self-catering is an important de-institutionalising feature of a minimum security custodial setting aiming to assist women on their release from custody.

At Jacaranda Cottages women receive CSI foodstuffs but also purchase additional groceries and prepare meals for themselves and their children. A condition of placement at Jacaranda Cottages is that women assume full responsibility for the care of their children and meal preparation is part of this care.

Recommendation 6: CSNSW increases the self-catering options for women at Emu Plains Correctional Centre.

3.3 Clothing and bedding

Previous inspection of EPCC identified that women needed CSNSW-issued clothing that was distinct from men's clothing and that was responsive to women's shapes, size range, and the purpose of their wear.³⁰ In response to recommendations, CSNSW developed a women's clothing range to cater to women's shapes and sizes, which was implemented in late 2017. Since then, feedback has been provided by women in custody and CSI has made further revisions to the women's clothing range.

The clothing stocks at EPCC were sufficient for the number of women in custody and included a range of sizes. However, the only undergarments available were soft crop tops, which are generally only of utility for smaller-sized women. Women need access to bras that fit properly for their dignity, a healthy posture and to remove barriers to their participation in physical activity. Both bras and crop tops are available for purchase by correctional centres from CSI to provide in clothing allocations to incoming inmates. Records of purchasing by EPCC in the 2020-2021 financial year indicate that only crop tops were purchased.³¹ EPCC should ensure that the full women's range of clothing is available at EPCC.

We also noted that the issue of warm clothing items such as jackets remains a discretionary decision of the governor at EPCC (and for all governors at CSNSW-operated correctional centres).³² We have previously recommended that jackets are included in standard CSNSW clothing entitlements for inmates in winter.³³ The provision of sufficient warm clothing items is important because it enables people held in custody to adapt to the temperature of a physical environment over which they have little or no control. At Emu Plains, near Penrith, minimum temperatures during winter can drop below 0°Celsius. Women are required to work, which often requires them to move around the site in the early morning and they should receive warm clothing as part of their standard-issue clothing entitlements.

Mattresses observed at EPCC had vinyl coverings intact and were observed to be in clean and suitable condition. This was a major improvement on observations made during our previous inspection of EPCC.³⁴

Bed linen is collected weekly by CSI for laundering at another correctional site in Windsor. The small team of women employed in the laundry at EPCC manage the collection of bed linen from accommodation units and the exchange of this for fresh bed linen delivered by CSI.

The laundering of clothing is organised by accommodation unit. Each unit has its own laundry facility which is operated by the inmate cleaner in that unit. The equipment was in working order and women had no issues with accessing laundry services in the unit.

3.4 Structure of day

Increased time spent outside of rooms or cells, and increased freedom of movement during this time, are accepted elements in a minimum security custodial setting. Women preparing for release, and a return to life in the community, require greater flexibility to contact their community support networks. Women need assistance to secure housing and employment or government benefits, and support to connect with community providers of social services and health care. EPCC's regime needs to be aligned to this focus and to the lower security risks that these women present.

30 Emu Plains Correctional Centre was inspected in September 2015 as part of the thematic inspection 'Prison Greens: The clothing and bedding of inmates in NSW'. The associated report was published by the Inspector in June 2017.

31 Information provided by Corrective Services NSW, 8 September 2021.

32 This is a practice common to all CSNSW-operated correctional centres in NSW as per the Corrective Services NSW, *Custodial Operations Policy and Procedures: 1.5 Issuing correctional centre clothing and linen* (December 2017) 6.

33 Inspector of Custodial Services NSW, *Prison Greens: The clothing and bedding of inmates in NSW* (Report, June 2017) 23-24.

34 Inspector of Custodial Services NSW, *Prison Greens: The clothing and bedding of inmates in NSW* (Report, June 2017) 31.

During the 2019-2020 financial year women at EPCC were provided 9.65 hours out of their units each day on average.³⁵ This is one and half hours less than the daily average for minimum security custodial settings in NSW, which is already the lowest daily average nationally for the same period.³⁶ Figure 7 shows the daily schedule at EPCC.

Figure 7: Daily routine at Emu Plains Correctional Centre³⁷

Time	Weekday	Weekend
6am	Inmates are woken with first siren	Inmates are woken with first siren
6:30am	Inmates are checked at second siren	Inmates are checked at second siren
7am	Accommodation units are unlocked	Accommodation units are unlocked
7:15am	Supervised medication is issued to inmates Milk production employees attend work Hub participants attend the Hub	
8am	All other inmate employees attend work locations	
8:15am		Supervised medication is issued to inmates
8:30am		Inmate visits commence
12pm	Inmates are counted	Inmates are counted
2:00pm	CSI employed inmates finish work and return to their accommodation areas	
2:15pm	Unsupervised medication is issued to inmates	Unsupervised medication is issued to inmates
3pm		Inmate visits cease
3:30pm	Inmates are counted	Inmates are counted
4:15pm	Supervised medication is issued to inmates	Supervised medication is issued to inmates
4:45pm	Inmates return to their accommodation units	Inmates return to their accommodation units
5pm	Inmates are counted and units are secured	Inmates are counted and units are secured

Women are required to rise at 6am and present for a headcount at 6.30am every day. While employment commitments reasonably inform this on weekdays, it is unclear why women are required to present for 6.30am headcount on Saturdays and Sundays. In a minimum security environment the routine should reflect the community as closely as possible. This includes incorporating some flexibility where there are no fixed activities or programs. We suggest women should be afforded additional autonomy over how they spend their time, especially on weekends when there are no structured activities or programs available at EPCC.

At 5pm women are locked in their respective houses. While their access to the shared loungeroom and kitchen facilities is unrestricted, their interactions with other women and staff are limited, and their engagement with services, including education, wellbeing, fitness and recreation, and offending programs, is constrained. The location of telephones outside the houses also restricts women's opportunity to contact their families and social networks after 5pm. EPCC should aim to increase the hours that women can spend

35 Information provided by Corrective Services NSW, 5 March 2021.

36 Productivity Commission, Australian Government, *Report on Government Services 2021* (Report, January 2021) Table 8A.13.

37 Corrective Services NSW, *Management Plan for Emu Plains Correctional Centre* (September 2020) 13-16.

outside of their units and consider incorporating changes to the daily routine that enable women to engage in activities into the evenings. This is consistent with life in the community where people often need to avail themselves of such things outside of work hours and around their various other personal commitments.

4 Safety and security

The safety and security of a custodial centre is contingent upon the humane treatment of people held in detention. Some protocols and environmental features of the custodial centre necessarily curtail freedoms and rights to prevent escape, and to ensure that inmates do not cause harm to themselves or other people. Any consideration of a custodial setting must have regard to this balance and the principle of using the least restrictive measures necessary.³⁸

The security of a custodial setting is constituted by relational, procedural and physical measures, all of which need to align with the purpose and condition of the facility, the security needs of the people in custody, and the staffing capacity.³⁹

The physical security profile of EPCC is consistent with its minimum security rating but would benefit from more comprehensive CCTV coverage and some additional technologies to assist with searching people and possessions entering the centre.

Where physical security measures are not designed to be the primary means of safe containment, relational and procedural security measures are particularly important. This is not to say that relational and procedural security measures need to be amplified, but they need to be operating coherently and consistently. Strengthening these measures would enhance the safety and security of EPCC.

Many of EPCC's local operating procedures came into effect in their current form in March 2021 and it is important that these are consistently applied by staff.⁴⁰ Of significant concern to us was the inconsistency in searching practice that we directly observed and heard accounts of from women. During the visits sessions we attended, some women were strip searched and some women were not. This was not the result of specific and individualised assessments of security risk. Instead, some custodial officers applied routine strip searching as a visits protocol and some did not. Not only was the approach to routine strip searching inconsistent, but there was no evidence that strip searches were being informed by a specific assessment that there was a risk to security. We requested a copy of EPCC's *Local Operating Procedure: Searching*, which came into effect after the inspection on 16 July 2021. It includes a direction that strip searching is conducted at random on women after visits or after women return from employment outside the secure perimeter but inside the correctional complex.⁴¹

Women at Jacaranda Cottages were subject to routine strip searching before leaving the correctional complex and after returning to the correctional complex. This is also provided for in EPCC's *Local Operating Procedure: Searching*.⁴² It is wholly unclear why women are strip searched before leaving the correctional complex unless there is specific intelligence or a reasonable suspicion that they are carrying contraband. We have discussed in two previous reports the potential harms that strip searching has on women in custody.⁴³ Its routine use is inconsistent with trauma-informed principles and with the logic of individualised and specific assessment of risk. CSNSW advised us in January 2022 that a body scanner has now been

38 *United Nations Standard Minimum Rules for the Treatment of Prisoners*, GA Res 70/175, UN Doc A/RES/70/175 (8 January 2016, adopted on 17 December 2015) Rule 36.

39 United Nations Office on Drugs and Crime, *Handbook on Dynamic Security and Prison Intelligence* (Criminal Justice Handbook Series, 2015) 5-6.

40 For example, local operating procedures effective March 2021 include: *Local Operating Procedure: Gatehouse*; *Local Operating Procedure: Key Accountability*; *Local Operating Procedure: Security of Tools and Equipment for Contractors*; *Local Operating Procedure: Searching in Emu Plains Correctional Centre*; *Local Operating Procedure: Searching [of Inmates, Visitors and Staff]*.

41 Corrective Services NSW, *Emu Plains Correctional Centre Local Operating Procedure: Searching* (16 July 2021) 3.

42 Corrective Services NSW, *Emu Plains Correctional Centre Local Operating Procedure: Searching* (16 July 2021) 3.

43 Inspector of Custodial Services NSW, *Women on Remand* (Report, February 2020) 12, 18; Inspector of Custodial Services NSW, *Inspection of Mary Wade Correctional Centre* (Report, February 2020) 20.

installed at EPCC and women are no longer subject to routine strip searching. Instead, they are subject to routine body scanning and strip searched if the scan result indicates possible contraband. While we are pleased that this has reduced the prevalence of strip searching at EPCC, it remains unclear why women from Jacaranda Cottages are subject to routine screening before they depart the centre.

At Jacaranda Cottages, where women are responsible for the care of their children at all times, particular care needs to be taken by officers to ensure that the impact of custodial security protocols on resident children is minimised. Women reported inconsistencies in searching practices on their departure from, and return to, EPCC. Women were strip searched in different locations contingent upon the approach by the individual custodial officer. Sometimes children would be returned to Jacaranda Cottages to be supervised by the services and programs officer or another inmate while women were taken to the main centre for strip searching. Other times women were returned to Jacaranda Cottages with their children, and then subject to a strip search in the accessible bathroom adjacent to the common playroom where their child/children remained. The uncertainty around these security protocols was identified as a major source of stress for women managing the care of their children. EPCC has a clear responsibility to ensure that security protocols at Jacaranda Cottages are sensitive to the needs of children residing at Jacaranda Cottages and the residential nature of the environment.

The needs of women who are from non-English speaking backgrounds also require consideration in searching procedures. At EPCC almost 30% of women spoke another language at home and more than 10% required an interpreter. We encourage CSNSW to develop documented instructions for strip searching in a range of languages to reduce the potential trauma experienced by women who are subject to this practice.

EPCC would also benefit from improved relational security measures. In the main centre we rarely observed custodial staff interacting with women. Other staff (health, case management, services and programs, and classification and placement) were only accessible via custodial referral. Aside from the custodial escort function available to women at Jacaranda Cottages on Fridays, we also observed very little interaction between custodial staff and women in the Mothers and Children's program. Custodial staff carry out basic procedural security protocols, but outside of this, we observed minimal engagement. While there are three non-custodial positions attached to the Mothers and Children's Program, these are not available in the evenings or on weekends. Women recounted the impact of this during the flooding events in western and northwest Greater Sydney in March 2021. Evacuation of mothers and their children was required from EPCC on a weekend, when Mothers and Children's Program staff were not on site. Women described a lack of clear instructions and support around transferring their children into care in the community and around their own temporary transfer to other custodial facilities. Adequate custodial support for women residing at Jacaranda Cottages needs to be provided by EPCC.

Recommendation 7: CSNSW ceases the routine strip searching of women and ensures searching protocols are applied consistently at Emu Plains Correctional Centre.

5 Health and wellbeing

As a designated women’s correctional centre, EPCC can focus on being responsive to women’s health, which includes physical, mental and social wellbeing dimensions.⁴⁴ For Aboriginal women, cultural and Community dimensions of health are also relevant.⁴⁵

5.1 The Justice Health and Forensic Mental Health Network

JH&FMHN does not operate a 24-hour health centre and placement at EPCC requires that women do not have acute or outstanding health needs. The health centre at EPCC operates every day from 8am to 4.30pm. There is always at least one registered nurse on site during these hours with coverage across the day from two registered nurses, and the nursing unit manager. There is also part-time administrative support in the health centre. A range of JH&FMHN services visit EPCC on a needs basis and at the time of our inspection we confirmed the availability and wait times for services set out in Table 1.

Table 1: Health services at EPCC⁴⁶

Health service	Waitlist size (number of women)	Waiting period (days)
Primary health nurse	22	2-22
General practitioner	8	2-23
Women’s health nurse	10	1-291
Aboriginal chronic care nurse	9	46-511
Population health nurse	5	26-53
Mental health nurse	5	54-140
Psychiatrist	7	25-96
Drug & alcohol nurse	2	38-94
Drug & alcohol specialist medical officer	0	Not applicable
Dentist	Unavailable	Unavailable

There are additional health services provided by the JH&FMHN in their management of pregnant women in custody that are not reflected in Table 1. In addition to the primary health nurse, general practitioner and the women’s health nurse, there is a midwife, a substance use in pregnancy care coordinator, and a perinatal and infant mental health nurse who provide antenatal and postnatal clinical and support services to women.

Aside from primary nursing services, which are based at custodial facilities, health providers visit correctional centres based on assessment of demand across the whole custodial system. While wait times for the primary health nurse and general practitioner at EPCC are much lower than at larger correctional centres, wait times for other specialist nursing services were higher. Data from JH&FMHN indicates that during the April - June 2021 period, 72% of patients at EPCC were seen within the timeframes allocated to each triage category.

⁴⁴ *Constitution of the World Health Organisation*, International Health Conference, (7 April 1948, adopted 22 July 1946) preamble.

⁴⁵ The National Aboriginal Community Controlled Health Organisation’s defines health as ‘not just the physical well-being of an individual but refers to the social, emotional and cultural well-being of the whole Community in which each individual is able to achieve their full potential as a human being thereby bringing about the total well-being of their Community. It is a whole of life view and includes the cyclical concept of life-death-life.’

⁴⁶ Information provided by Justice Health and Forensic Mental Health Network, 19 March 2021 and 26 April 2021.

The nursing unit manager has responsibility for EPCC and the Amber Laurel Correctional Centre (ALCC). ALCC operates as a 24-hour court cell complex. People arrive at ALCC from police custody or from court and ideally stay no longer than seven days before they are released to the community or transferred to a larger reception correctional centre. While ALCC and EPCC are situated in very close physical proximity, these two correctional centres have vastly different functions. Nursing rosters for each custodial centre are separate, however EPCC nursing staff occasionally provide support at ALCC when demand is significant.

As a minimum security setting, with an open layout and reasonable freedom of inmate movement, many of the usual barriers to accessing health services in custody at EPCC didn't exist. The low number of women at EPCC at the time of the inspection affords JH&FMHN an opportunity to focus on health promotion initiatives and preventive care, which had been absent at least since March 2020 due to restrictions placed on third party visitors to custodial facilities as part of the CSNSW response to COVID-19. We were pleased to hear of plans for a general practitioner to conduct a comprehensive health review for all women at the centre. JH&FMHN should also consider expanding the pre- and post-release support to women beyond the Connections Program, which aims to improve continuity of care for inmates with histories of problematic drug use who are released from custody.

One of EPCC's stated focus areas is to improve outcomes for Aboriginal women on their release from custody. Women can participate in the Hub program, which includes cultural components in addition to formal education components. At EPCC primary health services need to be culturally safe and readily accessible for women during their placement and after their release. We have previously made recommendations that identified the need for Aboriginal health workers to be available in custodial settings in NSW, and for the JH&FMHN to explore partnerships with Aboriginal Medical Services.⁴⁷ It was pleasing to confirm that in addition to the JH&FMHN delivered Aboriginal Chronic Care Program, clinics had been delivered by an Aboriginal family health worker from the Waminda South Coast Women's Health and Welfare Aboriginal Corporation and by the Greater Aboriginal Health Service, as part of the Australian Nurse-family partnership program for pregnant Aboriginal women in custody. We encourage JH&FMHN to continue to strengthen engagement and collaboration with local Aboriginal community-controlled health organisations at EPCC.

5.2 Psychology

Women placed at EPCC tend not to be suffering from acute mental illness or have serious outstanding mental health treatment needs. These women need access to a 24-hour health centre that EPCC does not operate. This profile of women at EPCC also shapes the work of CSNSW psychologists. One part-time psychologist and one full-time psychologist attached to CSNSW's Metropolitan West cluster provide coverage at EPCC four days per week. Under the cluster model these psychologists also work across Dillwynia Correctional Centre, Geoffrey Pearce Correctional Centre and several community corrections locations as required by demand. While the available coverage at EPCC remained unchanged after the repurposing, the psychology service allocation at the time of inspection had been reduced considerably because of the low number of women accommodated there. Women at Jacaranda Cottages have access to a dedicated part-time psychologist attached to CSNSW's Special Needs division.

In March 2021 there were 22 psychology services provided at EPCC and 35 psychology services provided at Jacaranda Cottages. Psychology referrals were higher at Jacaranda Cottages than in the main centre but none was assessed as high acuity priority. Over 70% were assessed as sub-acuity priority with the remaining services assessed as routine priority. This is consistent with the data obtained around incidents of self-harm at EPCC. In the period March 2020 - August 2020 there were six recorded acts of self-harm. There have been no self-harm incidents recorded at EPCC since August 2020.

⁴⁷ Inspector of Custodial Services NSW, *Health Services in NSW Correctional Facilities* (Report, March 2021) 80-83.

5.3 Purposeful activity

The Bangkok Rules require that '[w]omen prisoners shall have access to a balanced and comprehensive programme of activities, which take account of gender-appropriate needs.'⁴⁸

In a minimum security environment where there are fewer security restrictions on activity and people are progressing towards their release from custody, the range of available activities should reflect this. Outside of the correctional centre employment and the Hub program, we observed very little structured activity facilitated at EPCC. This is not necessarily a problem. Unstructured time should be a feature of a minimum security environment because it affords people increased autonomy over their daily schedule and activity. However, unstructured time should not be empty time in custody. Women at EPCC were keen to engage in activities to prepare themselves for release and make the most of their minimum security placement. Access to self-directed release preparation activities and education, as well as opportunities to connect with community service providers and mentors should be incorporated into the custodial placement at EPCC.

In response to the COVID-19 pandemic CSNSW restricted visits to custodial facilities for lengthy periods throughout 2020 and 2021. Consequentially, women's access to connect with community service providers has been limited. CSNSW needs to establish alternative ways to facilitate this access as community service providers offer a range of supports and services that women in custody rely on. A virtual visit program using tablet devices is already in use for personal visits and priority should be given to expanding this to increase the access that women have to community organisations. Providing alternative, virtual means of connecting community organisations with women in custody is urgently required to mitigate the impact of service interruption during the COVID-19 pandemic. Virtual access to services also has the benefit of reducing some of the barriers that women face when they are planning on returning to a community that is not close to the custodial facility they are held in.

The 'activities' custodial post was removed from the staffing profile when EPCC was repurposed. Staff reported this left a gap and presented increased work to provide women with access to recreational and wellbeing activities. The library had a good range of books and several computers, but it was only being opened on weekends and log-in issues prevented women using the computers. The adjacent activities room was only being opened on specific request from an inmate. We were advised by staff that the free weights and other sporting and fitness equipment was only available to women if a custodial officer was available to directly supervise its use. Growing fruit and vegetables is a healthy, prosocial and educational activity that we observed is offered in some men's minimum security custodial settings. It was not available at EPCC because it was deemed to present a security risk.

48 *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders*, GA Res 65/229, UN Doc A/RES/65/229 (16 March 2011, adopted on 21 December 2010) Rule 42.

The library was underutilised



This absence of available activity for women to engage in is inconsistent with the purpose of a minimum security setting. It is also wholly inconsistent with the assessed security risk posed by women at EPCC, where a condition of placement is having a current approval to work outside the perimeter fence without direct supervision. EPCC needs to ensure women have access to resources and equipment that enables them to participate in cultural activities, fitness activities, arts and craft practice, and mindfulness activities such as puzzles and boardgames. Women consistently reported that this absence of meaningful activity at EPCC was negatively impacting their mental health and wellbeing.

Recommendation 8: CSNSW increases access to activities at Emu Plains Correctional Centre that are relevant to the needs of minimum security women.

5.4 Family contact

5.4.1 Visits

Access to visits for people in custody and their families has been significantly impacted throughout 2020 and 2021. During this period CSNSW imposed various restrictions on people entering custodial facilities to reduce the risk of COVID-19 transmission in custodial settings. One of the important measures that CSNSW introduced to mitigate this impact was to make electronic tablets available for women to participate in video calls with their family and friends.

While weekly in-person visits had resumed at EPCC at the time of our inspection, video calls pleasingly also remained an option for people in custody. Many women at EPCC were using this communication platform and reported its benefits. Visitors are relieved from organising transport (and accommodation if the distance requires) and navigating the security protocols and rules. We heard some barriers remained for women whose family resided outside Australia due to the fixed visit schedule and its incompatibility with international time zones. It is important that CSNSW implements technology-enabled visits with enough flexibility to ensure that barriers of distance do not remain for people using this platform. This is particularly important for women who are nearing release from custody and need to connect with family and social networks in the places to which they intend to return. Since the inspection CSNSW has advised us of its plans to introduce inmate tablets (available for use inside accommodation blocks) at EPCC in the first quarter of 2022.⁴⁹ We support this initiative.

⁴⁹ Information provided by Corrective Services NSW, 28 January 2022.

In-person visits were operating at EPCC but only from the main centre. EPCC staff advised that they could not facilitate visits in the main centre and Jacaranda Cottages while also screening visitors for COVID-19 risk and enforcing associated infection prevention and control measures, such as physical distancing and mask wearing. It was disappointing to see that the outdoor visits area, which includes a playground and a Yarning Circle was not available for use by women and their visitors. Staff advised that the outdoor area was not set up to be compliant with the COVID-19 restrictions on visits. It is difficult to understand how an outdoor space with open ventilation is not preferred for use over, or at least in addition to, an indoor setting for visits.

Women in the Mothers and Children's Program had to leave Jacaranda Cottages and attend the main centre for visits from family or friends. A locally developed protocol prohibited these women from bringing their children with them to the main centre for visits. The effect of this was that children residing at Jacaranda Cottages were being denied contact with their extended family in the community, and women who wanted to attend a visit were required to arrange for another inmate to look after their child. Neither of these scenarios was reasonable nor necessary for the purpose of mitigating COVID-19 risks and in response to our inspection this protocol was rescinded. CSNSW has a responsibility to ensure that women and their children at Jacaranda Cottages have access to visits from family and friends in the community. Local processes implemented at EPCC should not increase the burden of restrictions already placed on inmate activity and movement by way of special Commissioner's Instruction during the COVID-19 pandemic.

5.4.2 Telephones

Telephones are an important means for people in custody to maintain contact with family and friends in the community. At EPCC there were seven telephones in the main centre that were installed on the exterior of the activities building. At Jacaranda Cottages there were two telephones installed on the exterior of the administration building. While there are sufficient telephones for women at EPCC, they have been installed above fixed steel seats that are positioned too low for women to be able use them while seated. Their present locations are also inaccessible to women after 5pm when they are locked into their units.

5.4.3 Corrections co-located caseworker program

This initiative was piloted at EPCC in early 2020 and has since been expanded to Dillwynia Correctional Centre and Silverwater Women's Correctional Centre. It involves a caseworker from the Community Services division of the Department of Communities and Justice (DCJ) being available in women's correctional centres. The program aims to improve the access for a parent in custody, to information concerning their child who is, or may be, subject to a care and protection order. The program also aims to engage with pregnant women in custody about forthcoming care and protection matters. At EPCC more than 70% of women have children and 44% had children living with them immediately prior to their incarceration. Historically, there have not been channels for information sharing and collaboration between child protection and criminal justice systems, which has exacerbated the social stigma, isolation and disruption experienced by children when their mother is incarcerated.⁵⁰

50 Rosemary Sheehan and Catherine Flynn, "Women prisoners and their children" in R Sheehan et al. *What Works with Women Offenders* (Routledge, 2013) 216-219.

Many women we spoke with at EPCC, especially those from non-English speaking backgrounds, identified significant barriers in accessing information about their children and understanding associated care and protection matters. DCJ's co-located caseworker program is a promising initiative to reduce barriers that some women who are mothers face in custody.

Recommendation 9: CSNSW provides access for women to contact their family after they are locked into their accommodation, and implements virtual visits at Emu Plains Correctional Centre that support family contact needs.

5.5 Faith services

Prior to the repurposing of EPCC the Christian chaplain had attended EPCC five days per week and had offered several structured pastoral programs, in addition to delivering a twice weekly chapel service and facilitating a bible studies group.

At the time of inspection, the Christian chaplain was visiting EPCC one afternoon (three hours) per week to provide individual support and a chapel service for interested women in the main centre.

Muslim, Buddhist and Hindu chaplaincy services were no longer being coordinated for visits to EPCC and the religious holidays which had previously been celebrated were not being acknowledged. While some of these activities would have been limited by COVID19 restrictions in custodial settings, priority needs to be given to developing alternative means of access to these services into the future.

6 Rehabilitation and release preparation

Rehabilitation and release preparation are widely embedded in various international and domestic instruments of law and policy as a priority for custodial placements. In NSW, they are established as a primary object of the *Crimes (Administration of Sentences) Act 1999*⁵¹ and they are also included in the Guiding Principles for Corrections in Australia.⁵²

Internationally, the Mandela Rules provide that custodial authorities should offer:

education, vocational training and work, as well as other forms of assistance that are appropriate and available, including those of a remedial, moral, spiritual, social and health- and sports-based nature. All such programmes, activities and services should be delivered in line with the individual treatment needs of prisoners.⁵³

Particular emphasis is made in the Mandela Rules on the need to focus on rehabilitation and release from the beginning of a custodial sentence:

From the beginning of a prisoner's sentence, consideration shall be given to his or her future after release and he or she shall be encouraged and provided assistance to maintain or establish such relations with persons or agencies outside the prison as may promote the prisoner's rehabilitation and the best interests of his or her family.⁵⁴

EPCC is a minimum security custodial centre, and as such, the delivery of activities, programs and services are not constrained by maximum security protocols. As the placement criteria now requires that women at EPCC generally do not have outstanding criminogenic program needs, activities and services should be focused on reintegration and release preparation.

6.1 Case management

The stated goals of CSNSW's custodial case management function are to:

- assess an inmate's risks, needs and responsivity to inform a plan for the delivery of targeted and sequenced programs and services to reduce reoffending
- motivate inmates to engage in rehabilitation interventions
- support inmates to assume greater personal responsibility and develop pro-social attitudes, behaviours and skills
- assist inmates with release and reintegration planning.⁵⁵

At EPCC the case management unit (CMU) operates alongside Dillwynia Correctional Centre's CMU. There is one case management officer based at EPCC while the senior case management officer overseeing EPCC is based at Dillwynia Correctional Centre. Due to the low number of women at EPCC and the competing demand for case planning at Dillwynia Correctional Centre, the case management officer at EPCC was being deployed to Dillwynia Correctional Centre 2-3 days per week at the time of our inspection.

51 *Crimes (Administration of Sentences) Act 1999*, s 2A.

52 Corrective Services Administrators' Council, *Guiding Principles for Corrections in Australia* (2018) 24.

53 *United Nations Standard Minimum Rules for the Treatment of Prisoners*, GA Res 70/175, UN Doc A/RES/70/175 (8 January 2016, adopted on 17 December 2015) Rule 4.

54 *United Nations Standard Minimum Rules for the Treatment of Prisoners*, GA Res 70/175, UN Doc A/RES/70/175 (8 January 2016, adopted on 17 December 2015) Rule 107.

55 Corrective Services NSW, *Policy for Case Management in Correctional Centres* (December 2017) 4-5.

Most women arrive at EPCC with a case plan so the CMU's role is to engage with inmates about their existing case plans. This engagement is undertaken through face to face discussion and worksheet exercises. During the period 1 January - 1 June 2021, there were only 13 of these interventions delivered.⁵⁶ The CMU is also responsible for delivering NEXUS reintegration interventions. NEXUS is a three-part intervention delivered by CSNSW to help inmates plan their exit from custody. The first two parts are delivered by case management staff and the third part is delivered by services and programs officers in a group format. The CMU at EPCC deliver the NEXUS Stream 2 reintegration service, which involves a meeting between the case management officer and inmate. This meeting is to explain a 'Planning Your Release' worksheet. Once this is completed by the inmate, the case management officer links the inmate with relevant services to respond to identified needs, for example housing, proof of identification needs, financial support, clothing or transport for release.⁵⁷

6.2 Services and programs

The offender services and programs (OS&P) function at EPCC has a substantial staffing profile. In addition to the manager of services and programs who has responsibility for EPCC and Geoffrey Pearce Correctional Centre, there is one senior services and programs officer, and three services and programs officers, one of which is an Aboriginal identified position. Separate from this team, Jacaranda Cottages also has one services and program officer.

As no criminogenic programs are facilitated, the OS&P function is limited to the delivery of services, including centre orientation meetings for women arriving at EPCC, basic custodial welfare services and NEXUS 3 reintegration services. Women can lodge requests for these services with custodial officers, who refer matters to OS&P staff.

At the time of inspection none of the substantively appointed staff were working in their roles at EPCC. Instead, the cluster manager of services and programs who was based at Geoffrey Pearce Correctional Centre at Windsor was attending weekly to provide limited services. During the month of April 2021, when we inspected EPCC, there were only 12 service interventions delivered to women. The availability of NEXUS Stream 3 reintegration services was inconsistent as a trained services and programs officer was not available at EPCC every month. Women reported having commenced their placement at EPCC without any orientation and our review of the Inmate Information Booklet indicated it had not been updated since the repurposing of the centre. It included information that was out of date and omitted important information about access to the clothing stores and the inmate purchasing system. CSNSW advised that a review of this handbook was commenced following our inspection.⁵⁸

Women we spoke to during the inspection assumed that the OS&P function had been removed as part of the repurposing and were unaware that they could refer their request to a services and programs officer at EPCC. We observed no published information about OS&P services around EPCC. Since our inspection CSNSW has advised that a weekly OS&P schedule has been established.

Women reported that they needed assistance with employment preparation, driver licencing, setting up a bank account, identifying housing options and accessing Medicare as they neared release from custody. CSNSW's NEXUS Stream 3 is designed to provide advice in these matters, or referrals to other relevant service providers, in a structured group setting. Women at EPCC struggle to access this support. The impact of COVID-19 restrictions on group programs, and community access is acknowledged, however we couldn't identify any alternative means by which these services were being delivered.

⁵⁶ Information provided by Corrective Services NSW, 22 June 2021.

⁵⁷ Corrective Services NSW, *Policy and Procedures for the Delivery of NEXUS* (June 2021) 7.

⁵⁸ Information provided by Corrective Services NSW, 28 January 2022.

We found minimal exchange and collaboration occurring between the CMU and OS&P at EPCC, despite their respective joint responsibility for providing women with reintegration services.

In response to our consideration of these issues, CSNSW has indicated that the transition and reintegration pathway for women at EPCC involves progressing to Bolwara Transitional Centre or Parramatta Transitional Centre. While both of these facilities offer transitional and release planning support to residents, women must have at least 4 months (Bolwara) or 6 months (Parramatta) until their earliest release date to be considered. Many women do not serve long enough custodial sentences to take up this pathway and consideration needs to be given to release support for women serving shorter sentences.

Recommendation 10: CSNSW prioritises the consistent and accessible delivery of release planning and transitional support to women at Emu Plains Correctional Centre.

Recommendation 11: CSNSW ensures information about how Emu Plains Correctional Centre operates is accurate and accessible to women, including those from non-English speaking backgrounds.

6.3 Employment and education

EPCC is the only designated minimum security correctional centre for women in NSW. As such, we expected a range of employment for women that aligned with their minimum security status, and educational opportunities, both attached to, and distinct from, work. The availability of work (including community-based work) in a minimum security setting is vital. In addition to providing purposeful activity during the day, it is an important source of income for women who want to save money as they near their release from custody. Excluding the Hub participants and women at Jacaranda Cottages with caring responsibilities, EPCC required all women to work Monday-Friday. The employment at EPCC and the number of women employed during our inspection is reflected in Table 2.

Table 2: EPCC employment profile at the time of inspection⁵⁹

Work unit	Employee profile	Current participants
Food services	15	4
Hygiene + grounds maintenance	15	8
Milk processing unit	15	12
The Hub	20	5
Mothers and Children's Program	15	8
Total	80	37

The range of employment at EPCC should be reviewed to ensure it is aligned with women's rehabilitation and community reintegration needs. Except for the Hub (see chapter 6.4), there was no education delivered and no education-focused staff member at EPCC. CSI has advised that if education is required, women at EPCC can participate offsite, for example at Dillwynia Correctional Centre. There is no record of participation in this format since the repurposing. If it is available, information about this option needs to be displayed around the centre, published in the Inmate Information Booklet and provided to women by staff at EPCC. CSNSW advised that following our inspection a review of case management plans for women at EPCC was conducted and vocational opportunities for eligible women at Dillwynia are under consideration.

⁵⁹ Information provided by Corrective Services NSW, 5 March 2021. Neither the Hub nor the Mothers and Children's Program are work units but CSNSW includes them in the employment profile at EPCC. At the time of inspection three women in the Mothers and Children's Program were also employed in other work units.

The milk processing unit, which had once incorporated a full dairy operation with vocational training for inmate employees, has been reduced to a milk processing unit with no attached education for women at EPCC.⁶⁰ Its purpose is now limited to supplying cost-effective milk across the NSW prison system and accordingly, maintaining a full profile of 15 employees is prioritised.

The food services team had 15 inmate positions but we were doubtful that there was enough work to keep 15 women occupied for six hours every day. CSNSW has since advised that women employed in the kitchen are part of a larger 'internal services' team encompassing hygiene and grounds maintenance and women should be deployed to areas of need flexibly. The primary function of this team is to reheat frozen dinners that are prepared at other larger correctional centres. At approximately 10am, hours before dinner service, we observed inmate employees and CSNSW staff verifying the 1.30pm temperature of meals served. Education records confirmed that not all women employed in food services had completed food safety training.⁶¹

All women employed in food services and several women employed in the milk processing unit were from non-English speaking backgrounds.⁶² Work health and safety inductions, and ongoing instruction and supervision by custodial overseer staff need to be accessible for employees. Consistent with our observations, staff acknowledged that significant communication barriers existed in work units. Unfortunately, informal inmate translation services were being relied upon instead of using accredited interpreters and providing data safety sheets and work instructions in relevant languages. EPCC needs to strengthen its work health and safety culture and urgently attend to the issues identified in food service and the safety of inmate employees from non-English speaking backgrounds. CSNSW has since advised that work health and safety booklets are available in a range of languages for order by correctional centres. EPCC needs to ensure these booklets are available for women in relevant languages.

Common features of a minimum security custodial setting in NSW are the Work Release Program (WRP) and a community projects team. Unfortunately neither was operating at EPCC. The WRP supports Category 1 classified women to obtain a job in the community, which they are permitted to attend from custody. Women earn community wages, and gain workplace experience. In some cases, inmate employees can secure continuing employment after their release. Prior to the repurposing, WRP had been available for Category 1 classified women to attend a job in the community but currently only Dillwynia Correctional Centre offers the WRP. Community projects teams are a feature at many minimum security correctional centres for men and allow Category 2 (equivalently) classified inmates to participate in work for local public authorities.

If EPCC is to improve post-release employment outcomes for women, it needs to provide educational and training options that are aligned with the community job market and women's interests. Women need to be able to build skills and knowledge in custody that offers them a pathway out of custody. At the time of our inspection a hairdresser had not attended the correctional centre for six months. Along with other personal services, hairdressing is a service that can be provided by an inmate who receives prescribed training. Correctional centres for men routinely train and employ inmates to provide a barber service for other inmates. The demand for these services by women in custody is very high and with favourable associated employment projections in the community, this presents potential for women to be trained in areas that offer opportunities for employment after release.⁶³

60 One inmate employee in the milk processing unit had completed vocational training as part of her role but she attended from nearby Bolwara Transitional Centre and was not an inmate of Emu Plains Correctional Centre.

61 Information provided by Corrective Services NSW, 7 July 2021.

62 Information provided by Corrective Services NSW, 7 July 2021.

63 Australian Industry and Skills Committee, *Beauty Industry: Employment Trends* (20 November 2020). Accessed 10 September 2021 at <<http://nationalindustryinsights.aisc.net.au/industries/personal-services/beauty>>.

Recommendation 12: CSNSW completes a food safety audit at Emu Plains Correctional Centre.

Recommendation 13: CSNSW delivers work safety inductions and ongoing work instruction at Emu Plains Correctional Centre that are accessible for women from non-English speaking backgrounds.

Recommendation 14: CSNSW aligns employment offerings at Emu Plains Correctional Centre with post-release employment outcomes.

6.4 The Hub

The Hub is a Commonwealth funded program operated by CSNSW's Aboriginal Strategy and Policy Unit. The purpose of the Hub is to improve the post-release education and employment outcomes for Aboriginal women in custody through providing interventions that are individually and culturally safe and responsive. To be eligible for the Hub, Aboriginal women must have:

- a security classification of Category 2 (sentenced)
- a current section 6(2) On complex order
- between 5 and 24 months of their sentence left to serve
- no active segregation order.

The program encompasses formal education attainment alongside health and wellbeing interventions and cultural programs. During the period between its commencement in February 2020 and 30 June 2021, 50 women participated in the Hub.⁶⁴ There are a maximum of 20 places available in the Hub each quarter but generally between four and eight women attend each week.⁶⁵ During the inspection there were five women participating in the Hub.

The Hub's physical premises are located nearby but outside the EPCC correctional complex. Participating women are transported under custodial escort by vehicle to and from the Hub and must have a permit issued by the governor enabling their absence from EPCC.⁶⁶ The physical premises comprises a newly constructed computer room, open plan classroom zone and connected kitchen with a commercial espresso machine.

The limited size of these spaces and the Hub's location outside the correctional complex presents barriers to increasing participation by Aboriginal women in custody. While 20 women can participate each quarter we estimated challenges associated with accommodating more than 12 women in the classroom space at a time. The contracted education provider (BSI Learning) had limited class sizes to 12 women. The 'off-complex' location also requires that women are escorted by an officer from EPCC in the mornings (8.30am), supervised by this officer while they are at the Hub, and then transported back to EPCC in the afternoons (approximately 2.30pm). The Hub is designed to run Monday-Friday but was only running Monday-Wednesday during the inspection because there was no custodial escort available on Thursdays and Fridays. During the inspection we heard that participants were required to work in the custodial centre on Thursday and Friday when the Hub was not operating. It was disappointing to hear that women were not being remunerated in accordance with the CSI wages for these two days. If women are required to work in a unit that attracts higher wages, any difference should be paid. CSNSW has since advised that this work would only ever be undertaken on a voluntary basis by Hub participants. If this is the case, care should be taken to communicate the 'voluntary' basis of work available on the days the Hub is not running.

⁶⁴ Information provided by CSNSW, 15 September 2021.

⁶⁵ Information provided by CSNSW, 7 July 2021.

⁶⁶ *Crimes (Administration of Sentences) Act 1999* s 26 (1).

The formal education component at the Hub is called 'Pathways to the Future' and is a customised model developed by CSNSW and BSI Learning. Foundation skills programs comprising language, literacy and numeracy are delivered in conjunction with Certificate II Hospitality units. While women can complete a Certificate II in Hospitality, the rolling program is designed for women to continually complete discrete units. Since the commencement of the Hub in February 2020, five women have successfully completed the requirements of the Certificate II Hospitality.⁶⁷ While women reported a high level of engagement with the program in its current form, some were not interested in hospitality work after release from custody. It would be good to see the Hub expand its operations to include alternative education options, including online programs of study that are more closely aligned to participants' interests and employment opportunities in particular locations.

Pathways to the Future was being delivered Monday-Wednesday in the Hub and the cultural and wellbeing components of the program were intended to run Thursdays and Fridays. In addition to the lack of custodial support, it was reportedly difficult to confirm the delivery of these components by community-based providers. Since the commencement of the program in February 2020, there have been two externally facilitated cultural programs delivered at the Hub. One was a 10-week cultural strengthening and visual arts program delivered between February and May 2020. The other was a seven-week cultural identity program that was delivered in September and October 2020.⁶⁸ Securing consistent and reliable delivery of relevant services and programs by Aboriginal controlled community organisations will be important if the Hub program is to sustain its operations.

Currently the other major barrier to entry is that there are no criminogenic programs delivered at EPCC. This means that generally women cannot access the Hub unless they have no outstanding program needs. The availability of criminogenic programs for women in the Hub would reduce this barrier to participation for Aboriginal women in custody.

⁶⁷ Information provided by CSNSW, 15 September 2021.

⁶⁸ Information provided by CSNSW, 15 September 2021.

7 Jacaranda Cottages

The Mothers and Children's Program provides women with an opportunity to have their children (12 years and under) reside in their care while they are in custody. Placement in the program can be in occasional residency where school-aged children reside with their primary carer in custody on weekends and during school holidays, or in full-time residency where pre-school aged children reside with their primary carer full time while they are in custody.

The explicit aim of the program is to 'reduce the impact of incarceration on dependent children. A child centred approach and focus on the best interest and circumstances of the child is a priority throughout the assessment process.'⁶⁹

The program has capacity to accommodate up to 15 women at Jacaranda Cottages and up to five women at Parramatta Transitional Centre. During the inspection of EPCC there were eight women residing at Jacaranda Cottages with six children in full-time residency and two children in occasional residency.

7.1 Access to the program

7.1.1 Eligibility

The following criteria are used to assess eligibility of a woman to join the Mothers and Children's Program:

- They must have been the primary carer or have parental responsibility prior to their incarceration.
- If their child/children reside in out of home or temporary care, supporting advice is required indicating a restoration plan is in place.
- They must not have a child protection history that indicates they pose any risk to children.
- Any child/children to reside with them are aged from birth and 12 years.
- The person with parental responsibility gives consent for the child/children to reside at Jacaranda Cottages.
- They must be sentenced and eligible for placement at EPCC (Category 2) or Parramatta Transitional Centre (Category 1).
- They must be stable with regard to their conduct, mental health and use of alcohol and other drugs.⁷⁰

Access to the Mothers and Children's Program has been significantly limited by the adoption of a more restrictive placement criteria at EPCC. Before its repurposing, Jacaranda Cottages was explicitly open to sentenced and unsentenced Category 1 and 2 classified women. The narrowing of the eligibility criteria to sentenced, Category 2 classified women is at odds with previous advice from CSNSW that the repurposing of EPCC would expand the program at Jacaranda Cottages.⁷¹

69 Corrective Services NSW, *Mothers and Children's Policy* (undated; accessed 18 March 2021).

70 Corrective Services NSW, *Mothers and Children's Program: Jacaranda Cottages - Prison Nursery Unit Factsheet* (undated) 1-2.

71 In response to our recommendation that CSNSW provide access to a mothers and children's placement option for women on remand, CSNSW advised that the repurposing of Emu Plains Correctional Centre would increase access to the Mothers and Children's Program.

The current EPCC placement guide provides that women who are on remand or who hold classifications other than Category 2 'may' be identified as suitable for participation in the Mothers and Children Program.⁷² However, approval to access this program also requires CSNSW executive endorsement. There has been no admission of an unsentenced woman to the program since the repurposing, and consultation with senior CSNSW staff suggests that executive support for the placement of an unsentenced woman at EPCC is unlikely. At the time of our inspection unsentenced women comprised 44% of women in custody in NSW. Denying women who are not yet convicted of an offence from accessing placement in this program is inconsistent with fundamental accepted principles that inform the treatment and management of unconvicted women.⁷³

The restrictions on access to the program for women on remand present a significant lost opportunity to reduce the impact of incarceration on dependent children. This impact is acute for children who are born in custody and then separated from their mothers, or where new babies are separated from their mothers or primary carers because they are remanded into custody. CSNSW acknowledges this in prioritising the assessment of eligibility of pregnant women for access to the program.

While the physical security of Jacaranda Cottages may not be an appropriate setting for all women, there are more secure alternative accommodation options that CSNSW could consider. We note that all jurisdictions in Australia (except South Australia) have custodial placements where mothers can be accommodated with their children. In at least Queensland, Victoria and Western Australia these placement options include high security settings.

With the present sequencing of service and program delivery, access to the Mothers and Children's Program is operating as a reward for progression in the custodial system. Women need to have completed offending-based programs at other custodial centres before they can be eligible to reside in a setting where they can provide care for their children. Women who are incarcerated for less serious offences, and are serving shorter custodial sentences are, therefore, less likely to be able to complete programs and then access a placement at Jacaranda Cottages.

Recommendation 15: CSNSW commits to providing a placement option for mothers and children in a secure setting that is accessible to women on remand and sentenced women.

Recommendation 16: CSNSW offers criminogenic programs at Emu Plains Correctional Centre to reduce barriers for entry to the Hub and the Mothers and Children's Program.

7.1.2 Entry process

During the 12-month period between 1 February 2020 and 1 February 2021, the manager of the Mothers and Children's Program considered 123 women for the program.⁷⁴ These women were referred by legal representatives or CSNSW's OS&P staff, or they were identified by the manager as potentially eligible. Only 23 of these 123 women were referred to the Mothers and Children's Committee for further consideration. This committee comprises a range of CSNSW stakeholders from various divisions and a clinical midwife consultant from the JH&FMHN.⁷⁵ Women's circumstances are considered at meetings convened by this committee and if suitability is confirmed, a submission is made to the Commissioner with support first required from the Regional Custodial Director (Metropolitan West), and the Assistant Commissioner,

72 Corrective Services NSW, *Inmate Classification and Placement: Emu Plains Correctional Centre Placement Guide* (undated; accessed 28 January 2021).

73 *United Nations Standard Minimum Rules for the Treatment of Prisoners*, GA Res 70/175, UN Doc A/RES/70/175 (8 January 2016, adopted on 17 December 2015) Rules 111 -120.

74 Information provided by CSNSW, 18 March 2021.

75 Information provided by CSNSW, 20 August 2021.

Offender Management and Programs. Final approval by the Commissioner is required before a change of placement is confirmed and the approved participant is transferred to EPCC.

The *2015 Mothers and Children's procedures* were under review at the time of inspection, however staff advised us that custodial security, institutional behaviour, child protection matters, family preferences and existing care arrangements, intervention sequencing and sentence length are all relevant considerations in assessing suitability for Jacaranda Cottages. It is important that the process by which women are identified and assessed for entry to this program is transparent, consistent, timely and documented.

Women already at Jacaranda Cottages and women in the main centre who were hopeful of entry to the program were consistent in their accounts of having received very little information about the program. Some women were unaware that they had been considered for the program before they were relocated to EPCC to participate. For those women who did receive a verbal indication that they would be considered for the program, none had received updates about the committee's decision making. Some women who were transferred from other correctional centres to EPCC for the Mothers and Children's Program were waiting in the main centre without having received any advice about commencing at Jacaranda Cottages. Information about this program should be provided to women on their reception into custody. Details of the eligibility criteria, process for suitability assessment, and life at Jacaranda Cottages should be included. Women who are identified as eligible for the program should be notified in writing with written updates provided during the process of consideration.

Recommendation 17: CSNSW provides consistent information about the Mothers and Children's Program to women in custody and provides written updates, including advice about appeal rights, to women who are being considered for entry to the program.

7.2 Life at Jacaranda Cottages

7.2.1 Physical environment

Jacaranda Cottages is outside the main centre but inside the Emu Plains Correctional Complex. A maximum of 15 women can be accommodated across eight houses, each with capacity for two women and their children. Each house has at least three bedrooms to allow for a range of sleeping configurations. Houses have shared kitchens, a lounge and dining area and a family bathroom with a bath, a separate shower room and a laundry. The cottage accommodation in Jacaranda Cottages remains in good condition and is suitable for housing women with their children. There is also a cottage that has been repurposed as a multi-use space and a facility to accommodate visiting community service providers.

Kitchen and dining



Lounge room



The cottages are situated around a large open green space, with a sand pit and a fixed swing set. An administration building also opens onto this central green space. It contains offices for staff and a large playroom with a range of toys. Jacaranda Cottages is demarcated by pool fencing, which is also a safety barrier for children. The physical environment at Jacaranda Cottages is an asset to the program.

Jacaranda Cottages is organised around a large green space



7.2.2 Program operation

A factsheet outlining the operation of the Mothers and Children's Program at Jacaranda Cottages provides that:

[w]omen and children participate in a range of internal and external child and family centred programs and activities. [...] activities include parenting programs, playgroup, mothers group, and early child development clinic facilitated by the Nepean Blue Mountains Local Health District. External activities include story time at Penrith Library, Kindy Gym, swimming lessons, pre-school, grocery shopping and activities including Lollipops Playland and the cinema.⁷⁶

⁷⁶ Corrective Services NSW, *Mothers and Children's Program: Jacaranda Cottages - Prison Nursery Unit Factsheet* (undated) 3.

The timing of our inspection did not coincide with significant COVID-19 restrictions on the operation of the Mothers and Children's Program, however the occasional residence of children and visits by community service providers were suspended between March 2020 and May 2020, and again in June 2021. The entire program was emptied in September 2020 during the repurposing of EPCC. Jacaranda Cottages did not become operational again until January 2021. Unfortunately, by the time of the inspection in April 2021, services and programs previously delivered by external providers at Jacaranda Cottages had not recommenced.⁷⁷

Before the inspection CSNSW advised that internally facilitated activities including mothers group, play group, arts and crafts and story time had all continued. This advice of regular, internally facilitated activities was not consistent with accounts from women at Jacaranda Cottages. During the week of our inspection none of these activities was scheduled. However there was one presentation delivered by Kidsafe NSW and approved women could attend one shopping trip with their child or children under custodial escort.

Women at Jacaranda Cottages are responsible for the care of the children residing with them. They are responsible for ordering groceries and necessary items for themselves and their children. They are also expected to organise and facilitate their children's access to health and educational services in the community. At the time of the inspection women could attend activities in the community with their children but these were constrained by the availability of an escorting custodial officer. In accordance with the *Crimes (Administration of Sentences) Regulation 2014*⁷⁸ and CSNSW policy,⁷⁹ women who are classified as Category 2 must be directly supervised when participating in activities outside of a correctional complex. While these instruments do not require this supervision to be custodial, EPCC had a local requirement that movements by women outside of the correctional complex were only permitted under custodial escort. At the time of the inspection a custodial officer was available one or two days per week to escort women with their children into the community for necessary programs and activities.

The impact of the lack of custodial engagement at Jacaranda Cottages extended beyond community access for women and their children. Daily operations, including the processing and distribution of mail, approving phone numbers for contact through the inmate telephone system, and the issue of groceries were adversely impacted. Frequent delays and errors in processing was impacting the wellbeing of women and children accommodated in this area.

Available procedures governing the operation of Jacaranda Cottages were either out of date or non-existent and there was a distinct lack of clarity around staff roles and responsibilities. This was observed to be a source of some tension between Mothers and Children's program staff and custodial staff at EPCC. The program's staffing profile at Jacaranda Cottages comprises one full-time manager, one full-time services and programs officer, and one part-time psychologist. These staff report to CSNSW's state-wide specific needs unit rather than EPCC management. Consistent with accounts we heard from a range of staff, we encourage the development of more constructive working relationships between program staff and EPCC staff for the benefit of women and children residing at Jacaranda Cottages.

The manager was not consistently present onsite because her role encompassed regular travel around NSW to meet with potential participants for the program. The psychologist worked primarily in a one-on-one capacity with women. This left a services and programs officer to coordinate the daily operation of Jacaranda Cottages Monday-Friday and no dedicated staff on weekends. The full-time services and programs officer position was not occupied full-time until February 2021, at which time women reported an

77 An exception to this was the weekly attendance of an occupational therapist who was providing a NDIS-facilitated service for one child at Jacaranda Cottages.

78 *Crimes (Administration of Sentences) Regulation 2014* cl 13.

79 *Corrective Services NSW, Inmate Classification and Placement: Progression to C3/Category 1, and External Leave Programs (Version 2.0 February 2021)* 5.

immediate improvement in access to information about custodial and child care processes, and support for their wellbeing. Prior to the commencement of a full-time services and programs officer in February 2021, it is unclear who would have been available to facilitate any activities. It was particularly disappointing to hear that the role was again vacant in July 2021. Consistency and structure will enhance the benefits of the program at Jacaranda Cottages and are critical to ensure women are supported as parents in the custodial environment. The best interests of children at Jacaranda Cottages will also be served by improvements in this regard.

CSNSW has advised that procedures for the Mothers and Children's Program are under review and it is noted that since the inspection, EPCC has established a suite of custodial operating procedures for Jacaranda Cottages.

Recommendation 18: CSNSW facilitates greater access at Jacaranda Cottages for women and their children to participate in activities to support children's physical, emotional and social development.



Inspector of
Custodial Services

Produced by Inspector of Custodial Services

Level 3, 50 Phillip Street
Sydney NSW 2000

P: 02 8061 9387

W: www.custodialinspector.justice.nsw.gov.au