



Inspector of
Custodial Services

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Women on Remand



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Foreword

The *Inspector of Custodial Services Act 2012* requires all adult custodial centres to be inspected at least once every five years.¹

The 2015-16 Inspector of Custodial Services Annual Report highlighted that women on remand had become the fastest growing cohort of the rising NSW prison population.² The rise in women remanded in custody is not unique to NSW. It is a global trend.³

Between 2011 and 2017, the number of women held in NSW prisons grew from 682 to 1021. Although this represents a 50 per cent increase, it is an increase of approximately 350 in number.⁴ Women remain a minority within the NSW correctional system. As of the 12 January 2020, women constituted only 7.3 per cent of the 13,874 people in full-time custody in NSW.⁵ Of concern was that the growth in the female population was being driven by an increase in the remand population.⁶

The former Inspector of Custodial Services undertook an inspection into the effects of growth of the inmate population on the operation of correctional centres in 2014. At that time, the number of women incarcerated in NSW had declined, leading the Inspector to question the relevance of Silverwater Women's Correctional Centre to the inspection theme. The Inspector observed:

'the overcrowding on which this inspection is focussed did not feature at the Silverwater Women's CC nor at the other two designated female centres at the time of inspection. Nevertheless, it will be essential for CSNSW to monitor service provision for women in custody to ensure pressures in the total system do not lead to a reduction in the quality of care for women.'⁷

It is well documented that women in custody require different management regimes to their male counterparts because of their special needs.⁸ It was therefore important to ensure that the increasing number of women on remand in NSW correctional centres did not negatively impact the quality of the care, treatment and conditions of these women.

For this reason the inspection of four correctional centres accommodating female remand inmates was announced in 2017. Two of these centres, Silverwater Women's Correctional Centre and Dillwynia Correctional Centre, solely accommodate women. The other two centres, Grafton Intake and Transient Centre and Wellington Correctional Centre, accommodate mostly male inmates, but have units and areas where women inmates are also accommodated.

1 *Inspector of Custodial Services Act 2012* s 6(1)(a).

2 While the NSW female prison population is still significantly smaller than their male counterparts, the rate of growth in the female population, and in particular the female remand population, has outstripped the relative growth seen amongst males. In the 2017-2018 financial year, women on remand, those who have not yet been convicted of any crime made up around 40 per cent of the entire NSW female prison population, on average. This information was received through data provided by CSNSW Corrections Research, Evaluation and Statistics on 16 January 2019 (CRES Ref: D18/906873).

3 Penal Reform International and Thailand Institute of Justice, *Global Prison Trends 2018* (Report, London) 16.

4 Stewart, K 2017, *Female Inmates in NSW; needs and issues*, Draft Discussion Paper No. 17/17867, Corrective Services NSW, Sydney, p 1.; This percentage growth is significantly larger than the increase observed in the male inmate population.

5 Corrective Services NSW, Corrections Research, Evaluation & Statistics, *Offender Population Report* (Report, 12 January 2020) (internal document).

6 NSW Bureau of Crime Statistics and Research, *NSW Custody Statistics: Quarterly Update March 2018* (Report, March 2019).

7 Inspector of Custodial Services (NSW), *Full House: The Growth of the Inmate Population in NSW* (Report, April 2015) 22.

8 Jean Corston, *The Corston Report: A Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System* (UK Home Office, 2007).

Since the time of the inspection the number of women in custody in NSW continued to rise. This created pressure in the NSW system despite the opening of the Mary Wade Correctional Centre in early 2018. This led to the conversion of Berrima Correctional Centre from a male to a female centre in 2018.

More recently, the NSW Bureau of Crime Statistics and Research (BOCSAR) has reported a decline in the total number of women in custody in NSW. As at September 2019, there were 971 adult women in custody.⁹ This is an 1.4 per cent decrease or 14 fewer women in prison compared with the previous 12 months.¹⁰ This includes a decline in both remand and sentenced female inmates.¹¹

The Clarence Correctional Centre will open in 2020 providing an additional 300 female beds in northern NSW. This has led to the recent announcement that Grafton Transient and Intake Centre will close in 2020. This is a positive development for women in custody in Northern NSW. Berrima Correctional Centre will also close in 2020 as the expansion of Dillwynia Correctional Centre in mid-2020 will provide much needed remand beds for women in the Sydney Metropolitan area.

Over the course of the inspection, staff and inmates engaged constructively with the inspection team, with many suggesting practical suggestions for improvements. The Corrective Services NSW Women's Advisory Council was also consulted. This provided an opportunity to discuss issues affecting women held on remand across NSW. The CSNSW Women's Advisory Council has developed a Women's Strategy that CSNSW have advised will be implemented in 2020. CSNSW has also recently established a Women's Innovation Change Committee, led by a Senior Officer to oversee strategic and operational issues for women in custody across NSW. A primary function of the Committee will be to support the implementation and promotion of the CSNSW Women's Strategy.¹² This is a positive development.

The recommendations in this report support the implementation of the Women's Strategy and provide an opportunity for Corrective Services NSW (CSNSW) to be responsive to the changing demographic and needs of women in custody throughout NSW.

Fiona Rafter
Inspector of Custodial Services

9 NSW Bureau of Crime Statistics and Research, *NSW Custody Statistics: Quarterly Update June 2019* (Report, September 2019) 25.

10 'NSW Custody Statistics', *NSW Bureau of Crime Statistics and Research* (Web page) https://www.bocsar.nsw.gov.au/Pages/bocsar_custody_stats/bocsar_custody_stats.aspx

11 'NSW Custody Statistics', *NSW Bureau of Crime Statistics and Research* (Web page) https://www.bocsar.nsw.gov.au/Pages/bocsar_custody_stats/bocsar_custody_stats.aspx

12 Information provided by CSNSW, 4 November 2019.

Acknowledgements

The office acknowledges the co-operation, assistance and information provided by all Corrective Services NSW employees during the inspection and in the subsequent period. Assistance of staff members from the Justice Health & Forensic Mental Health Network and the assistance of Official Visitors at each of the inspected centres also warrant acknowledgement and our appreciation.

A range of government and non-government stakeholders provided invaluable information throughout the inspection, including: Corrective Services NSW, the Justice Health & Forensic Mental Health Network; the CSNSW Women's Advisory Council, Legal Aid NSW; Community Restorative Centre; Prisoner's Rights Working Group, NSW Bureau of Crime Statistics and Research, Womens Justice Network; academics from the School of Social Sciences, University of New South Wales; and academics from Charles Sturt University. Particular appreciation is provided to the women who spoke to the inspection team about their experiences on remand.

Note

The inspection considered sensitive information and methodologies. In accordance with section 15 of the *Inspector of Custodial Services Act 2012*, information that could prejudice the security, discipline or good order of any custodial centre, endanger, or prejudice any system or procedure for protecting, the life, health or safety of any person who is in custody, detained or residing at a custodial centre (including but not limited to systems or procedures to protect witnesses and other persons who may be separated from other persons at the centre for their safety), or identify or allow the identification of a custodial centre staff member, has been removed in the public interest.

When speaking to staff and women at correctional centres, we advised that their comments would be confidential and that we would not identify individuals.

Acronyms and Glossary

Aboriginal	‘Aboriginal’ when used in this report is inclusive of Aboriginal and Torres Strait Islander people
AIHW	Australian Institute of Health and Wellbeing
AVL	Audio-Visual Link
Bangkok Rules	United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (‘the Bangkok Rules’), adopted by the UN General Assembly in December 2010
Buy ups	Items inmates can purchase using their own money, including groceries There are also activity buy ups, that occur less frequently than normal buy ups, including items inmates can purchase using their own money, such as clothing, footwear, toiletries, arts and craft items, electrical items (such as TVs, kettles, etc.), vitamins, reading glasses, makeup and hair accessories.
Cognitive disability	An enduring impairment in one’s cognitive functioning. It is inclusive of intellectual disability, acquired brain injury, foetal alcohol spectrum disorder and learning disability.
COPP	The Corrective Services Custodial Operations Policy and Procedures superseded the Operations Procedures Manual in 16 December 2017.
CRES	Corrections Research, Evaluation & Statistics, a unit of Corrective Services New South Wales.
Criminogenic	Systems, environments and situations that are likely to cause criminal behaviour.
CSI	Corrective Services Industries
CSNSW	Corrective Services New South Wales
DCJ	Department of Communities and Justice
Governor	Governor of a correctional centre
GP	General Practitioner
HMPPS	Her Majesty’s Prison and Probation Service, Ministry of Justice, England and Wales
ICS	Inspector of Custodial Services
IDC	Inmate Development Committee
Inmates	The term inmate is used to describe people who were incarcerated in NSW Correctional Centres at the time of inspection. This is the term used in the Regulation.
Inspector	Inspector of Custodial Services
JH&FMHN	Justice Health and Forensic Mental Health Network
Lock downs	Episodes where all people in a unit are locked into their cells during periods where they are usually out of their cells.
Lock ins	Period of time where inmates are routinely locked into their cells for the night or periods in the day.
MOS	Manager of Security
MOSP	Manager Offender Services and Programs
MoU	Memorandum of Understanding

NSW	New South Wales
NUM	Nurse Unit Manager
OIMS	Offender Integrated Management System
OST	Opioid Substitution Therapy
OV	Official Visitors
RAPO	Regional Aboriginal Programs Officer
SAPO	Services And Program Officer
Telehealth	The use of telecommunication techniques for the purpose of providing telemedicine, medical education and health education over a distance. On inspection, the main role of telehealth appeared to be delivering telemedicine, defined as 'the use of advanced telecommunication technologies to exchange health information and provide health care services across geographic, time, social and cultural barriers'. ¹³
The Regulation	<i>The Crimes (Administration of Sentences) Regulation 2014</i>
WRBP	Women Remand Bed Placement

Australian states and territories are referred to by the following acronyms throughout the report: New South Wales (NSW); Victoria (Vic); Queensland (Qld); South Australia (SA); Tasmania (Tas); Western Australia (WA); Northern Territory (NT); Australian Capital Territory (ACT). Unless otherwise specified, references to legislation in this report relate to the laws of NSW. Unless otherwise specified, references in this report to legislation, policies, training materials and other documentation refer to current documents and provisions.

¹³ 'Telehealth', *Australian Government: Department of Health* (Web page) <<https://www1.health.gov.au/internet/main/publishing.nsf/Content/e-health-telehealth>>.

Executive Summary

It is recognised internationally that while women constitute a small sub-population of the prison population, they have specialised needs that warrant specialised treatment and consideration. The specialised needs of women in prison are recognised through the United Nations International Standards for minimum care of women in prison ('The Bangkok Rules').¹⁴

Over the past decade, there has been a steady increase in the proportion of female inmates on remand across NSW. It is important to remember women remanded in custody have been charged with an offence, but are unconvicted.¹⁵ In 2007–08 there was a daily average of 204 women on remand. In 2017–18, this daily average had increased to 417.¹⁶ The inspection of four correctional centres accommodating female remand inmates; Silverwater Women's Correctional Centre (Silverwater), Dillwynia Correctional Centre (Dillwynia), Grafton Intake and Transient Centre (Grafton) and Wellington Correctional Centre (Wellington) took place in 2017. The inspection found the increase in female remand numbers had placed considerable pressure on the women's system in NSW with insufficient remand beds and problems with overcrowding.

Data provided by CSNSW also shows an increase in the length of time women spend on remand and that almost half of women on remand do not receive a custodial sentence. Consequently, the remand period is a critical opportunity to intervene, assist and support women to re-enter the community.

The profile of women on remand

As part of the inspection, we undertook to create a profile of women on remand from data provided by CSNSW collected over 2016–17 and 2017–18. An analysis of this data revealed personal characteristics including that most women on remand were aged between 20 and 39 years, 39 to 40 per cent identified as Aboriginal women and 60 per cent had at least one child.¹⁷

Women spent an average of 48 to 50 days on remand and, strikingly, 48 per cent of women on remand were eventually released without a custodial sentence. While this figure sits outside the sphere of control of correctional facilities, it is one that should give government and policy makers pause for consideration. The most common offences women on remand were charged with were:

- possession of prohibited drugs
- goods in personal custody suspected being stolen
- failure to appear in accordance with bail acknowledge, and
- larceny and shoplifting to the value of less than or equal to \$2,000.¹⁸

The profile of women on remand in NSW is consistent with our general understanding of women in custody. Women tend to commit fewer and less serious crimes than men and serve shorter sentences.¹⁹

14 UN General Assembly, 2010, *United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules)*: note / by the Secretariat, A/C.3/65/L.5, accessed 13 September 2018, (<http://www.refworld.org/docid/4dcbb0ae2.html>); Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014).

15 Those who are incarcerated on remand can have two outcomes: they can either be released on bail (by meeting their bail conditions) or remain in custody until the related court proceedings are complete and finalised.

16 Data provided by CSNSW Corrections Research Evaluation & Statistics on 16 January 2019 (CRES Ref: D18/906873).

17 Data received from CSNSW Corrections Research, Evaluation & Statistics on 16 January 2019 (CRES Ref: D18/906873).

18 Data received from CSNSW Corrections Research, Evaluation & Statistics on 16 January 2019 (CRES Ref: D18/906873).

19 Mary Stathopoulos and Antonia Quadara, *Women as Offenders, Women as Victims: the Role of Corrections in Supporting Women with Histories of Sexual Abuse* (Report, Corrective Services NSW, August 2014) 13, 16.

Women inmates tend to have high levels of alcohol and substance use and poor mental health.²⁰ A majority of women who are incarcerated have experienced sexual abuse over their lifetime and have been the victims of domestic and family violence.²¹ Incarcerated women often have backgrounds of social disadvantage including low socio-economic status, histories of out-of-home care, housing problems and homelessness, dependent children and low educational attainment.

Working with female inmates

Over the course of the inspection many staff voiced their views about working with female inmates. Some found working with female inmates challenging. However the inspection team met with many dedicated staff who found working with women rewarding and were committed to improving the women's system.

The inspection found that the management of women on remand in NSW was impacted by whether women were placed in a women's correctional centre or in a women's unit attached to a male correctional centre. There is no doubt that due to the geographical size and population density of NSW it is necessary to have women's accommodation units in the regions as well as in metropolitan Sydney. However, greater coordination of the women's system in NSW is required.

Currently, CSNSW has a Principal Advisor of Women Offenders who sits within the Strategy and Policy Unit and a Women's Advisory Council (WAC). CSNSW has been a leader in this regard and other jurisdictions have subsequently formed similar structures. The WAC has developed a strategy for managing women offenders in consultation with CSNSW. The Inspector recommends that the Strategy is implemented. CSNSW has advised that the Strategy will be implemented in 2020.²²

The importance of having a centralised command for women has been embraced in many jurisdictions both nationally and internationally, in recognition of the gender-specific needs of incarcerated women.²³ In addition to the Women's Strategy, the Inspector recommends that CSNSW consider establishing a Women's Command with a Senior Officer responsible for overseeing all women's correctional centres and women's units attached to correctional centres holding male inmates in NSW. The establishment of a Women's Innovation Change Committee, led by a Senior Officer, to oversee strategic and operational issues for women in custody across NSW is a positive development in this regard. This should result in women in custody being treated equitably as a special-needs group, with a dedicated Senior Officer responsible for the strategic and operational response to the female correctional system in NSW.

The inspection also identified a need to increase the training available to correctional officers in the management of female inmates and their elevated mental health needs.²⁴ CSNSW has recently instated Trauma Informed Care and Practice (TICP) training to all new officer recruits based on international research finding that correctional processes, procedures and practices can themselves be traumatising or trigger re-traumatisation.²⁵ It is therefore important that all staff within prisons, including correctional officers,

20 See Mary Stathopoulos, *Addressing Women's Victimisation Histories in Custodial Settings* (Report No 13, Australian Centre for the Study of Sexual Assault Issues, Australian Institute of Family Studies, 2012); Mary Stathopoulos and Antonia Quadara, *Women as Offenders, Women as Victims: the Role of Corrections in Supporting Women with Histories of Sexual Abuse* (Report, Corrective Services NSW, August 2014).

21 Mary Stathopoulos and Antonia Quadara, *Women as Offenders, Women as Victims: the Role of Corrections in Supporting Women with Histories of Sexual Abuse* (Report, Corrective Services NSW, August 2014) 79, 109.

22 Information provided by CSNSW, 4 November 2019.

23 UK Ministry of Justice, *Female Offender Strategy* (Policy Paper, June 2018) 33; Department for Correctional Services (SA), *Strong Foundations & Clear Pathways: Women Offender Framework and Action Plan June 2014 – June 2019* (2014) 8 < <https://www.corrections.sa.gov.au/about/our-research/women-offenders-framework>>.

24 The Bangkok Rules emphasise the importance of training staff to recognise and respond to inmate distress. See rules 29–35.

25 Information provided by CSNSW, 4 November 2019.

are trained in TICP to minimise this risk.²⁶ It is particularly important for staff working with female inmates, as many women in custody have been victims of sexual abuse and/or domestic violence.²⁷

Classification and Placement

A key finding of this inspection is that classification and placement of female remand inmates is compromised by the need to manage bed availability in a crowded system. Despite the *Crimes (Administration of Sentences) Regulation 2014* (the Regulation) reflecting good practice for classification and placement of female inmates, it is undermined by the practice referred to as Women's Remand Bed Placement (WRBP).

The CSNSW Female Placement guide requires all women on remand to be classified as WRBP. The women are then placed according to bed availability and court dates. CSNSW acknowledge that WRBP is not a classification; it is used to assist inmate transfers to move women to locations with remand beds.²⁸ However, the reference to WRBP as a classification within the CSNSW guide has led to confusion amongst staff that WRBP is a classification.

The inspection team found that it was not uncommon for remand women to be transferred between correctional centres a number of times during a remand episode. This is because the WRBP designation makes women on remand easier to move as it does not necessitate a classification and placement review. In an overcrowded system, it is not uncommon for bed availability to be prioritised over individual inmate needs.

The inspection also found there is insufficient bed availability in the Sydney metropolitan region for women on remand and this has led to women being placed in regional centres. This was impacting on the maintenance of family support and ability for children to maintain contact with their mother. It was also disruptive to court preparation and health treatment. The opening of the Mary Wade Correctional Centre combined with the expansion of Dillwynia will help to alleviate this issue.

The inspection team were concerned about the negative outcomes associated with the transfer of female inmates between centres. Furthermore it impacted on the ability of CSNSW to provide much needed remand programs, education and work opportunities for women on remand.

Remand and sentenced women are required to undergo a classification and placement review every 12 months. As women generally serve shorter sentences than men, it was suggested by staff that it may be prudent to conduct classification reviews for women every six months. The Inspector agrees that classification reviews should occur six monthly for women serving three years or less.

Management Regimes and Conditions

Reception and Induction

When remand inmates first come into custody they are often detoxing from drugs and alcohol and may have become non-compliant with medication for mental health issues. It is also a time when inmates may need to contact their employer, attend to any property matters and ensure pets are taken care of. As women are often primary care givers, they may also need to advise their families where they are and make arrangements for the care of their dependent children.²⁹

26 Stephanie S. Covington and Barbara E. Bloom, 'Gendered Justice: Women in the Criminal Justice System' in *Gendered Justice: Addressing Female Offenders* (Carolina Academic Press, 2003) 8, 10-1; See also UN Office on Drugs and Crime, *Handbook on Women and Imprisonment* (Criminal Justice Handbook Series, 2nd ed, 2014) 26.

27 See generally Mary Stathopoulos and Antonia Quadara, *Women as Offenders, Women as Victims: the Role of Corrections in Supporting Women with Histories of Sexual Abuse* (Report, Corrective Services NSW, August 2014).

28 Information provided by CSNSW 4 November 2019.

29 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 8.2.

CSNSW policy provides that the highest priority is 'immediate service provision' – identifying and immediately responding to risk (including intake screening, reception screening, and crisis intervention services).³⁰ However, despite clear policy, the quality of the reception process varied across inspected centres. For example, there was limited evidence of interpreters being used to assist culturally and linguistically diverse women and the inspection team observed that women were not provided with adequate personal items and clothing at some locations.

All inmates are routinely strip searched upon entering a correctional centre. A significant number of women entering custody have been victims of violence and sexual or emotional abuse and may find the experience of being strip searched traumatic or upsetting. The Inspector recommends that CSNSW review the use of routine strip-searching and consider increasing the use of technology to conduct searches to minimise the need for strip searching. The Inspector welcomes the development of a new Managing Female Inmates policy and procedure, which will specifically address searching female inmates. The Womens Advisory Council has been involved in the development of the policy, including examining strip searching practices in other states and territories.³¹

The inspection team observed many staff doing their best to assist new inmates and ensure those at risk were receiving appropriate care. However, overall, the inspection team observed a less than ideal induction or orientation process for women on remand to the correctional system. The inspection team observed that women coming into custody for the first time were frequently unaware of the routines and procedures of prison life, leaving them confused and vulnerable.

At most centres, remand and sentenced women were accommodated in the same units. This has changed with the opening of Mary Wade Correctional Centre as a remand only centre in 2018, and is to be commended.

The inspection team were of the view that a more systematic orientation to the system and each centre could assist inmates, particularly women, who are in custody for the first time. This view was shared by both staff and inmates. The Inspector recommends CSNSW ensure that new female inmates are provided with a thorough and complete induction, including the use of an interpreter where necessary; the provision of clothing, bedding and hygiene items, timely access to phone calls and support for their welfare needs.

Accommodation Conditions

Prison buildings and management systems are often designed to meet the needs of male inmates. As such, correctional centres need to consider the appropriateness of accommodation for women. CSNSW has built 'cottage' style accommodation in several centres that accommodate women, such as Dillwynia, Wellington, Mid North Coast Correctional Centre and Emu Plains Correctional Centre. Part of the ethos behind 'cottage' style designs are that women placed within each unit can replicate family and community responsibilities.

At the time of inspection, the accommodation at Silverwater was showing significant wear and tear. This is not surprising considering the high numbers of inmates transiting through the centre. At a follow-up visit in 2018, new furniture had been purchased and installed into some Silverwater units.

In contrast, the units at Dillwynia were in good condition. However, to facilitate an increase in bed capacity at the centre, a demountable unit had been added to the centre. The inspection team formed the opinion that the design of the demountable was poor with very narrow corridors and access to three toilets and three showers for 40 inmates. It has subsequently been closed.

³⁰ Corrective Services NSW: Offender Services & Programs, *Policy for Prioritising Offender Services and Programs in Custody* (Policy, 9 July 2019) 7.

³¹ Information provided by CSNSW 4 November 2019.

The inspection found CSNSW to be responsive in relation to concerns raised at Dillwynia about the placement of women who had lost their jobs in a 'non-workers yard' as punishment. The inspection team were concerned that the use of the non-workers yard was inhumane. The use of the non-workers yard was ceased immediately following the inspection.

Grafton was of greater concern. Women on remand were accommodated in cells within a Multipurpose Unit predominantly holding men. The inspection team were of the view that it was inappropriate for women to be housed in a unit with male inmates. Moreover, the conditions of women's cells were poor, unclean and covered in graffiti. The furniture and mattresses were also in a poor condition. Purpose built accommodation is being constructed for women as part of the Clarence Correctional Centre, which will open in 2020. However, until that time the Inspector recommends that women should only be accommodated in the June Baker Centre at Grafton.

Of all centres, the inspection team were the most impressed with the grounds and accommodation units at Wellington. Women were accommodated in 'cottage'-style units. The units were generally in good condition, apart from some minor maintenance issues. There was also a large outside lawn area women on remand could access during the day for fresh air, exercise, sun and space.

Programs and services

One of the main issues identified amongst women on remand was the lack of opportunities to engage in programs, employment and education. On a number of occasions, the inspection team were advised by women on remand that they had little to do, with correctional centres lacking meaningful activity for women on remand.

Across inspected centres, one of the primary barriers observed to delivering appropriate programs and services to women on remand was the rapid increase in female inmates. The increase in the number of women remanded in custody did not appear to have been matched with a commensurate increase in the services available to women.

Remand inmates are unconvicted and are therefore not required to work and ineligible to participate in criminogenic programs.³² This is because of the presumption of innocence. Unconvicted remandees are innocent until proven guilty and cannot participate in any programs that require disclosure of details around events currently before the courts. It is acknowledged that CSNSW must prioritise the delivery of programs to sentenced inmates. However this does not mean that appropriate work, education and programs should not be made available to women on remand.³³ Recent evidence suggests that programs and services may be particularly important in reducing the number of women returning to prison.³⁴

The inspection team were pleased to see that CSNSW has designed specialised programs to meet the specific needs of remand inmates. Women on remand were eligible to participate in one of these, Remand Addictions.³⁵ CSNSW is currently evaluating the effectiveness of Remand Addictions.³⁶ Women on remand are also eligible to participate in 'wellbeing' programs that focus on parenting skills, working through experiences of domestic violence, and helping with emotional regulation and management. However, the inspection found that transfers of women on remand between correctional centres compromised their access to these programs. Access to remand programs is also impacted by the length of time an inmate

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

33 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 5.2.

34 Brent B. Benda, 'Gender Differences in Life-Course Theory of Recidivism: A Survival Analysis' (2005) 49(3) *International Journal of Offender Therapy and Comparative Criminology* 325, 337; Barbara L. Zust, 'Partner Violence, Depression, and Recidivism: The Case of Incarcerated Women and Why we Need Programs Designed for Them' (2009) 30(4) *Issues in Mental Health Nursing* 246, 248.

35 Offender Services & Programs, Corrective Services (NSW), 'Policy for Implementation and Recording Remand Interventions for State-wide Programs' (Policy, 19 September 2018) 9-11.

36 Information provided by CSNSW 4 November 2019.

spends on remand.³⁷ The Inspector recommends that CSNSW increase the access women on remand have to employment, education, programs, library services and other activities.

In addition, the inspection team observed only limited programs to address the needs of Aboriginal women on remand and the Inspector recommends increasing the cultural support available to Aboriginal women. CSNSW and correctional centres should explore partnerships with community organisations to increase services available to women on remand.

Access to health services

It should be noted that, concurrent to inspections for this report, the ICS conducted a thematic review of health services in NSW correctional facilities, which involved the inspection of six adult male correctional centres. The resulting report will focus on the availability of and access to prison health services state-wide. The report contains a more comprehensive explanation of the Justice Health and Forensic Mental Health Network (JH&FMHN) services and systems than is provided here.

Overall, the inspection team found that CSNSW and JH&FMHN staff across correctional centres were committed to, and passionate about, the physical and mental health care of women on remand. Yet, there was concern that the 'overcrowding' of the NSW prison system had placed constraints on the capacity of JH&FMHN to adequately care for incarcerated women. The female population has a particularly high need for health services and correctional centres that hold female inmates must ensure appropriate health care services are available to meet the particular health needs of female inmates.³⁸ The Inspector recommends that CSNSW and JH&FMHN review health services at correctional centres holding women and ensure there is sufficient access to general practitioners, mental health services, drug and alcohol services, and women's health practitioners.

The high prevalence of mental disorder and poor self-reported psychological wellbeing amongst incarcerated women shows that mental health care is particularly important in this setting.³⁹ Aboriginal women have a particularly elevated risk of mental health issues.⁴⁰ The inspection found that across centres there was a need for mental health services for Aboriginal women. This is because Aboriginal women have a higher incidence of mental health issues than their non-Aboriginal counterparts. Aboriginal specific options for mental health care are required and they should be culturally safe and responsive to individual needs.⁴¹ Research has found that the period immediately after reception into prison – when inmates are most likely to be on remand – is often associated with a peak in poor mental health.⁴²

The inspection team commend JH&FMHN policy for ensuring that individuals of varying levels of mental health concerns are treated appropriately. However, due to the limited number of beds in specialist units, women can remain on a waitlist for an extended period. There is also a high need for counselling and psychological services by women in custody. These services are provided by CSNSW. The inspection found that it can be more difficult to access these services in regional locations. The Inspector recommends that

37 Jennifer Galouzis and Simon Corben, 'Judicial Outcomes of Remand Inmates in New South Wales' (Research Bulletin No. 34, Corrections Research, Evaluation and Statistics, Corrective Services NSW, October 2016) states that '22% of the cohort spent less than one week on remand, while 45.2% spent less than one month on remand' as presented in Information provided by CSNSW, 4 November 2019.

38 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standards 76.1, 81.

39 The survey results did not differentiate between remand and sentenced inmates: see Justice Health & Forensic Mental Health Network, *2015 Network Patient Health Survey Report* (Report, May 2017) 54.

40 Christine S. Tye and Paul E. Mullen, 'Mental Disorders in Female Prisoners' (2006) 40(3) *Australian and New Zealand Journal of Psychiatry* 266, 271.

41 Ed Heffernan et al, 'Mental Disorder and Cognitive Disability in the Criminal Justice System' in Patricia Dudgeon, Helen Milroy & Roz Walker (eds) *Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice* (Commonwealth of Australia, 2nd ed, 2014) 165, 173.

42 Kimberlie Dean and Daria Korobanova, 'Brief Mental Health Screening of Prison Entrants: Psychiatric History versus Symptom Screening for the Prediction of In-Prison Outcomes' (2018) 29(3) *The Journal of Forensic Psychiatry & Psychology* 455, 463.

CSNSW ensure that all correctional centres accommodating women provide them with counselling and psychological services.

Women with severe cognitive and intellectual disability are currently accommodated at the Mum Shirl Unit (MSU) at Silverwater, which also accommodates women with personality disorders, challenging behaviours, self-harm and suicidal behaviours. The inspection team heard that there were difficulties associated with housing these two cohorts of women together, as they had very different care needs, putting strain on staff members' capacity to provide adequate care for all residents. The Inspector recommends that women with severe cognitive impairment should be accommodated in their own unit.

Drug Strategy

Across centres, staff and inmates were open with the inspection team about the high use of illicit drugs by women on remand and the impact it has on staff and other inmates.

The inspection team were impressed with CSNSW's commitment to reducing substance use, which was apparent in both its policy and practice in the management of drug-using behaviour.⁴³ Existing CSNSW policy is centred on a multifaceted approach to reduce drug use, which includes the prevention of drugs entering centres, detection of drugs within the centre, and treatment of drug users through programs and pharmacological treatment.⁴⁴

The Inspector considers that a strategic response is needed to address the number of women on remand with drug-related issues, and the changing climate of drug use. The strategy may need to include specific directions for women, as research has found that females have a different profile of drug use to their male counterparts, and that substance use treatment designed for male offenders may not be suitable or efficacious for women.⁴⁵ The strategy may also focus on harm reduction, continuity of care, release planning and referral to drug and alcohol support services post-release in order to reduce the risk of recidivism. CSNSW is working on a drug strategy, which is yet to be published.

Access to legal services

The inspection team was concerned that the transfer of women on remand between centres could hinder the ability to prepare adequately for their court appearances or apply for bail.

Data from 2017-18 showed that more than a quarter of women on remand (26.2%) are granted bail after a period in custody on remand. The average amount of time that women on remand are incarcerated before being released on bail is 34 days.⁴⁶

At the time of inspection, it appeared that there was limited support available at inspected centres to assist women apply for bail. Based on these observations, the Inspector believes there would be a benefit in creating bail and resettlement officer positions, to assist women on remand to meet bail conditions or apply for bail. This could lead to a reduction in the number of women remanded in custody.

43 Corrective Services NSW, 2017, '19.1 -19.18: Urinalysis in Correctional Centres', *Operations and Procedure Manual*, Corrective Services NSW, Sydney, p. 3.

44 Corrective Services NSW, 2017, '19.1 -19.18: Urinalysis in Correctional Centres', *Operations and Procedure Manual*, Corrective Services NSW, Sydney, p. 3. (The 'Inmate drug and alcohol testing' policy in the *Custodial Operations Policy and Procedures* was still under review at the time of writing this report).

Corrective Services NSW, 2017, '17.4: Internal sequestration of contraband', *Custodial Operations Policy and Procedures*, Corrective Services NSW, Sydney.

Corrective Services NSW, 2017, '13.11: Discovery and disposal of drugs', *Operations and Procedure Manual*, Corrective Services NSW, Sydney. (The new *Custodial Operations Policy and Procedures* policy was still under review at the time of writing this report).

45 Lubica Forsythe and Kerryn Adams, 'Mental Health, Abuse, Drug Use and Crime: Does Gender Matter?' (Trends & Issues in Crime and Criminal Justice No 384, Australian Government: Australian Institute of Criminology, November 2009) 6.

46 ⁴⁵ Data provided by CSNSW Corrections Research Evaluation and Statistics on 16 January 2019 (CRES ref: D18/906873).

The inspection team observed that women on remand usually communicated with lawyers by phone or AVL. The use of AVL suites has alleviated the demand for in-person legal visits. At most centres, the inspection team were impressed by AVL staff managing a significant workload to ensure AVL court appearances ran smoothly and legal visits worked well. However, the Inspector recommends that CSNSW increase the number of AVL suites to accommodate the demand caused by increasing remand numbers.

Inmates on remand may also require access to legal resources to prepare for upcoming court cases.⁴⁷ CSNSW provides legal information and other resources to inmates via the Legal Info Portal which is a secure internal website. The inspection team examined the legal portal and found it relatively easy to access. However, the inspection team observed barriers to accessing legal information across most centres, with the exception of Dillwynia. The Inspector recommends that CSNSW ensure that all correctional centre libraries have computers with access to the legal portal and up-to-date legal resources.

Maintaining connections to family

During this inspection, women on remand identified maintaining contact with their families as one of the major issues they experienced whilst incarcerated. Even though the majority of women who enter custody on remand are likely to spend short periods of time in custody, experiences of incarceration can be very disruptive for them and their dependent children.⁴⁸ In particular, women who have children in their care are at risk of their children entering the out-of-home care system.⁴⁹

As CSNSW policy does not prioritise the need for placement near family and children within their guide for female placement, women on remand are sometimes housed far away from their support networks, family and friends.⁵⁰ The disruption of family links for female inmates, especially if they are mothers, may have a detrimental impact on their reintegration prospects.⁵¹ Research shows that the distance between female inmates and their family members can directly impact visits received.⁵² Some inspected centres made arrangements to overcome these barriers. CSNSW staff at Wellington and Grafton gave accounts of accommodating families who were travelling long distances to visit by arranging all-day visits. The Inspector recommends that CSNSW increase the use of AVL for family visits and include long distance phone calls in the free call provision for unconvicted inmates.

CSNSW has a strategy on program and service provision to women. A primary part of this strategy is CSNSW's aim to maintain the relationship between women and their children. The strategy identifies four main points around female offenders and their children, referring specifically to the provision of programs that support women to parent their children and residential options for children within prison.

The Mothers and Children's Unit at Emu Plains Correctional Centre accommodates women with an eligible security classification and their pre-school aged children if it is in the best interests of the child. The inspection team were impressed with the program. As part of the program, women are offered contact with support services, and community groups, designed to provide guidance and support and increase

47 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standards 50 - 50.2.

48 Lord Farmer, 'The Importance of Strengthening Female Offenders' Family and other Relationships to Prevent Reoffending and Reduce Intergenerational Crime' Ministry of Justice (Final Report from The Farmer Review for Women, Ministry of Justice (UK), June 2019) 7.

49 Simon Quilty et al, 'Children of inmates: A Growing Public Health Problem', (2004) 28(4) *Australian and New Zealand Journal of Public Health* 339, 343.

50 See Corrective Services (NSW), *Female Placement Guide* (Offender Classification & Case Management: Policy & Procedures Manual, Version 1.1, December 2013).

'The CMT, Manager/Deputy Manager, Classification & Placement is to consider the following when considering placement for a female inmate:-
Remandee - Are to be classified WRBP and will be placed by the Inmate Transfers Unit.'

Corrective Services NSW, 2015, '17: Transfer of Inmates and Escorts – General', *Offender Classification & Case Management Policy & Procedures Manual*, Corrective Services NSW, Sydney.

51 UN Office on Drugs and Crime, *Handbook on Women and Imprisonment* (Criminal Justice Handbook Series, 2nd ed, 2014) 17.

52 Justice Health & Forensic Mental Health Network, *2015 Network Patient Health Survey Report* (Report, May 2017) 31.

parenting skills, knowledge, develop pro-social skills. The units are designed to replicate domestic housing.⁵³ Within the units, there are kitchens, where mothers cook for their children.

The inspection team were of the view that the Mothers and Children's program provides an essential service within the NSW correctional system. However, a current gap in the program lies in the lack of capacity of women on remand to apply for the program for their pre-school aged children. CSNSW should consider the expansion of the Mothers and Children's program to women on remand. CSNSW is considering ways to expand the Mother and Childrens Program and recently announced Emu Plains Correctional Centre will be repurposed to focus on mothers and babies.⁵⁴

Releasing women on remand

On several different occasions, staff advised the inspection team that one of the biggest challenges they experience is finding housing for women inmates who are released from custody, including those on remand. Several staff members shared their view that the lack of housing available to women exiting prison appeared to be a big contributor to women being returned to custody. This statement has been supported by research showing the complex connection between homelessness and incarceration.⁵⁵

The discharge of some women on remand directly from court can inhibit the capacity to complete adequate mental and physical health discharge planning. Overall, the inspection team found that the transition of women on remand out of prison, particularly vulnerable women who have no support and housing, was less than ideal. The creation of a bail and resettlement coordinator position at Women's remand centres could assist with post-release accommodation and support services.

Diversions programs: a strategy to reduce the number of women on remand

Many women cycle in and out of remand over time. Whilst length of stay on remand can be short, 'the social as well as the financial costs of these short-term remands can be very high'.⁵⁶ As such, there is a need to ensure that diversionary programs are available for women that can help them avoid short and disruptive periods of incarceration. Women who are Aboriginal, or who have cognitive impairments or intellectual disability, should be provided with specialised diversion programs to prevent their incarceration.⁵⁷

CSNSW runs Miruma, which is a residential diversionary program in Cessnock for women offenders who have mental health problems and drug and alcohol issues. The inspection team are impressed that CSNSW has put resources into the diversion of female inmates into residential programs and supervision in the community. CSNSW should continue to do so.

The recommendations in this report are aimed at:

- recognising the special needs of women through creating a women's command to oversee and coordinate the implementation of a women's strategy in women's centres and units throughout NSW
- increasing staff capability to manage female offenders
- increasing the availability of services for Aboriginal women on remand
- developing a Drug Strategy to reduce drug use in prison

53 This is in line with Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 70.4.

54 Information provided by CSNSW, 4 November 2019.

55 Eileen Baldry et al, *Ex-Prisoners and Accommodation: What Bearing do Different Forms of Housing have on Social Reintegration?* (Final Report No. 46, Australian Housing and Urban Research Institute, August 2003) 15, 29.

56 Office of the Inspector of Custodial Services (WA), *Western Australia's Rapidly Increasing Remand Population* (October 2015) 1.

57 Australian Law Reform Commission, *Pathways to Justice: An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Final Report No 133, December 2017) 283.

- enhancing diversion from custody, bail services and post-release support
- reducing the use of strip searching in women's prisons
- ensuring women in custody are accommodated appropriately, close to their families and children
- increasing the availability of employment, education, programs and services to women on remand, and
- expanding the Mothers and Children and parenting programs.

Recommendations

- 1) The Inspector recommends that CSNSW implements its Women's Strategy.
- 2) The Inspector recommends that CSNSW create a Women's Command led by a dedicated Senior Officer to oversee the implementation of the Women's Strategy at all women's correctional centres and women's units attached to male correctional centres in NSW.
- 3) The Inspector recommends that CSNSW review the need for all women remanded in custody to be received at Silverwater for classification and placement.
- 4) The Inspector recommends that CSNSW accommodate women on remand close to court, their legal representatives and their families wherever possible.
- 5) The Inspector recommends that CSNSW create additional accommodation for women on remand in metropolitan Sydney to allow women on remand to be accommodated close to their families.
- 6) The Inspector recommends that CSNSW undertake a review of the policy and procedure concerning classification and placement to clarify how the Womens Remand Bed Program operates that is consistent with the criteria for classification and placement outlined in the Regulation.
- 7) The Inspector recommends that CSNSW accommodate remand and sentenced women separately, where practicable.
- 8) The Inspector recommends that CSNSW consider reviewing women's classification every six months, for women serving three years or less.
- 9) The Inspector recommends CSNSW review the use of routine strip searches on female inmates and consider a risk-based approach to strip searching utilising technology.
- 10) The Inspector recommends that CSNSW consider the closure of the Induction Unit at Silverwater and creation of a new induction unit at Silverwater.
- 11) The Inspector recommends that CSNSW ensure timely access to phone calls and other welfare requirements upon entry to custody to enable women to make arrangements relating to their children and accommodation.
- 12) The Inspector recommends that CSNSW ensure there is an induction process for new inmates and a centre handbook is provided at all centres.
- 13) The Inspector recommends that CSNSW ensure female inmates are provided with clothing and bedding as required under Departmental procedure and sanitary and hygiene items.
- 14) The Inspector recommends that CSNSW ensure interpreter and translation services are available for women who do not speak English.

- 15) The Inspector recommends that CSNSW ensure that Inmate Development Committees are run regularly, and that Inmate Development Committee delegates are representative of the inmate profile at each centre, including ethnicity, and proportion of sentenced and remand inmates.
- 16) The Inspector recommends that CSNSW do not accommodate women in a men's unit at Grafton Intake and Transient Centre.
- 17) The Inspector recommends that CSNSW staff working with women complete training in working with female inmates, Trauma Informed Care and Practice and working with inmates with mental health issues.
- 18) The Inspector recommends that CSNSW delivers the Remand Addictions Program to women on remand at all centres.
- 19) The Inspector recommends that CSNSW increase employment, activities, programs, and access to education and library services in women's correctional centres and units.
- 20) The Inspector recommends that CSNSW increase cultural support for Aboriginal inmates.
- 21) The Inspector recommends that CSNSW develop partnerships with community organisations to increase access to services for women.
- 22) The Inspector recommends CSNSW and JH&FMHN ensure health centres are appropriately resourced to deal with remand inmates who are detoxing from drugs, experiencing acute mental health issues, and other factors relevant to the remand health profile.
- 23) The Inspector recommends that CSNSW and JH&FMHN consider increasing the number of step down beds at the Mental Health Screening Unit at Silverwater to assist with patient flow between the Mental Health Screening Unit at Silverwater and the Mental Health Unit at Long Bay Hospital.
- 24) The Inspector recommends that JH&FMHN consider increasing the number of beds available for women requiring mental health treatment at the Mental Health Unit at Long Bay Hospital.
- 25) The Inspector recommends that CSNSW ensure counselling and psychological services are available for female inmates at all centres accommodating women.
- 26) The Inspector recommends that JH&FMHN review the waiting lists for health services at women's centres and ensure access to general practitioners, mental health services, drug and alcohol services, and women's health practitioners at all centres with female inmates.
- 27) The Inspector recommends that CSNSW consider establishing an Additional Support Unit for women with severe cognitive impairment or disability.
- 28) The Inspector recommends that JH&FMHN and CSNSW should work together to ensure clinic services are operating efficiently with the aim of reducing patient waitlists.
- 29) The Inspector recommends that CSNSW develop a comprehensive and integrated drug strategy to prevent and detect the supply of illicit drugs; reduce the demand for illicit drugs; and minimise the harm arising from drugs through programs, education and treatment.
- 30) The Inspector recommends that CSNSW increase the number of telephones and AVL suites at centres with remand inmates to facilitate timely access to legal representatives to minimise transports and movements of women.
- 31) The Inspector recommends that CSNSW ensure all libraries are regularly updated with legal resources and library computers provide access to the legal portal.
- 32) The Inspector recommends that DCJ conduct research into why women are granted bail after spending short periods in custody, and CSNSW develop a consistent policy in relation to assisting inmates with sending and receiving paperwork for appeals and bail applications.

- 33) The Inspector recommends that CSNSW consider the creation of a bail and resettlement coordinator position at Women's remand centres to assist women to apply for bail, meet their bail requirements and arrange post-release accommodation and support services.
- 34) The Inspector recommends that CSNSW ensure there are sufficient telephones in women's accommodation units to facilitate contact with family and children.
- 35) The Inspector recommends that CSNSW increase the use of AVL for family visits to maintain family support for women.
- 36) The Inspector recommends that CSNSW identify the issues for women on remand in relation to the care of their children and review the eligibility criteria for the Mothers and Children program and consider expanding the program.
- 37) The Inspector recommends that CSNSW ensure family visiting days are held during the week to facilitate contact between women and their pre-school aged children.
- 38) The Inspector recommends that a review of visits areas occur to ensure all women's centres have appropriate play equipment for children's visits.
- 39) The Inspector recommends that, in accordance with section 16(2) of the *Inspector of Custodial Services Act 2012*, this report is made public immediately upon being tabled in NSW Parliament.

1 Introduction

1.1 The Inspector of Custodial Services

The office of the Inspector of Custodial Services was established in October 2013 by the *Inspector of Custodial Services Act 2012* (the Act). The Act provides for the independent scrutiny of the conditions, treatment and outcomes for adults and young people in custody, and to promote excellence in staff professional practice.

The powers of the Inspector are set out in section 7 of the Act, which provides:

The Inspector in the exercise of the Inspector's functions:

- a) is entitled to full access to the records of any custodial centre (including health records) and may make copies of, or take extracts from, those records and may remove and retain those copies or extracts, and
- b) may visit and examine any custodial centre at any time the Inspector thinks fit, and
- c) may require custodial centre staff members to supply information or produce documents or other things relating to any matter, or any class or kind of matters, concerning a custodial centre's operations, and
- d) may require custodial centre staff members to attend before the Inspector to answer questions or produce documents or other things relating to a custodial centre's operations, and
- e) may refer matters relating to a custodial centre to other appropriate agencies for consideration or action, and
- f) is entitled to be given access to persons in custody, detained or residing at any custodial centre for the purpose of communicating with them.

In addition to the purpose and powers of the Inspector as detailed in the legislation, the Inspector also has a responsibility to ensure that ethical and professional practice is observed across the custodial environment in NSW.

The Inspector is required under the Act to inspect each adult correctional centre at least once every five years and to report to Parliament on each such inspection.⁵⁸

The inspection looked at the following aspects relating to women remanded in custody:

- a) The profile of women on remand;
- b) The relevant standards, legislation, policies and procedures;
- c) Classification and placement;
- d) Management regimes and conditions;
- e) Programs and services;
- f) Access to health services; and
- g) Any other related matter.

The Inspector may include in a report a recommendation that the report, when tabled, be made public immediately.⁵⁹

⁵⁸ *Inspector of Custodial Services Act 2012* (NSW) ss 6(1)(a), (d).

⁵⁹ *Inspector of Custodial Services Act 2012* s 16(2).

1.2 Methodology

In consultation with CSNSW, four correctional centres were selected for inspection, including Grafton Intake & Transient Centre (Grafton), Wellington Correctional Centre (Wellington), Silverwater Women's Correctional Centre (Silverwater) and Dillwynia Correctional Centre (Dillwynia). The inspection team also conducted visits to Mary Wade Correctional Centre (Mary Wade) and Berrima Correctional Centre (Berrima). The centres were selected based on their role in managing women on remand in metropolitan and regional settings.

The inspection team included the Inspector, two Senior Inspection/Research Officers, two Research Assistants and two external consultants. The inspection team worked collaboratively with CSNSW executives and governors of the selected centres throughout the inspection process. Data and document requests were made to CSNSW on an ongoing basis.

A barrister with health qualifications and experience inspecting women's centres was engaged for her expertise in the legal and health needs of women in custody and formed part of the inspection team for Silverwater and Dillwynia.

An independent Aboriginal consultant with a background in mental health, social work and criminal justice was engaged as a consultant on the inspections at Wellington, Dillwynia and Silverwater. She was engaged for her expertise in the experiences of Aboriginal people in prison and led the engagement with Aboriginal women in custody.

The inspection team utilised a variety of methods to capture information to guide the inspections and inform this report. These are outlined briefly below:

- Desktop research and data analysis of legislation, policy and procedural documents was undertaken. The inspection team examined policy and procedural documentation obtained from CSNSW, as well as individual offender case file documentation held in the CSNSW Offender Integrated Management System (OIMS). The inspection team also examined relevant complaints and enquiries made to the NSW Ombudsman and biannual reports of the Official Visitors for the inspected centres. Data was requested and received from the NSW Bureau of Crime Statistics and Research (BOCSAR). A review of academic and grey literature of the issues experienced by women on remand was also conducted.
- Consultation and briefing meetings were conducted in the design and planning phase with CSNSW executive and specialists from the CSNSW policy and strategy teams, Women's Advisory Council (WAC), operations and classifications teams, Justice Health & Forensic Mental Health Network (JH&FMHN), offender services and programs. Consultations were also conducted with external stakeholders including the Community Restorative Centre, academics from the University of New South Wales, the Women's Justice Network (formerly WIPAN) and the Prisoner's Rights Working Group.
- Visits to comparative jurisdictions in Australia and the United Kingdom were conducted in 2017 to gain insights into alternative approaches to accommodation of women in remand in correctional centres. The Inspector and other staff visited Dame Phyllis Frost Centre in Victoria, Townsville Women's Correctional Centre in Queensland and HM Prison Bronzefield in the UK.
- Onsite inspections were undertaken at each of the chosen centres from June 2017 to October 2017. Inspection plans detailed the schedule for the onsite visits to each centre. The length of visits ranged from three to five days at each centre, and included the following research methods:
 - Semi-structured interviews and focus groups were held with the management-level at each centre.
 - Discussions with small groups or individuals were held with staff across inspected centres including correctional officers, JH&FMHN and Offender Services and Programs (OS&P) staff and chaplains.

- The inspection team held some one-on-one or small group interviews with female inmates. The team also held more 'ad hoc' and informal discussions with inmates while moving within each centre.
- The information received on inspection was often supplemented by discussion with relevant agencies – including CSNSW and JH&FMHN executive staff – to corroborate or fill in gaps in the data observed on inspections.
- Additional visits occurred to the inspected centres and all centres accommodating female inmates during 2017, 2018 and 2019.

The report was provided to CSNSW and JH&FMHN for consultation and comment. In accordance with s14(1) of the *Inspector of Custodial Services Act 2012*, the Inspector provided the Minister for Counter Terrorism and Corrections with the opportunity to make a submission in relation to the draft report. Submissions were received from JH&FMHN, CSNSW, and the Women's Advisory Council. In accordance with s14(3)(b) of the *Inspector of Custodial Services Act 2012*, the Minister's response was considered before the finalisation of the report for tabling.

2 The profile of women on remand

Reports from the Australian Bureau of Statistics show that the percentage of female prisoners increased at a more rapid rate than male prisoners in 2017-18. In that period the female population increased by 10 per cent, whereas the male population increased by 4 per cent. Despite the higher percentage increase for women, males still make up 92 per cent of the Australian prison population.⁶⁰ Women are a minority within the NSW correctional system. As of 12 January 2020, women constituted only 7.3 per cent of the 13,874 people in full-time custody in NSW.⁶¹

The number of remand prisoners in adult custody Australia-wide increased by 7 per cent over 2017-18.⁶² In 2017-18, 42.4 per cent of women in Victorian prisons were on remand.⁶³ A census of prisoners in the Northern Territory on 30 June 2016 found that 34.9 per cent of women were on remand.⁶⁴ The proportion of women on remand in NSW is comparative to other jurisdictions across Australia. As of 20 January 2019, 42.4 per cent of women who were in full-time custody in NSW were on remand.⁶⁵ In general, across both male and female prison populations in NSW, 34 per cent of inmates are on remand.⁶⁶

In NSW, over 80% of women enter prison on remand; meaning that even though the majority of women incarcerated at any time are sentenced, most women have spent time on remand. The graph below illustrates that this is comparable to other states across Australia, with the exception of Queensland.

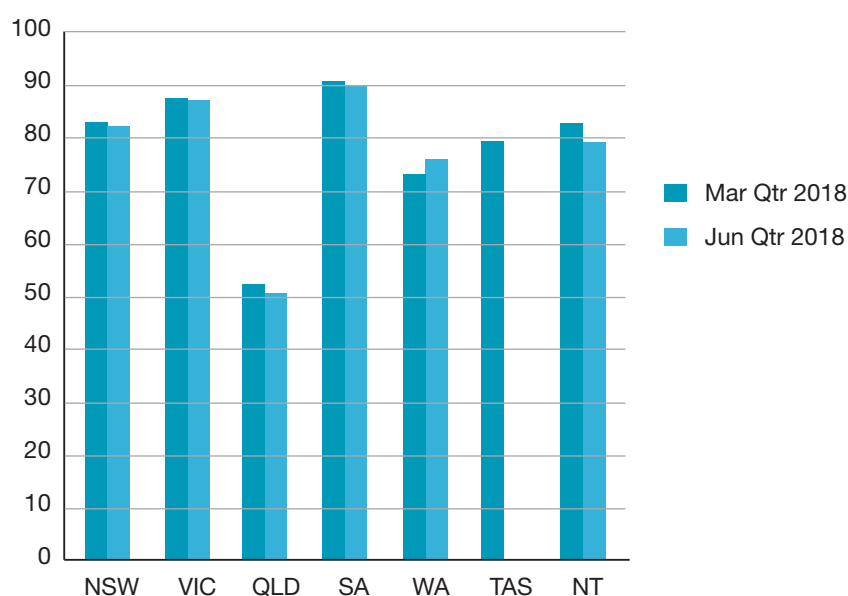


Figure 1 Proportion of women received into prisons who were unsentenced by state/territory at the March quarter and June quarter 2018.⁶⁷

⁶⁰ Australian Bureau of Statistics, *Prisoners in Australia 2018* (Catalogue No. 4517.0, 6 December 2018).

⁶¹ Australian Bureau of Statistics, *Prisoners in Australia 2018* (Catalogue No. 4517.0, 6 December 2018).

⁶² Australian Bureau of Statistics, *Prisoners in Australia 2018* (Catalogue No. 4517.0, 6 December 2018).

⁶³ Corrections, Prisons and Parole (Vic) 2019, *Detailed annual prisoner and offender statistics: Annual prisoner statistical profile 2006-7 and 2016-17* (June 2018) Table 1.2 <<https://www.corrections.vic.gov.au/utility/publications+manuals+and+statistics/annual+prisoner+statistical+profile+2006-07+to+2017-18>>.

⁶⁴ Department of Attorney-General and Justice (NT), *Northern Territory Correctional Services and Youth Justice Annual Statistics 2015-2016* (2017) 16.

⁶⁵ Corrective Services NSW, Corrections Research, Evaluation & Statistics, *Offender Population Report* (Report, 12 January 2020) (internal document).

⁶⁶ Australian Bureau of Statistics, *Corrective Services, Australia, June Quarter 2019* (Catalogue No. 4512.0, 12 September 2019).

⁶⁷ Australian Bureau of Statistics, *Corrective Services, Australia, June Quarter 2018* (Catalogue No. 4512.0, 6 September 2018).

2.1 The NSW context

Over the past decade, there has been a steady increase in the proportion of female inmates on remand across NSW. In 2007-08 there was a daily average of 204 women on remand. In 2017-18, this daily average increased to 417.⁶⁸ There has also been a 50 per cent increase in the reception of women on remand per month between 2011 (140 per month) to 2016 (210 per month).⁶⁹ The following graph shows the increase in the daily average population of female remand inmates 10 years ago (2007-08), 5 years ago (2012-13) and 2 years ago (2015-16) until 2017-18.

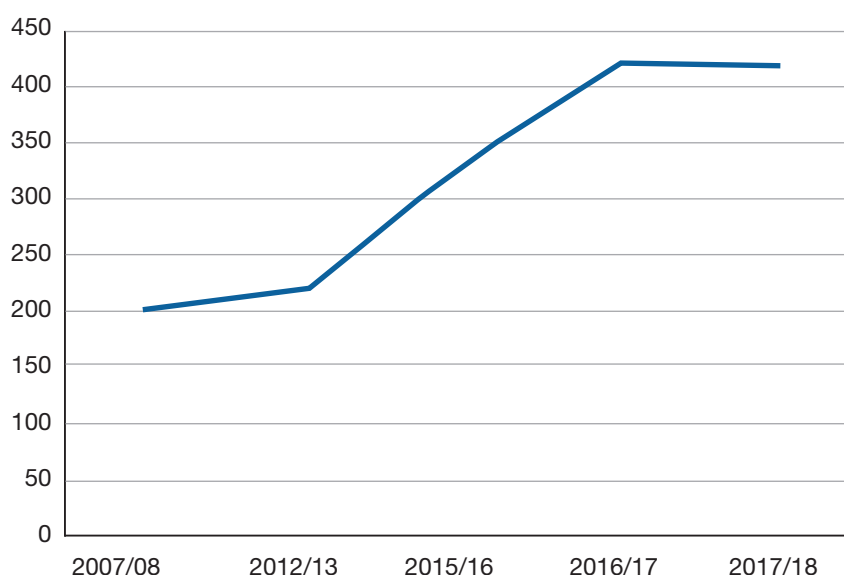


Figure 2 The daily average population of women on remand in NSW over a period of 10 years from 2007/08 to 2017/18. The time increments presented on the graph are not equal, but provide an indication of how the remand population has occurred over time.

This increase in the number of women remand inmates who are incarcerated is not unique to NSW or even Australia. A recent report released by Penal Reform International on Global Prison trends found that these changes were part of a broader pattern occurring worldwide.⁷⁰

As of June 2019, the proportion of women inmates on remand was approximately 41.4 per cent of the entire female inmate population.⁷¹ The average daily remand rate for male inmates during this same period was 33.5 per cent.⁷²

The NSW Bureau of Crime Statistics and Research (BOCSAR) identified the following possible explanations for the increase in women on remand in NSW:

- an increase in the number of individuals who are charged by police for offences where bail refusal is likely,
- an increase in the number of individuals charged by police for breaching bail conditions,
- an increase in time spent on remand in custody – perhaps due to a mounting backlog of trial cases in the NSW District Criminal Court, and

⁶⁸ Data provided by CSNSW Corrections Research Evaluation and Statistics on 16 January 2019 (CRES Ref: D18/906873).

⁶⁹ Data provided by CSNSW Corrections Research Evaluation and Statistics on 15 January 2018 (D17/320562).

⁷⁰ UN Office on Drugs and Crime, *Handbook on Women and Imprisonment* (Criminal Justice Handbook Series, 2nd ed, 2014) 3; see also Penal Reform International and Thailand Institute of Justice, *Global Prison Trends 2018* (Report, London).

⁷¹ NSW Bureau of Crime Statistics and Research, *NSW Custody Statistics: Quarterly Update June 2019* (Report, June 2019) 25.

⁷² NSW Bureau of Crime Statistics and Research, *NSW Custody Statistics: Quarterly Update June 2019* (Report, June 2019) 25.

- a (potential) increase in the likelihood of bail refusal by police and the courts.⁷³

The data the inspection team received support these assumptions, finding that there have been changes to women's bail outcomes over the past five years. For example, there has been a 50 per cent increase in the proportion of women refused bail from 2011 to 2016 and a 26 per cent increase in the number of women charged with breaching their bail, during the same period.⁷⁴

According to NSW Corrections Research, Evaluation and Statistics (CRES), 'individuals are rarely remanded to custody for a single offence and frequently have concurrent criminal matters pending, often in different courts'.⁷⁵ Inmates in custody on remand can have two outcomes: they can either be released on bail or remain in custody until the related court proceedings are complete and finalised. A person who is released on bail and breaches their bail conditions or is charged with new offences may also be remanded in custody. Those who are remanded in custody until the conclusion of the court process may be convicted and released from custody due to the time they have served in custody or because they have received a community-based or diversionary sentence. They may also be acquitted or their charges may be dismissed.⁷⁶

2.2 Who are women on remand? A demographic profile

The pathway of women into prison tends to be different to that of men, with women tending to 'commit fewer and less serious crimes than men'.⁷⁷ Common crimes women commit include theft, fraud, and drug offences. As such, they often serve shorter sentences.⁷⁸

Female offenders often report high levels of alcohol and substance use and poor mental health.⁷⁹ They have often experienced longstanding episodes of interpersonal victimisation and abuse.⁸⁰ Reviews of literature have found the majority of women who have experienced incarceration have experienced sexual abuse over their lifetime and have been the victims of domestic and family violence.⁸¹ Some have argued that women's substance use and poor mental health are the result of these extensive histories of trauma, abuse and assault. Incarcerated women often have backgrounds of social disadvantage including low socio-economic

73 Don Weatherburn et al, 'Why is the NSW prison population still growing? Another Look at Prison Trends between 2011 and 2015' (Crime and Justice Statistics Bureau Brief, Issue Paper No. 113, NSW Bureau of Crime Statistics and Research, January 2016) 3, 6.

74 Data request received from NSW Bureau of Crime Statistics and Research on 14 September 2017.

75 Jennifer Galouzis and Simon Corben, 'Judicial Outcomes of Remand Inmates in New South Wales' (Research Bulletin No. 34, Corrections Research, Evaluation and Statistics, Corrective Services NSW, October 2016) 2.

76 Jennifer Galouzis and Simon Corben, 'Judicial Outcomes of Remand Inmates in New South Wales' (Research Bulletin No. 34, Corrections Research, Evaluation and Statistics, Corrective Services NSW, October 2016) 3.

77 Mary Stathopoulos and Antonia Quadara, *Women as Offenders, Women as Victims: the Role of Corrections in Supporting Women with Histories of Sexual Abuse* (Report, Corrective Services NSW, August 2014) 16, 111.

78 Mary Stathopoulos and Antonia Quadara, *Women as Offenders, Women as Victims: the Role of Corrections in Supporting Women with Histories of Sexual Abuse* (Report, Corrective Services NSW, August 2014) 56.

79 See Mary Stathopoulos, *Addressing Women's Victimisation Histories in Custodial Settings* (Australian Centre for the Study of Sexual Assault Issues Report No 13, Australian Institute of Family Studies, 2012) 6-7; Mary Stathopoulos and Antonia Quadara, *Women as Offenders, Women as Victims: the Role of Corrections in Supporting Women with Histories of Sexual Abuse* (Report, Corrective Services NSW, August 2014).

80 Mary Stathopoulos, *Addressing Women's Victimisation Histories in Custodial Settings* (Australian Centre for the Study of Sexual Assault Issues Report No 13, Australian Institute of Family Studies, 2012) 7; Mary Stathopoulos and Antonia Quadara, *Women as Offenders, Women as Victims: the Role of Corrections in Supporting Women with Histories of Sexual Abuse* (Report, Corrective Services NSW, August 2014) 8.

81 UN Office on Drugs and Crime, *Handbook on Women and Imprisonment* (Criminal Justice Handbook Series, 2nd ed, 2014) 8; see also Mary Stathopoulos and Antonia Quadara, *Women as Offenders, Women as Victims: the Role of Corrections in Supporting Women with Histories of Sexual Abuse* (Report, Corrective Services NSW, August 2014).

status, histories of out-of-home care, housing problems and homelessness, dependent children and low educational attainment. Together, these factors leave women particularly vulnerable on reception to prison.⁸² Indeed, women also tend to require higher access to health services whilst in prison.⁸³ Female inmates are also more likely to self-harm or suicide than their male counterparts.⁸⁴

Aboriginal women are overrepresented within the NSW prison system: approximately a third of female inmates (32.1%) in 2017 identified as Aboriginal.⁸⁵ Across Australia, Aboriginal women are 21.2 times more likely to be imprisoned than their non-Aboriginal counterparts – a rate that also surpasses that of non-Aboriginal men.⁸⁶ Aboriginal women are 15.7 times more likely to be imprisoned on remand than non-Aboriginal women.⁸⁷ This fact has led some to argue that Aboriginal women may be less likely to be granted bail than non-Aboriginal women.⁸⁸ In addition, a study of people in NSW who have been in prison and have mental and cognitive disability found that Aboriginal women were more likely to have the most complex support needs, experienced homelessness and been victims of crime than both Aboriginal men and non-Aboriginal women.⁸⁹

In 2015, 14.8 per cent of a surveyed sample of women in prison in NSW had experienced homelessness in the six months prior to their incarceration, suggesting they had no place to return to post-release.⁹⁰ Many single mothers are homeless or in short-term public housing prior to their incarceration, putting them at increased risk of homelessness post-release.⁹¹

The following demographic characteristics refer to data received based on two time points:

- The 1,723 women who entered custody on remand from 1 May 2016 to 30 April 2017.⁹²
- The 1,800 women who entered custody on remand from 1 July 2017 to 30 June 2018.⁹³

82 Mary Stathopoulos and Antonia Quadara, *Women as Offenders, Women as Victims: the Role of Corrections in Supporting Women with Histories of Sexual Abuse* (Report, Corrective Services NSW, August 2014) 8; Ruth McCausland and Eileen Baldry, 'Understanding Women Offenders in Prison' in Jane L. Ireland et al (eds), *The Routledge International Handbook of Forensic Psychology in Secure Settings* (Routledge 2017) 25, 27.

83 UN Office on Drugs and Crime, *Handbook on Women and Imprisonment* (Criminal Justice Handbook Series, 2nd ed, 2014) 10 citing Lars Moller et al, *Health in Prisons: A WHO Guide to the Essentials in Prison Health* (WHO Europe, 2007) 27.

84 Jean Corston, *The Corston Report: A Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System* (UK Home Office, 2007) 3.

85 Data from CSNSW Offender Population Report, 14 January 2018 (CRES ref: D17/320562).

86 Australian Bureau of Statistics 2016 data analysed Australian Law Reform Commission, *Pathways to Justice: An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Final Report No 133, December 2017) 90.

87 Australian Bureau of Statistics 2016 data analysed Australian Law Reform Commission, *Pathways to Justice: An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Final Report No 133, December 2017) 348.

88 Australian Bureau of Statistics 2016 data analysed Australian Law Reform Commission, *Pathways to Justice: An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Final Report No 133, December 2017) 154.

89 Eileen Baldry et al, 'It's just a big vicious cycle that swallows them up': Aboriginal people with mental and cognitive disabilities in the criminal justice system,' (2012) 8(22) *Indigenous Law Bulletin* 10, 10-1.

90 Justice Health & Forensic Mental Health Network, *2015 Network Patient Health Survey Report* (Report, May 2017) 29.

91 Eileen Baldry et al, 'Ex-Inmates, Homelessness and the State in Australia' (2006) 39(1) *The Australian and New Zealand Journal of Criminology* 20.

92 This refers to 'flow population' of 1,723 individuals. Previous research in this population notes that using 'flow populations' (comprising of the amalgamated group of all women on remand over a certain time period), compared to 'stock populations' (comprising of a view of remand inmates at a single point in time), can lead to very different results as flow populations tend to include an overrepresentation of longer-stay women on remand. Barbara Thompson, 'Remand Inmates in NSW – Some Statistics' (Research Bulletin No. 20, NSW Department of Corrective Services, June 2001). The data described in this section was gained through data request to Corrective Services NSW on 15 January 2018 (reference: D17/320562).

93 This refers to a flow population of 1,800 women. Data provided by CSNSW Corrections Research Evaluation and Statistics on 16 January 2019 (reference: D18/906873).

The first time point (2016-17) refers to the year prior to the inspections being carried out. The second time point (2017-18) refers to the period in which the inspections were carried out and the six month period afterwards. Analysis of these two time points show how characteristics changed over time.

2.2.1 Age

In both the 2016-17 and 2017-18 periods, the majority of women on remand were aged between 20 and 39. Just over 20 per cent were aged between 40 and 54. Only one woman was aged over 65. The percentage of women on remand in each age range was fairly similar for the 2017-18 period, apart from a slight decrease in women in their early 20's and an increase in women in their late 20's being incarcerated on remand. The percentage of women on remand by age at two time-points is presented in Figure 3 below.

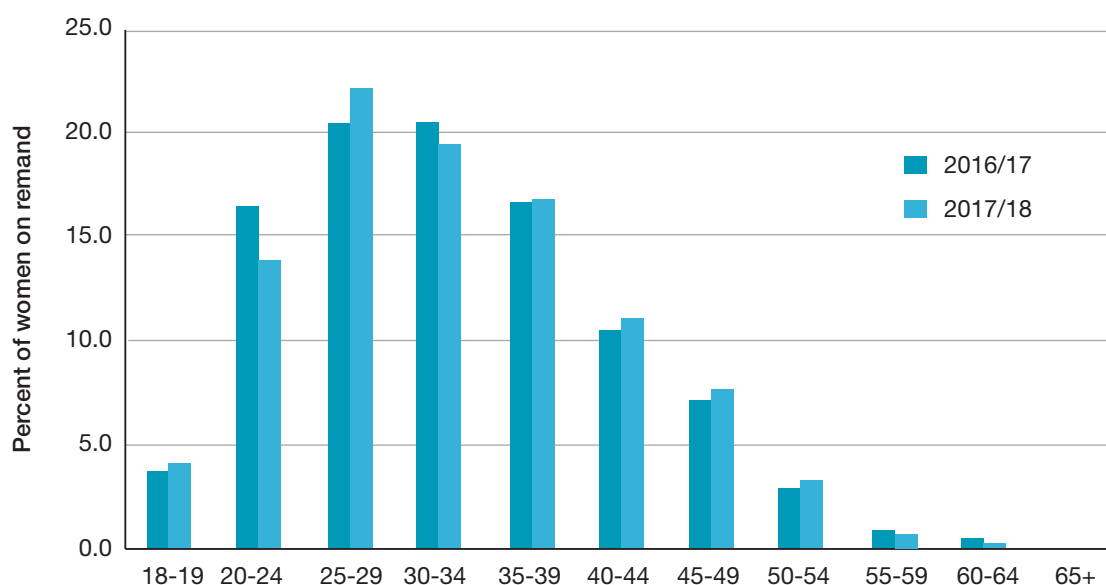


Figure 3 The percentage of women on remand in each age range (from 18-64) Source: Data provided by Corrective Services NSW Corrections Research Evaluation and Statistics 15 January 2018 (CRES ref: (CRES ref: D17/320562) & 16 January 2019 (CRES Ref: D18/906873).

2.2.2 Country of Birth and Aboriginal population

The profile of women on remand in terms of their country of birth and the number that identified as Aboriginal was fairly stable over time. The majority of women on remand in both time periods were born in Australia (83.9% in 2016-17 and 84.3% in 2017-18) and over one third identified as Aboriginal (39% in 2016-17 and 40% in 2017-18). Around 16 per cent were born outside Australia. Table 1 shows the country of birth of female remand inmates.

Table 1 Number and percentage of country of birth of female remand inmates

Country of birth	2016/2017		2017/2018	
	No.	%	No.	%
Australia	1446	83.9	1517	84.3
Oceania and Antarctica excluding Australia	66	3.8	63	3.5
North-West Europe	15	0.9	8	0.4
Southern and Eastern Europe	10	0.6	14	0.8
North Africa and The Middle East	13	0.8	10	0.6
South-East Asia	41	2.4	45	2.5
North-East Asia	17	1.0	13	0.7
Southern and Central Asia	3	0.2	2	0.1
Americas	6	0.3	10	0.6
Sub-Saharan Africa	7	0.4	3	0.2
Unknown/Not recorded	99	5.7	115	6.4

Source: Data request received 15/1/2018 and 16/1/2019 from Corrections Research, Evaluation & Statistics, CSNSW.

2.2.3 Education

In 2016-17, over one third (35%) of women on remand left school before year 10. A further 19 per cent had gone on to complete year 10 to year 12. Nearly 40 per cent had completed some kind of additional/tertiary education, including a Statement of Attainment (9%), Diploma or Certificate (27%) or degree (3%).⁹⁴

Interestingly, the female remand cohort from 2017-18 appeared to be more highly educated than the 2016-17 cohort. Almost 60 per cent had completed some kind of additional/tertiary education, including a Statement of Attainment (15.3%), a Diploma/certificate (38.1%) or a degree (4.4%).⁹⁵

An alternate explanation is that education was more accurately measured for female remand receptions in 2017-18 than 2016-17. Data showed that around a fifth (21%) of women on remand did not have education and training recorded in their screening interview, compared to only 11.8 per cent of the 2017-18 cohort.⁹⁶

2.2.4 Family and relationships

Around 60 per cent of women on remand had at least one child in both 2016-17 and the 2017-18 period. Of these women:

- 15 per cent (2016-17) and 17.2 per cent (2017-18) reported their children were living with them
- 51 per cent (2016-17) and 48.2 per cent (2017-18) reported their children were not currently living with them prior to entering custody
- just over 5 per cent in 2016-17 or almost 8 per cent in 2017-18 had children living in out-of-home care and
- a small proportion of women (4% in 2016-17 and 3.2% in 2017-18) were pregnant while on remand.⁹⁷

⁹⁴ The data described in this section was gained through data request to Corrective Services NSW on the 15/01/2018 (reference: D17/320562).

⁹⁵ The data described in this section was gained through data request to Corrective Services NSW on the 15/01/2018 (reference: D17/320562).

⁹⁶ The data described in this section was gained through data request to Corrective Services NSW on the 15/01/2018 (reference: D17/320562).

⁹⁷ These statistics are different to those presented by JH&FMHN *Network Patient Health Survey Report (2015)* which asked for total number of dependent children living with them immediately prior to their incarceration. This could be, in part, due to the broader definition of children used by the JH&FMHN survey, which included extended family members such as grandchildren and any non-biological children, such as foster children, that women were caring for. Of the women asked, 59% had no children living with them, 16.9% had one child, 19.9% had 2-4 children and 4.1% had 5+ children; Justice Health & Forensic Mental Health Network, *2015 Network Patient Health Survey Report* (Report, May 2017) 30, Table 1.8.2.

2.2.5 Mental Health

Both NSW and Victorian-based research suggest the rate of mental health issues within female prison populations is high.⁹⁸ The 2015 JH&FMHN *Network Patient Health Survey Report* found that on reception to prison, more than half of women (54.9%) reported they had received psychiatric care before coming to prison. Just over one third of women (36.4%) had seen a mental health professional within three months of being incarcerated. Available data painted an incomplete picture of the mental health profile of women on remand. Across the whole sample of women, over half (61.2%) had been diagnosed with depression, about half (51%) with anxiety and just less than a third (30.6%) with drug abuse or dependence.⁹⁹

2.2.6 Role of substance use in arrest

In the 2017-18 dataset, 57 per cent of women on remand reported that drugs contributed to their arrest, compared to 12 per cent of women on remand who said that alcohol use contributed to their arrest. This data was not recorded in 2016-17.¹⁰⁰

2.2.7 Custodial History

In both the 2016-17 and 2017-18 periods, over a third of women on remand (34-35%) had no experience of prior imprisonment, meaning that they had never been incarcerated within a correctional facility before. This indicates that a sizable portion of women on remand were currently having their first experience of incarceration. Over a fifth (in 2016-17) to about a third (in 2017-18) had a prior custodial sentence. However, over half of women on remand had a prior community order. See Table 2 below.

CSNSW does not record whether inmates have previously been incarcerated in juvenile detention centres. However, when looking at evidence beyond the remand population, the most recent *Inmate Health Survey* in 2009 found that around 22 per cent of female inmates reported having been in juvenile detention over their lifetimes (compared to 42% of men).¹⁰¹ Aboriginal women were over twice as likely as non-Aboriginal women to have been incarcerated in juvenile detention (31.9% of Aboriginal women, compared to 13.4% of non-Aboriginal women).¹⁰²

Table 2 Prior Imprisonment rates of NSW female remand inmates

Prior imprisonment	2016/17		2017/18	
	No.	%	No.	%
No prior imprisonment	606	35.2	611	33.9
Prior custodial sentences	353	20.5	587	32.6
Prior community orders	925	53.7	1218	67.7

Source: Data provided by Corrective Services NSW Corrections Research Evaluation and Statistics (D17/320562, 15 January 2018)

2.2.8 Most common offences

The charts below show the most common offences that female remand inmates were charged with over the 2016-17 and 2017-18. The profile of the top five most common offences was roughly the same across the two year period.

98 Tony Butler et al, 'Mental Disorders in Australian Inmates: a Comparison with a Community Sample' (2006) 40(3) *Australian and New Zealand Journal of Psychiatry* 272, 276; Christine S. Tye and Paul E. Mullen, 'Mental Disorders in Female Prisoners' (2006) 40(3) *Australian and New Zealand Journal of Psychiatry* 266, 271.

99 Justice Health & Forensic Mental Health Network, *2015 Network Patient Health Survey Report* (Report, May 2017) 52-53.

100 The data described in this section was gained through a data request to Corrective Services NSW on the 15/01/2018 (reference: D17/320562).

101 Devon Indig et al, 2009 *NSW Inmate Health Survey: Key Findings Report* (Report, Justice Health Statewide Service, NSW Health, January 2010) 41 <<http://www.justicehealth.nsw.gov.au/publications/2009-ihs-report.pdf>>.

102 Justice Health & Forensic Mental Health Network, *2015 Network Patient Health Survey Report* (Report, May 2017) 14.

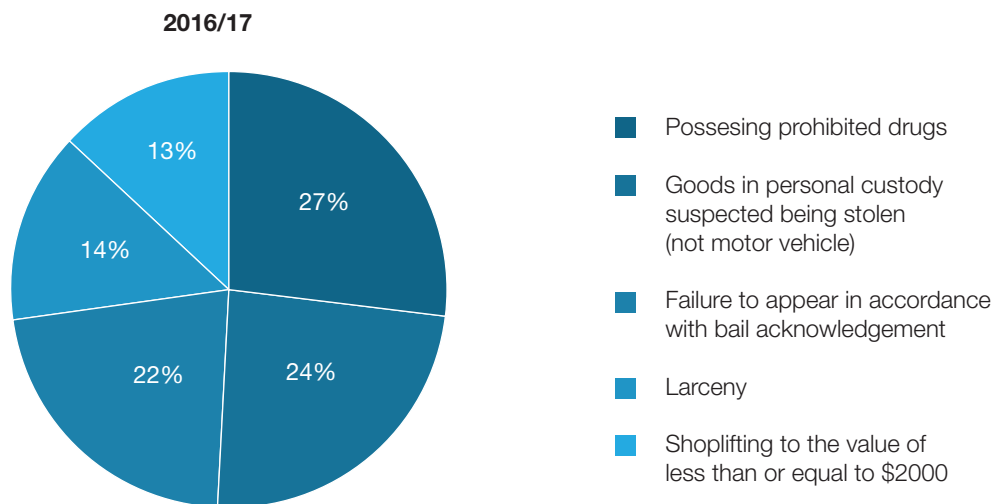


Figure 4 Percentage of female remand inmates charged with each of the top five offences between May 2016 and April 2017. Source: Data provided by Corrective Services NSW Corrections Research Evaluation and Statistics (D17/320562, 15 January 2018).

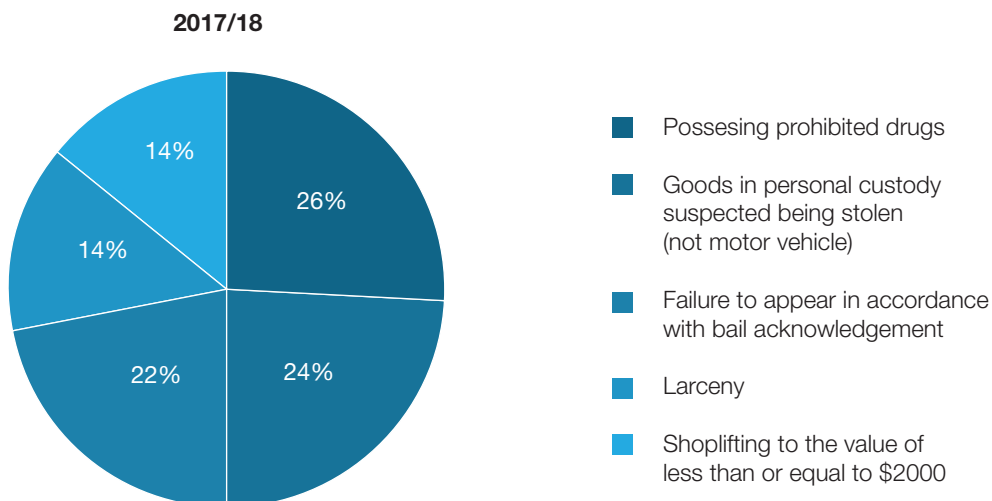


Figure 5 Percentage of female remand inmates charged with each of the top five offences between 1 July 2017 to 30 June 2018. Data provided by Corrective Services NSW Corrections Research Evaluation and Statistics on 16 January 2019 (CRES Ref: D18/906873).

2.2.9 Time on remand

In 2016-17 and 2017-18, 89 per cent of women were remanded in custody after having bail refused. A further 1-2 per cent had bail granted, but were unable to meet bail conditions and remained in custody on remand.¹⁰³ It is not clear why the final 8-9 per cent were remanded in custody. One possibility is that these individuals may have been originally granted bail, but later had it revoked upon breaching associated conditions. Alternatively, these inmates may have finalised another custodial sentence and remained incarcerated on remand to face other charges. The bail status of women on remand was quite similar

¹⁰³ Data provided by CSNSW Corrections Research Evaluation and Statistics on 15 January 2018 (CRES ref: D17/320562).

to those of men on remand, for whom 94 per cent had bail refused and 1 per cent had bail granted, but did not meet associated conditions.¹⁰⁴

The average time women inmates spent on remand was 50 days in 2016-17 and 48 days in 2017-18. Most women's length of stay did not reach 50 days: approximately 50 per cent of the female inmate cohort spent 30 days or less in remand in 2016-17 or 28 days or less in 2017-18.¹⁰⁵

Data from 2017-18 showed that more than a quarter of women on remand (26.2%) are granted bail after a period of remand. The average amount of time that women on remand are incarcerated before their bail is granted is 34 days.¹⁰⁶ However, the amount of time spent in remand differed greatly from inmate to inmate, with some staying on remand for only a single day, and one inmate staying for almost the entire 12 month period (362 days in 2016-17 or 353 days in 2017-18). The inspection revealed a small number of women who had been on remand in excess of 12 months. A large proportion of female inmates spent quite short periods in remand (30 days or less) and those that stayed for longer, tended to stay for extended periods of time.¹⁰⁷

During 2016-17, after spending an average of 50 days on remand almost half of women (46.4%) were released without custodial sentence. Only about a third of all women on remand received custodial sentences. A significant proportion of women were given a community-based order (48.6%) or had already served their sentence whilst on remand (2.6%).¹⁰⁸

Similarly, during 2017-18, after spending an average of 48 days on remand, 48 per cent were released without a custodial sentence. Around 53 per cent of women received on remand were sentenced: 19.1 per cent of these were sentenced to community orders only; whereas 34.3 per cent received custodial sentences (29.7% of those who received custodial sentences also received some level of community order). One percent of women on remand were released immediately from court due to 'time served' and 1.8 per cent were released within a week of their backdated sentence. This reflects existing research on women on remand in the NSW custodial setting. In a report released in 2016, it was noted that 'approximately half of all inmates received on remand (approximately 52%) are released from custody without a custodial sentence', and are most commonly released on bail.¹⁰⁹

2.3 Profile of women on remand by NSW centres

Women on remand are either housed at female-specific correctional centres or male correctional centres that include separate female units. Four female-specific correctional services are located within the Metropolitan and Greater Sydney region. Mary Wade caters specifically for women on remand. In 2018, a fifth centre was repurposed to accommodate female inmates at Berrima. Table 3 is a list of correctional centres that accommodate women on remand within NSW.

104 Data provided by CSNSW Corrections Research Evaluation and Statistics on 15 January 2018 (CRES ref: D17/320562).

105 Data provided by CSNSW Corrections Research Evaluation and Statistics on 15 January 2018 (CRES ref: D17/320562).

106 Data provided by CSNSW Corrections Research Evaluation and Statistics on 16 January 2019 (CRES ref: D18/906873).

107 Jennifer Galouzis and Simon Corben, 'Judicial Outcomes of Remand Inmates in New South Wales' (Research Bulletin No. 34, Corrections Research, Evaluation and Statistics, Corrective Services NSW, October 2016) 10.

108 Sophie Russell and Eileen Baldry, 'Three Charts On: Australia's Booming Prison Population', *The Conversation* (online at 14 June 2017) <<https://theconversation.com/three-charts-on-australias-booming-prison-population-76940>>.

109 Jennifer Galouzis and Simon Corben, 'Judicial Outcomes of Remand Inmates in New South Wales' (Research Bulletin No. 34, Corrections Research, Evaluation and Statistics, Corrective Services NSW, October 2016) 3.

Table 3 List of NSW correctional centres that house female inmates.

Centre	Function	Max women intake
Female-specific correctional centres		
Silverwater Women's Correctional Centre	Sentenced and remand	325
Dillwynia Correctional Centre	Sentenced and remand	273
Emu Plains Correctional Centre	Sentenced and remand	193
Mary Wade Correctional Centre	Women on remand only	94
Berrima Correctional Centre	Sentenced and remand	75
Male correctional centres that include female units		
Wellington Correctional Centre	Sentenced, remand and transit	82
Cessnock Correctional Centre	Sentenced, remand and transit	2
Mid North Coast Correctional Centre	Sentenced and remand	54
Grafton Correctional Centre	Sentenced, remand and transit	25
Broken Hill Correctional Centre	Sentenced and remand	12
Junee Correctional Centre	Transit Unit	4
Bathurst Correctional Centre	Transit Unit	10

In 2017-18, each of these centres differed in the average proportion of female inmates they accommodated on remand and sentenced. The only centre that placed a cap on the number of remand inmates they receive was Emu Plains. It takes a maximum of 60 women on remand at any one time. The following bar graph shows the average number of women at each centre who were on remand, and who were sentenced. It showed that the centre with the highest number of remand inmates on average was Silverwater, which had approximately 180 women on remand, which made up 60 per cent of their total population. This reflects the role of Silverwater as the reception centre for women in the metropolitan area. Dillwynia also holds a significant number of remand inmates. On an average day in the 2017-18 period, Dillwynia held 77 remand inmates, just less than a third of their entire population.

The function of two centres changed during the course of the 2017-18 period: Berrima was transferred from holding only male inmates to holding only female inmates and Mary Wade opened as a women's remand centre. As such, the below figure may not reflect the actual number of remand and sentenced inmates each of these centres hold on a daily basis. A more recent estimate of the remand and sentenced numbers for each of these centres comes from a daily state provided by CSNSW as at 31 October 2018. In this data, Mary Wade held 94 women, 85 of which were on remand. Berrima held 60 women, 12 of which were on remand.¹¹⁰

¹¹⁰ Data received from Corrections Research, Evaluation & Statistics (CSNSW) on the 29 January 2019.

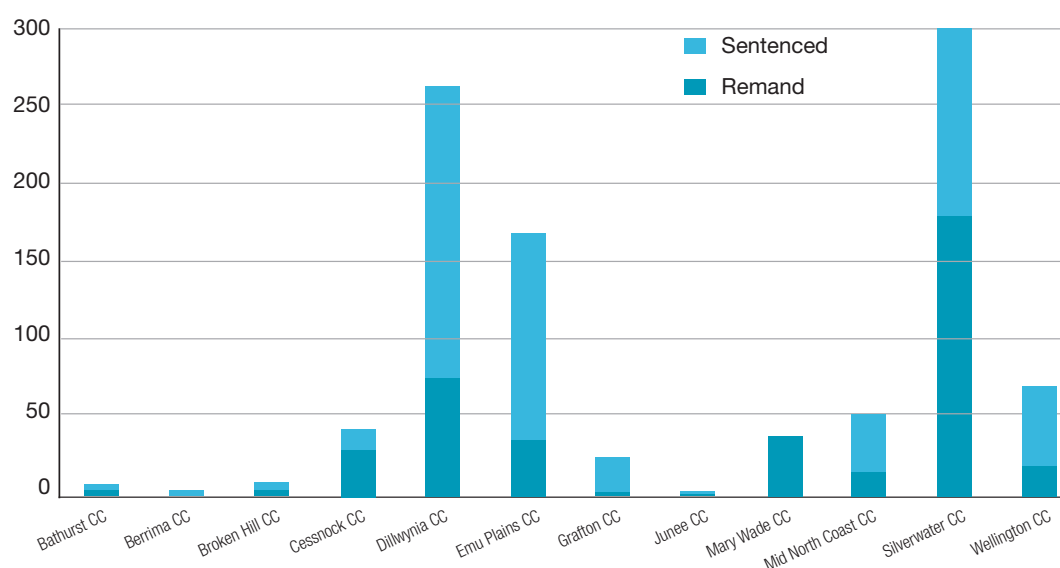


Figure 6 The number of women at each centre which accommodates women as of 31 October 2018, by legal status.

The current inspection examined two metropolitan female-specific correctional centres (Silverwater and Dillwynia) and two regional male centres where women are held in separate units (Grafton and Wellington).

2.3.1 Silverwater Women's Correctional Centre

Silverwater is a maximum-security prison which accommodates medium to high security women who are sentenced and on remand.

Silverwater has several core functions. These include:

- the reception, screening and induction of female inmates within CSNSW
- the on-going management of remand/sentenced female inmates, and
- the assessment of security, classification rating, and progression plans for remand and sentenced female inmates based on their individual needs and designed to minimise their risk of re offending.¹¹¹

On the day of the inspection, women on remand made up less than half of the total profile of the centre (127 of 278 women). The total population being almost 100 less than the maximum state of 374. Statistics show that a higher proportion of women were on remand at Silverwater on 1 January in 2017, 2018 and 2019, suggesting that on the day of our visit there were an unusually low number of women (including those on remand) in the centre. Of the 283 inmates recorded the day before the inspection, 94 inmates identified as Aboriginal (33.2%) and 110 identified as Anglo-Australian (38.9%). The remaining inmates were predominantly of Asian descent, including Chinese, Malaysian, Vietnamese and Thai.¹¹²

¹¹¹ These core functions were detailed in the Silverwater Women's Correctional Centre Version 24 Operational Plan January 2017.

¹¹² Corrective Services NSW data request, response date 18/08/2017, Corrections Research, Evaluation & Statistics (ref: D17_547898).

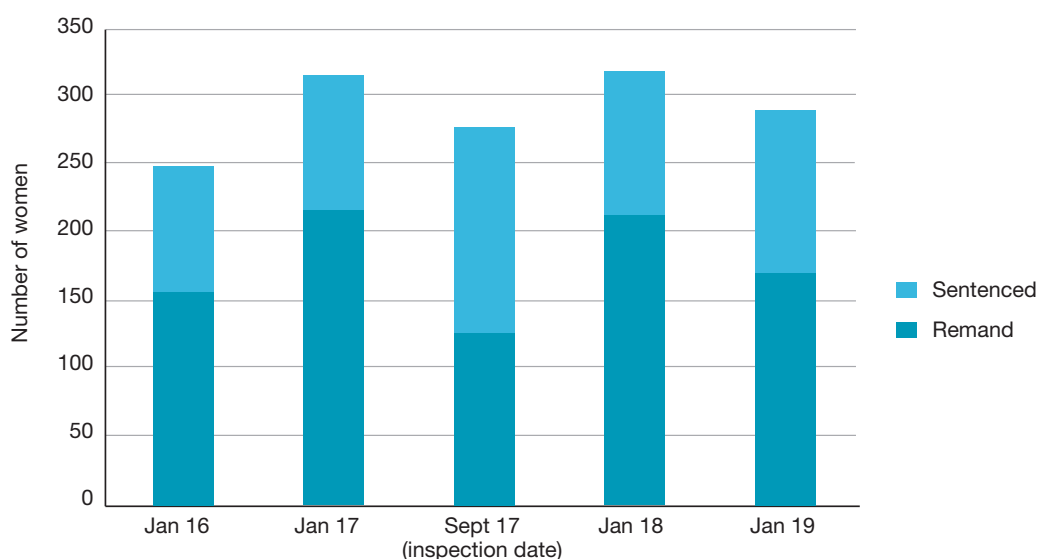


Figure 7 A bar graph showing the number and proportion of sentenced and remand inmates housed at Silverwater as of the 1st of January 2016, 2017, 2018 and 2019, as well as on the date of the inspection (late 2017).

2.3.2 Dillwynia Correctional Centre

Dillwynia is located in Berkshire Park and opened in 2004. It was purpose-built to have cottage/campus style design with access to land and natural light. Currently, Dillwynia is a minimum-medium security facility. The maximum capacity of Dillwynia is 303 inmates. At the time of inspection, there were 66 women on remand of a total inmate population of 272. The majority of the inmates were born in Australia (79%). The remaining 21 per cent were born elsewhere or had an 'unknown' country of birth.

Data provided by CSNSW has illustrated that on the day of our inspection there were fewer women at the centre (including a smaller proportion of women on remand) than were there on 1 January 2017 and 2018. The following graph illustrates this information.

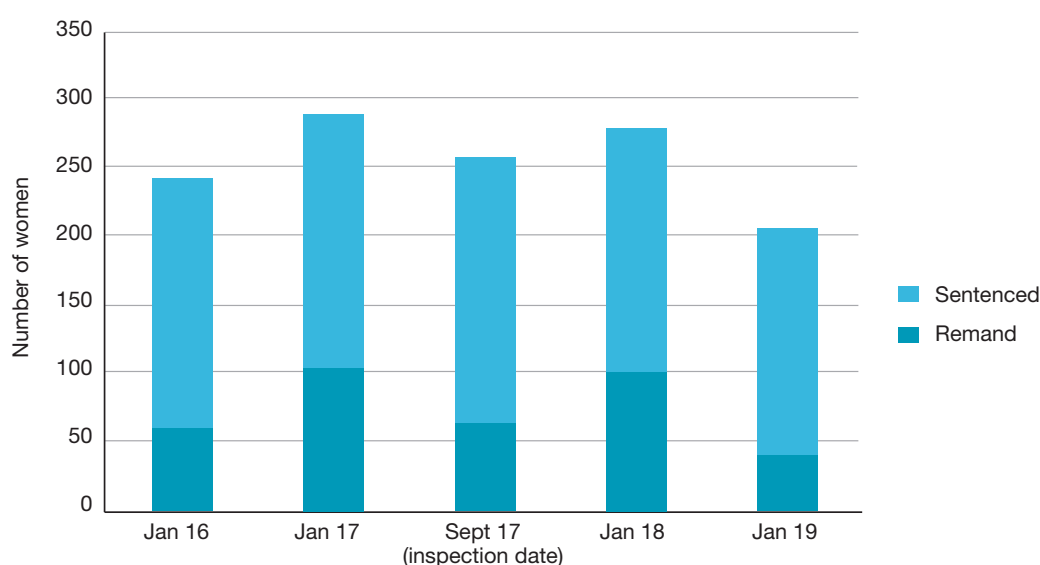


Figure 8 A bar graph showing the number and proportion of sentenced and remand inmates housed at Dillwynia as of the 1st of January 2016, 2017, 2018 and 2019 as well as on the date of the inspection (late 2017)

2.3.3 Wellington Correctional Centre

Wellington is a variable security (maximum-medium-minimum) correctional centre located in Wuuluman, Western NSW. It caters for male and female inmates.

Around the time of inspection, women made up approximately one tenth of the total population of the centre (77 of 713 total inmates). Nineteen of these 77 women were on remand, and almost half of these women on remand were Aboriginal. Data from CSNSW indicates that the proportion of women who were on remand compared to sentenced was representative of the general state of the centre, as measured on 1 January 2017 and 2018.

2.3.4 Grafton Intake and Transient Centre

Grafton is located in the Mid-North Coast of NSW. The centre operates 24 hours a day and can hold up to 272 inmates. It consists of two sectors.

Sector one provides accommodation for:

- reception and transient male and female inmates
- male and female inmates required for court in the Northern Rivers region, and
- those transitioning to other court and correctional facilities.

Inmates accommodated in sector one are relocated to another appropriate correctional centre as soon as possible.

Sector two provides accommodation for minimum security sentenced female inmates and medium to minimum security sentenced male inmates. It includes the June Baker Centre which accommodates 20 minimum security women.

At the time of the inspection, there were 17 female inmates at Grafton. Only one of these women was on remand.¹¹³ This was below the average number found there on 1 January 2017 and 2018 (6 and 4 respectively).

¹¹³ At a visit in mid-2018, the inspection team observed 11 women on remand being accommodated in the MPU.

3 A strategy for managing women in custody

Although there are an increasing number of incarcerated women worldwide, women are generally a small number and percentage of the custodial population in most jurisdictions.¹¹⁴ As a consequence, the majority of centres and services are designed and oriented towards male populations.¹¹⁵

It is recognised internationally that while women are a subpopulation of the prison population, they have needs that warrant specialised treatment and consideration.¹¹⁶ The specialised needs of women in prison are recognised through the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders ('The Bangkok Rules').¹¹⁷

Many jurisdictions across the world have specialised women's units which are responsible for driving the appropriate and gender-specific treatment of incarcerated women. The importance of having a centralised command for women was reinforced in *The Corston Report* in the UK. The report noted that 'without the safeguard of strong, visible direction of issues relating to women in the criminal justice system, provision for women is likely to continue to be inconsistent and to depend on the level of priority and strength of leadership afforded locally and the depth of local understanding about women's needs.'¹¹⁸

Currently, CSNSW has a Principal Advisor of Women Offenders who sits within the Strategy and Policy Unit. CSNSW previously had a Women's Services Unit that researched, developed and assisted in the implementation of policy and programs relating to the special needs of women in correctional centres. However, whilst CSNSW no longer has a specified unit for women at an operational level this is becoming a common and valued feature of other jurisdictions.

In an Australian context, the Office of the Inspector of Custodial Services in Western Australia has called the lack of a high-level position with a singular focus on women's prisons as partially responsible for the sidelining of incarcerated women's needs in recent years. In South Australia, a working group and governance committee was set up to implement the Women Offender Framework and Action Plan (June 2014 – 2019). In the UK, the Women's Estate leadership team in Her Majesty's Prison and Probation Service (HMPPS) is 'creating an ethical practice reference group which provides a forum for senior leaders in prisons to resolve practice issues, and ensure practice guidelines for the Women's Estate are consistent, addressing current issues'.¹¹⁹ In Scotland, the Commission on Women Offenders recommended that an independent non-executive member of the Scottish Prison Service Board is appointed with a specific remit for women offenders, championing and driving through change.

CSNSW has a Women's Advisory Council (WAC), which was developed as a recommendation of the 1985 NSW Women in Prison Task Force.¹²⁰ The WAC members are appointed by the Commissioner of Corrective Services NSW to provide advice on improving outcomes and experience of women in the criminal justice system. This includes women in custody and those at risk of entering the system. The WAC is comprised of senior officers within the NSW Public Sector, non- Government Organisations and academics.¹²¹

114 UK Ministry of Justice, *Female Offender Strategy* (Policy Paper, June 2018) 5.

115 Jean Corston, *The Corston Report: A Report by Baroness Jean Corsten of a Review of Women with Particular Vulnerabilities in the Criminal Justice System* (UK Home Office, 2007) 3, 21, 39, 47.

116 UK Ministry of Justice, *Female Offender Strategy* (Policy Paper, June 2018) 5; Scottish Government, *Commission on Women Offenders* (Final Report, April 2012) 21.

117 *Rules for the Treatment of Women Prisoners and Non Custodial Measures for Women Offenders*, GA Res A/65/457, UN Doc A/RES/65/229 (adopted 21 December 2010) ('the Bangkok Rules'); Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014).

118 Jean Corston, *The Corston Report: A Report by Baroness Jean Corsten of a Review of Women with Particular Vulnerabilities in the Criminal Justice System* (UK Home Office, 2007) 6.

119 UK Ministry of Justice, *Female Offender Strategy* (Policy Paper, June 2018) 33.

120 Women's Advisory Council, Corrective Services (NSW), *Report 2012-2014* (March 2015) 4.

121 Submission CSNSW Womens Advisory Council 13 June 2019.

NSW has been a leader in this regard. In 2013, the UK established The Advisory Board on Female Offenders, which brought together key stakeholders, criminal justice agencies and officials from relevant Government Departments. The Board monitors and advises on the delivery of commitments in this strategy.¹²² Victoria also has a Women's Correctional Services Advisory Committee, developed in 2003, which is charged with providing expertise on the delivery of correctional services to women.¹²³

Many jurisdictions have established strategies for reducing women's offending. 'Recognising gender difference – A strategy for the program and service provision to women offenders' was released by CSNSW in 2014 in recognition of the gender-specific requirements related to their risks and needs, criminal behaviour and histories. The document is thorough and looks at how, in working with women offenders, CSNSW recognise aspects of women's experience; the outcomes they wish to achieve; the ways they can achieve good outcomes; and markers to know that they are on the right track to achieving these outcomes.

More recently CSNSW has developed a Women's Strategy in consultation with the WAC. CSNSW and the WAC are to be commended for the development of its strategy. To respond to the current challenges facing the female prison population, CSNSW should also consider establishing a Women's Command to oversee the implementation of the strategy at all of the women's correctional centres and women's units attached to correctional centres holding male inmates in NSW. CSNSW has established the Women's Innovation Change Committee to oversee strategic and operational issues for women in custody across NSW. The Committee led by a senior officer has responsibility for the implementation of the Womens Strategy.¹²⁴

Recommendation 1: The Inspector recommends that CSNSW implements its Women's Strategy.

Recommendation 2: The Inspector recommends that CSNSW create a Women's Command led by a dedicated senior officer to oversee the implementation of the Women's Strategy at all women's correctional centres and women's units attached to male correctional centres in NSW.

¹²² UK Ministry of Justice, *Female Offender Strategy* (Policy Paper, June 2018) 43.

¹²³ Corrections Victoria, Department of Justice (Vic), *Better Pathways: An Integrated Response to Women's Offending and Re-Offending* (November 2005) 10.

¹²⁴ Information provided by CSNSW, 4 November 2019.

4 Classification and placement

4.1 Policies and standards

The security and rehabilitation needs of female inmates are often different to those of male inmates, which necessarily influence their classification. CSNSW recognises the inherent differences between male and female offending, and has created a specific classification system for female inmates.¹²⁵ This is good practice and is consistent with the *Guiding Principles for Corrections in Australia* (Revised 2018).¹²⁶

The CSNSW female classification system recognises that women often have lower security risks than men and higher needs for health and welfare services and contact with their children. The following table presents the five categories in which female inmates can be classified to meet their security needs:

Table 4 The five-tier classification system for women inmates in NSW, as per the Regulation.¹²⁷

Category	Description
Category 5 (Cat5)	Being the category of inmates who, in the opinion of the Commissioner, represent 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 at all times be confined in special facilities within a secure physical barrier that includes towers or electronic surveillance equipment.
Category 4 (Cat4)	Being the category of inmates who, in the opinion of the Commissioner, should at all times be confined by a secure physical barrier that includes electronic surveillance equipment.
Category 3 (Cat3)	Being the category of inmates who, in the opinion of the Commissioner, 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 (Cat2)	Being the category of inmates who, in the opinion of the Commissioner, need not be confined by a physical barrier at all times but who need some level of supervision by a correctional officer or some other person authorised by the Commissioner.
Category 1 (Cat1)	Being the category of inmates who, in the opinion of the Commissioner, need not be confined by a physical barrier at all times and who need not be supervised.

¹²⁵ This is described in detail later on in this section. See *Crimes (Administration of Sentences) Regulation 2014* cl 13.

¹²⁶ Corrective Services Administrators' Council (Cth), *Guiding Principles for Corrections in Australia: Revised* (2018) <<https://www.corrections.vic.gov.au/publications-manuals-and-statistics/guiding-principles-for-corrections-in-australia>>.

¹²⁷ *Crimes (Administration of Sentences) Regulation 2014* cl 13.

The same classification system applies to sentenced and remand female inmates. To ensure consistent practice across centres a central classification team is responsible for classifying all female inmates. In practice, women on remand are classified as Unsentenced Category (UCAT) 2, 3 or 4.

Generally, long-term remand and sentenced inmates undergo a classification review every 12 months.¹²⁸ However, this may result in women who are sentenced to three years or less not progressing through the classification system prior to release. As women generally serve shorter sentences than men, it was suggested by staff that it may be more prudent to conduct classification reviews for women serving shorter sentences of three years or less, every six months.¹²⁹ This would provide an opportunity for women to progress to lower security classifications and accommodation to assist with their reintegration into the community. CSNSW believes that the new case management model will also support more regular reviews.¹³⁰

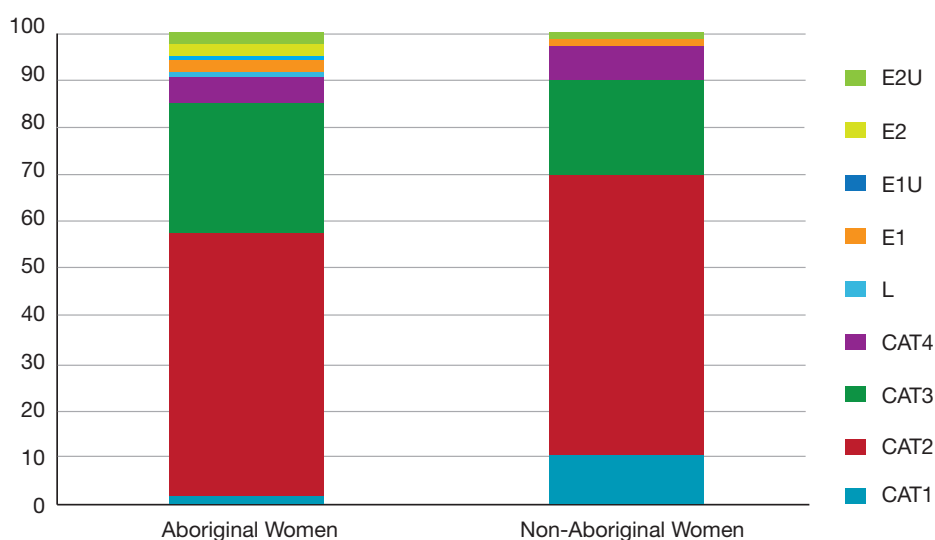


Figure 9 Sentenced female inmates classification as of 1 February 2019

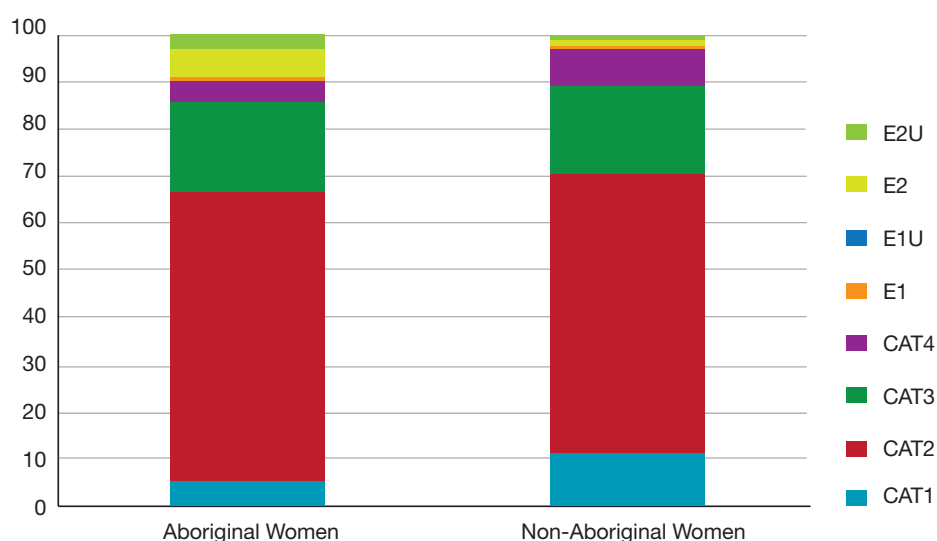


Figure 10 Sentenced female inmates classification (Average July 2017 – June 2018)

128 Corrective Services NSW, 2017, *Inmate Classification Policies and Procedures: Classification & Placement Reviews*, Corrective Services NSW, Sydney, pp. 4–5.

129 Mary Stathopoulos and Antonia Quadara, *Women as Offenders, Women as Victims: the Role of Corrections in Supporting Women with Histories of Sexual Abuse* (Report, Corrective Services NSW, August 2014) 13.

130 Information provided by CSNSW 4 November 2019.

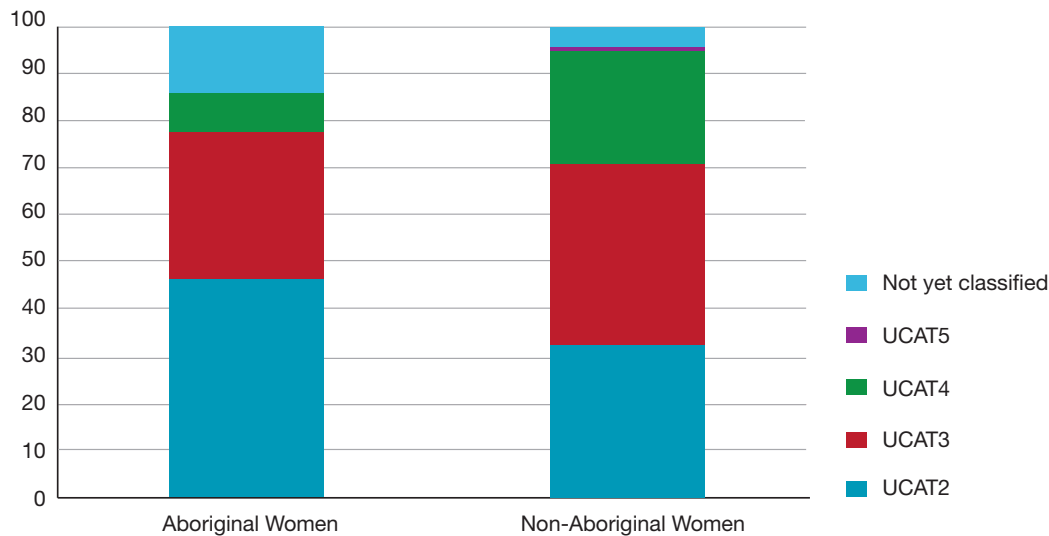


Figure 11 Remand women classification as of 1 February 2019

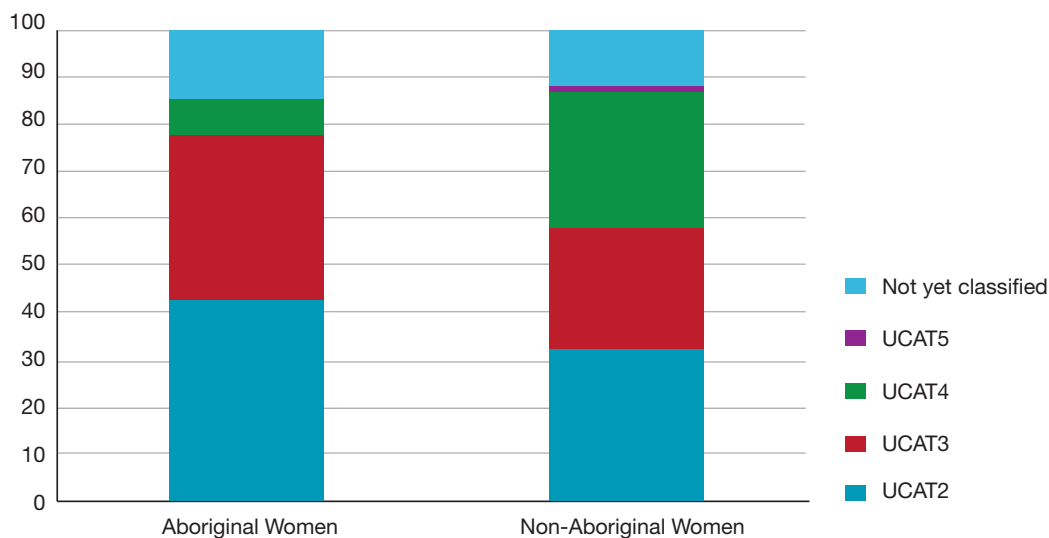


Figure 12 Remand women classification (Average July 2017 – June 2018)

Figures 11 and 12 indicate that more Aboriginal women are classified as UCAT2 than non-Aboriginal women, and more non-Aboriginal were classified as UCAT4 than Aboriginal women. However, for sentenced inmates, Aboriginal women were slightly less likely to be a Category 1 than their non-Aboriginal counterparts. They were equally likely to be a Category 2, more likely to be Category 3, but less likely to be a Category 4 than their non-Aboriginal counterparts.

4.2 Placement of women on remand

The Regulation provides for the matters the Commissioner should consider when placing an inmate in a particular correctional centre. Inmate classification should occur prior to, and inform inmate placement along with the location of an inmate's family, their health, past behaviour and security concerns and the availability of programs and services.¹³¹ This is consistent with best practice for placement of women in prisons.¹³²

¹³¹ See *Crimes (Administration of Sentences) Regulation 2014* cl 20.

¹³² Bangkok Rules, rule 4.

However, the inspection found that in practice, the placement of remand inmates occurred according to the female placement guide in the CSNSW *Classification & Placement Policies & Procedures Manual*. This provides that women on remand are to be “classified” as Women Remand Bed Placement (WRBP) and placed depending on bed availability at other centres.¹³³ CSNSW acknowledge that WRBP is not a classification; it is used to assist inmate transfers to move women to locations with remand beds. However, the reference to WRBP as a classification within the CSNSW guide has led to confusion amongst staff that WRBP is a classification.

Women with a high security classification, who are pregnant, have acute mental health issues, or significant behavioural issues are to remain at Silverwater.¹³⁴

The inspection team were told that the WRBP was developed over a decade ago as a flexible type of placement, which allowed remand inmates to be moved between different correctional centres without being reclassified.¹³⁵ A female remand inmate designated as WRBP must be placed at a centre which holds the relevant classification rating for that inmate. For example, a UCAT 2 inmate could be held at Emu Plains, Dillwynia, Silverwater or any of the regional facilities that hold a UCAT 2 inmate. Figure 13 shows the classification categories that can be accommodated at each correctional centre.

However, the female placement guide does not refer to the proximity of the correctional centre to the inmate’s family members, despite this being included within clause 20 of the Regulation.¹³⁶ Several reports nationally and internationally have described the importance of ensuring that women inmates should be able to serve their sentences close to their home and family.¹³⁷ This is also acknowledged in the *Offender Classification & Placement Policies and Procedures Manual* in relation to sentenced women.¹³⁸

The inspection team were advised that correctional staff would try and keep the inmates as close as possible to family, especially women who have young children. However, other staff advised the inspection team that they did not have adequate time to consider the location of family members when considering placements.

An inmate’s health is also taken into account when considering placement.¹³⁹ This includes an assessment of physical and/or mental health and the provision of health care services to the inmate. JH&FMHN provide advice to CSNSW about whether a woman should not be transferred for medical reasons. The inspection found no evidence of CSNSW transferring women against JH&FMHN advice.

The Regulation requires consideration of the availability of resources and appropriate programs and services at the correctional centre in which the inmate is to be held.¹⁴⁰ There was no evidence that availability of resources, programs and services at a centre was considered in the placement of women on remand.

133 Corrective Services (NSW), *Female Placement Guide* (Offender Classification & Case Management: Policy & Procedures Manual, Version 1.1, December 2013) 1.

134 Corrective Services NSW, *Inmate Classification Policies and Procedures: Placement Guide for Correctional Centres* (2017) 8–9; see also Corrective Services (NSW), *Female Placement Guide* (Offender Classification & Case Management: Policy & Procedures Manual, Version 1.1, December 2013).

135 Interviews with staff 2017 and 2018.

136 *Crimes (Administration of Sentences Regulation 2014* cl 20(1)(j).

137 Lord Farmer, ‘The Importance of Strengthening Female Offenders’ Family and other Relationships to Prevent Reoffending and Reduce Intergenerational Crime’ Ministry of Justice (Final Report from The Farmer Review for Women, Ministry of Justice (UK), June 2019)14.

138 See Corrective Services NSW, *Inmate Classification Policies and Procedures: Placement Guide for Correctional Centres* (2017) 6.

139 *Crimes (Administration of Sentences Regulation 2014* cl 20(1)(c)–(d).

140 *Crimes (Administration of Sentences Regulation 2014* cl 20(1)(k).

The Regulation also provides that, as far as practicable, inmates of certain classes, including sentenced and remand inmates, should be separated.¹⁴¹ This is consistent with international standards.¹⁴² In practice, remand and sentenced women were housed together at Silverwater, Wellington, Dillwynia and Grafton. The opening of Mary Wade in early-2018 has provided an opportunity for remand women to be kept separate from sentenced women in the Sydney metropolitan area. This is to be commended. It is acknowledged that accommodating remand and sentenced inmates separately will not always be possible for operational reasons, particularly in regional locations.¹⁴³

The inspection team formed the opinion that the WRBP is being used to try and manage bed availability in a crowded system without a policy to explain it and how it is to be utilised. CSNSW advise that placement is determined having regard to classification, associations, and program needs.¹⁴⁴ Court dates and bed vacancies were also considered in determining placement but other important factors in the Regulation were not always being considered in placement decisions.¹⁴⁵ The inspection team were provided with several examples of women on remand being placed at centres away from their families and upcoming court appearances. The opening of Mary Wade and expansion of Dillwynia in mid-2020 will provide additional remand beds to assist in addressing this issue.¹⁴⁶

The inspection team found that overcrowding at Silverwater was constraining officers' ability to properly assess women on remand in custody to the standard required in the Regulation. In turn this was negatively impacting the capacity of officers to make good placement decisions, compromising outcomes for women. Women on remand face their own unique set of circumstances which should be adequately considered in their placement. They require their own placement guide in policy that is consistent with the considerations outlined in the Regulation.

¹⁴¹ *Crimes (Administration of Sentences) Regulation 2014* cl 33(1)–(2).

¹⁴² International Covenant on Civil and Political Rights, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) art 10(2)(a); *United Nations Standard Minimum Rules for the Treatment of Prisoners (The Mandela Rules)*, GA Res 2015/20, UN Doc A/RES/70/175 (revised and adopted 17 December 2015) rule 112(1).

¹⁴³ Information provided by CSNSW, 4 November 2019.

¹⁴⁴ Information provided by CSNSW, 4 November 2019.

¹⁴⁵ Interviews with staff 2017 and 2018.

¹⁴⁶ Information provided by CSNSW, 4 November 2019.

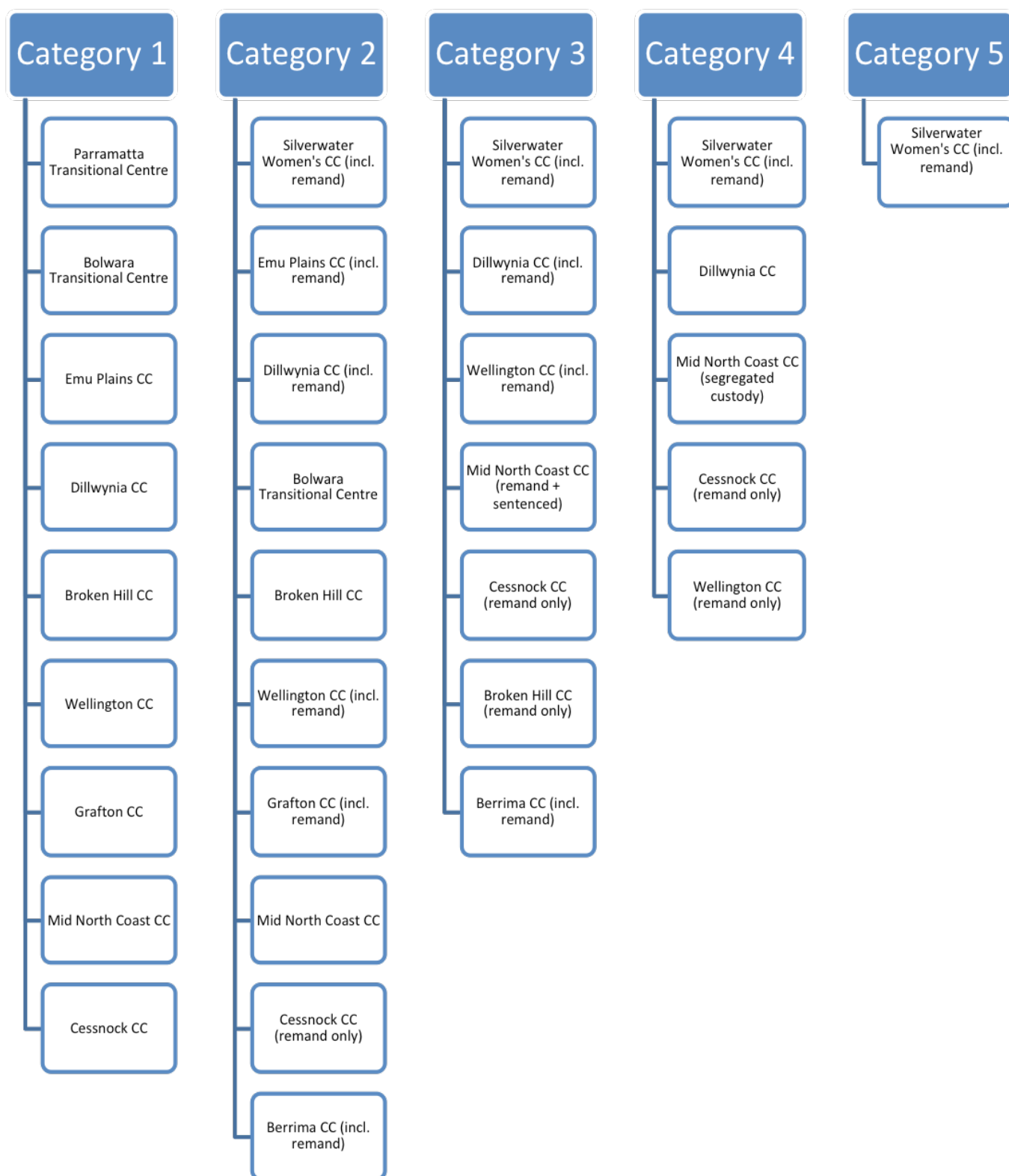


Figure 13 Correctional centres that take women, organised by classification category. It is assumed that each centre only takes sentenced inmates of each classification unless their acceptance of women on remand is explicitly specified.

4.3 Movement /transfer of inmates between centres

The Commissioner may order that an inmate be transferred from one correctional centre to another because:

- the correctional centre is being or is about to be repaired, altered, enlarged or rebuilt, or
- of an outbreak or threatened outbreak in the correctional centre of an infectious disease, or
- the correctional centre has ceased or is about to cease to be a correctional centre, or
- the correctional centre is overcrowded, or
- inmates in the correctional centre need to be separated in compliance with the requirements of the Regulation, or
- of any other reason specified in the order.¹⁴⁷

The inspection team found that it was not uncommon for remand women to be transferred between centres a number of times during a period on remand. The inspection team were informed that if a centre was nearing capacity and required vacancies to receive women from local court cells, women on remand would be the first considered to move to facilitate space.¹⁴⁸

There are several reasons why transfers occur: court appearances; medical appointments; court psychologist/psychiatrist reports; re-assessments; legal interviews; admissions to Long Bay Hospital; and movements of sentenced inmates to their jail of classification. The process of facilitating movements and transfers between centres in a crowded system is extremely challenging. It is not always possible to consider how many times a woman on remand has already moved between centres. The WRBP designation is used to assist inmate transfers to move women to locations with remand beds. It also makes women on remand easier to move, as it does not necessitate a classification and placement review. Unfortunately, this means that certain women may experience numerous movements between centres.

Sometimes, women on remand may request transfers to other correctional centres.¹⁴⁹ Classification officers will try to facilitate the transfer if appropriate. However, in an overcrowded system, bed availability is usually prioritised over individual inmate needs.

The inspection team recognise the challenges associated with meeting the placement needs of existing inmates, as well as ensuring that adequate vacancies exist to meet the demand for incoming women held within court cells. Silverwater receives female inmates from court cells in the metropolitan area, and it is necessary for there to be sufficient vacant beds available at Silverwater at any time to meet demand. The inspection team recognise that there is an element of unpredictability in the numbers of people arrested in court cells on any given day. Indeed, our examination of the nightly state in January 2019 showed that at its busiest, the number of women at Silverwater can reach over 300.

During the inspection of Silverwater there was frequent reference to overcrowding and staff feeling under pressure to transfer women on remand to other centres. However, the midnight state during the inspection of 274 to 278 revealed the centre was approximately 100 inmates under its maximum state of 374. The inspection team was told that vacancies in units such as the Induction Unit, the Mental Health Screening Unit, the Mum Shirl Unit, the health centre and the Drug Court could not be included as vacancies as they have certain criteria for entry and need to be quarantined for women with high needs. Taking this into account there were around 54 vacancies. Despite this, in one 24-hour period, 20 women had been received and 24 had been transferred.

¹⁴⁷ *Crimes (Administration of Sentences) Act 1999* s 23(1).

¹⁴⁸ Interviews with staff and inmates 2017 and 2018.

¹⁴⁹ *Crimes (Administration of Sentences) Regulation 2014* cl 32.

A common theme expressed during the inspection was that women on remand were being transferred too quickly from Silverwater to create bed space. It is acknowledged that the number of women in the system, particularly women on remand had been increasing in the time prior to the inspection, and the perception of staff of the need to transfer women out of Silverwater is therefore understandable. However, staff practices need to be informed by real time information.

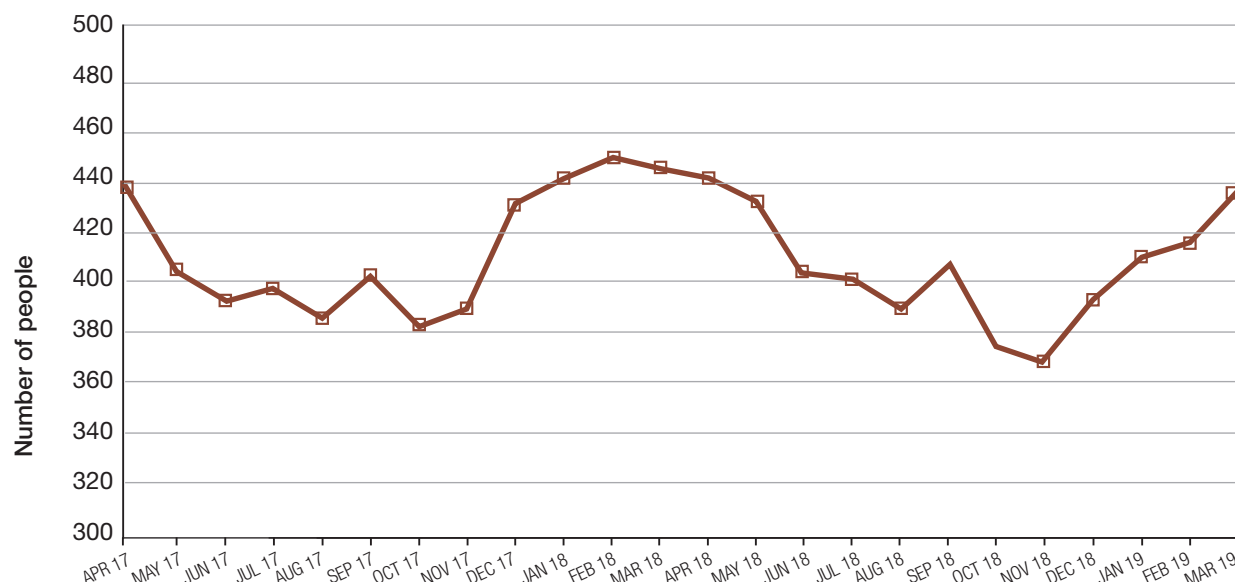


Figure 14 Adult Female Remand Population, taken from the NSW Bureau of Crime Statistics and Research (2019) *NSW Custody Statistics: Quarterly update March 2019*, NSW Bureau of Crime Statistics and Research, Sydney, p. 20.

Data provided to the inspection team around the monthly female operational bed capacity in NSW correctional centres over 2018 confirmed that when the number of women increased, there was very little space in centres to accommodate new receptions.

The limited space available in the different regions may have made it difficult to facilitate women on remand to remain placed in the centre which is close to their arrest, court and family. The decrease in the female population at the end of 2018 may have resulted in fewer movements between centres.

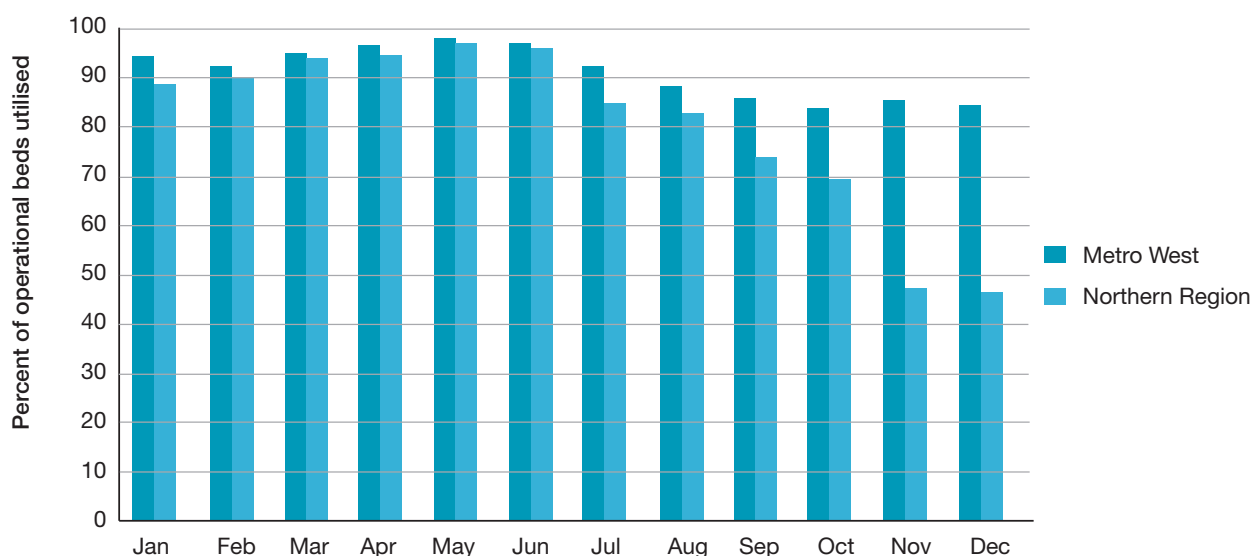


Figure 15 12 month female operational bed capacity by region in 2018 in the Metro West and North regions of the state. Data was received in hard copy form from Inmate Transfer Unit staff in January 2019.

Shortly after inspection of the selected centres was finalised, Mary Wade opened. As Mary Wade has capacity for 94 women on remand with Category 2 to Category 4 security classifications, it may have reduced the need for movements between centres. However, all women in metropolitan Sydney remanded in custody are still received at Silverwater, and classified WRBP before being transferred to Mary Wade or other centres. CSNSW advise that Clarence Correctional Centre will operate as a reception centre for women in northern New South Wales from mid-2020.¹⁵⁰ Positively, Mary Wade accommodates only remand women and has enabled a larger proportion of remand women with family in the Sydney metropolitan area to remain in Sydney. Unfortunately, it seems there is still not sufficient bed availability in the Sydney metropolitan region for women on remand and this has led to women being placed in regional centres, such as Wellington.

The inspection team were concerned about the impact of transfers on female inmates between centres. 35 per cent of women received into NSW prisons in 2016-17 were withdrawing off drugs when they entered prison (compared to 18% of men).¹⁵¹ It was reported that transfers increased the pressure on staff at other centres, such as Dillwynia, to manage women withdrawing from drugs.¹⁵²

Transfers between correctional centres may also impact on women having contact with their family and children, and legal representatives. It can also mean that the inmate can miss the opportunity to purchase items they need such as underwear or toiletries as they may be moved in the time between making an order and receiving their items. One inmate the inspection team spoke with had been transferred twice in six weeks from Silverwater to Cessnock and then back to Silverwater and had not had the opportunity to buy any items.

There is also a cost to the system in transferring remand inmates between centres. The cost is not only those associated with transporting the women, but also the custodial and health resources in 'discharging' and 'receiving' a new inmate to a correctional centre.

¹⁵⁰ Information provided by CSNSW 4 November 2019.

¹⁵¹ Data provided by Corrections 15 January 2018 (CRES reference: D17/320562).

¹⁵² Interviews with staff and inmates 2017.

The table below shows the number of transfers that inmates who were classified as WRBP made in the 2018 calendar year.

Table 5 The number of transfers that inmates classified as WRBP made between correctional centres within the 2018 calendar year.

Centre	Total female remand receptions	WRBP in	WRBP out
Bathurst	39	46	106
Berrima	0	70	9
Broken Hill	23	0	6
Cessnock	0	15	66
Dillwynia	0	282	112
Emu Plains	0	334	54
Grafton	69	2	47
Junee	61	0	47
Mid North Coast	75	64	10
Silverwater	1467	188	868
Mary Wade	0	365	53
South Coast	19	0	21
Wellington	59	66	33

Source: Data of WRBP in and out received by Inmate Transfers Unit January 2019, data of total remand receptions were received from Corrections Research, Evaluation & Statistics, CSNSW on 31 January 2019 (CRES ref: D19/84886).

Women who were received in the first instance to a particular centre are not included in 'WRBP in' counts because they have not yet undergone the classification and placement process to be placed as 'WRBP'. This explains why in some instances the number of 'WRBP in' is significantly lower than the number of 'WRBP out'.

In total, women classified as WRBP were moved 1,438 times in the 2018 calendar year. The number of moves counted across centres signals the frequent movement of WRBP women through the different centres. The particular movement of women through Silverwater, Dillwynia and Wellington is clear. Figure 16 demonstrates moves across the system. They relay the experiences of women on remand who talked to us on inspection. Their accounts were later validated using the Offender Integrated Management System (OIMS).

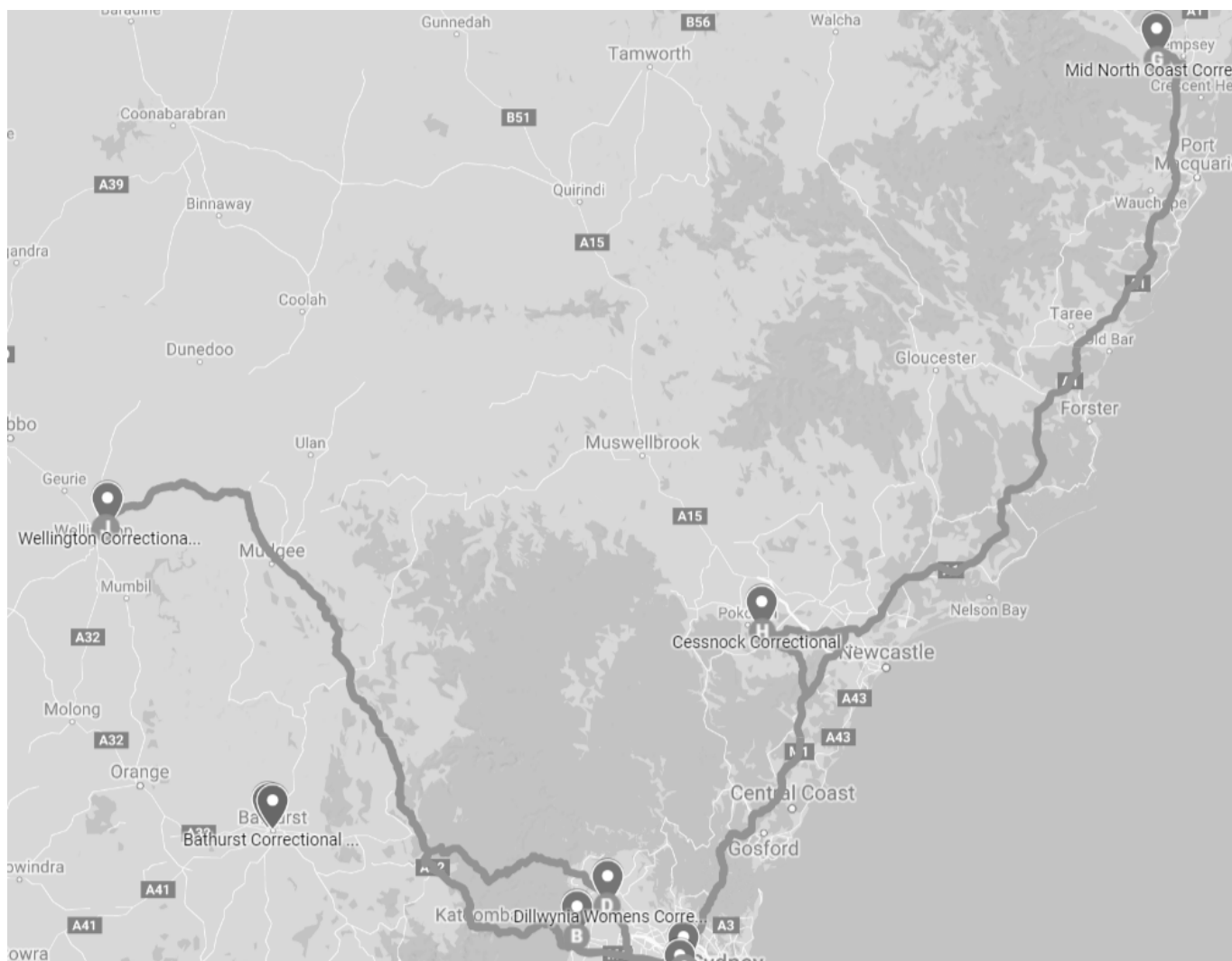


Figure 16 A female inmate's transfers occurring whilst on remand, between Silverwater, Surry Hills, Emu Plains, Dillwynia, Cessnock, Mid North Coast and Wellington Correctional Centres.

1. Received at Surry Hills Court Cells for three days.
2. Transferred to Silverwater for one week.
3. Transferred to Emu Plains for nine weeks.
4. Transferred to Silverwater for two weeks.
5. Transferred to Dillwynia for two months.
6. Transferred to Wellington for two months.
7. Transferred to Silverwater for two weeks.
8. Transferred through Silverwater and Cessnock to Mid North Coast for three weeks.
9. Transferred through Cessnock to Silverwater for five months.
10. Transferred to Wellington.

The impact of movements on remand inmates between centres is not a new issue. It has already been identified in a previous report from ICS published in 2015, identifying the longevity of the issue and its negative consequences for the wellbeing of remand inmates. It was noted that:

‘Another factor contributing to the high numbers of inmates placed outside their home region is the remand bed placement practice. Under this practice, inmates are transferred to regional correctional centres if they do not have a court date set within the next two weeks. This is a useful tool for the management of limited metropolitan bedspace as it enables the manoeuvrability of beds, but the frequency of movement and the short-term nature of the stays mean it is expensive, disruptive to court preparation and does little to reduce inmate tension. This is poor practice for managing inmates.’¹⁵³

It is hoped that the new addition to Dillwynia will provide a solution to the shortage of remand beds for women in Metropolitan Sydney, resulting in frequent movements across the system.¹⁵⁴ This will provide an opportunity for remand women to be kept separate from sentenced women and close to the courts, their community and family in metropolitan Sydney. Although the repurposing of Berrima as a women’s facility in 2018 provided additional beds for women close to Sydney, additional dedicated remand beds in Sydney at the new Dillwynia unit should allow Berrima to be closed.

4.4 Recommendations

Recommendation 3: The Inspector recommends that CSNSW review the need for all women remanded in custody to be received at Silverwater for classification and placement.

Recommendation 4: The Inspector recommends that CSNSW accommodate women on remand close to court, their legal representatives and their families wherever possible.

Recommendation 5: The Inspector recommends that CSNSW create additional accommodation for women on remand in metropolitan Sydney to allow remand women to be accommodated close to their families.

Recommendation 6: The Inspector recommends that CSNSW undertake a review of the policy and procedure concerning classification and placement to clarify how the Womens Remand Bed Program operates that is consistent with the criteria for classification and placement outlined in the Regulation.

Recommendation 7: The Inspector recommends that CSNSW accommodate remand and sentenced women separately, where practicable.

Recommendation 8: The Inspector recommends that CSNSW consider reviewing women’s classification every six months, for women serving three years or less.

¹⁵³ Inspector of Custodial Services (NSW), *Full House: The Growth of the Inmate Population in NSW* (Report, April 2015) 40.

¹⁵⁴ Information provided by CSNSW, 4 November 2019.

5 Management regime and conditions

Over the course of the inspection, staff engaged constructively about the issues they faced in working with women on remand. Many staff made practical suggestions for improvements. However, the inspection team formed the view that due to the high recidivism rates of female inmates, some correctional officers did not understand that women on remand are not convicted and should be treated differently to sentenced inmates.

The period of inspection not only coincided with a period of rising inmate numbers and consequent pressure in the correctional system¹⁵⁵ but also coincided with a period of reform in the Offender Services and Programs branch of CSNSW. In particular, reforms had occurred in case management, education, programs and welfare. The inspection team acknowledge that these factors had a tangible impact on the functioning of already challenging and complex centres.

5.1 Reception

The Bangkok Rules describes the importance of an adequate reception process into prison.

‘Adequate attention shall be paid to the admission procedures for women ...due to their particular vulnerability at this time. Newly arrived women prisoners shall be provided with facilities to contact their relatives; access to legal advice; information about prison rules and regulations, the prison regime and where to seek help when in need in a language that they understand; and, in the case of foreign nationals, access to consular representatives as well. ... Prior to or on admission, women with caretaking responsibilities for children shall be permitted to make arrangements for those children, including the possibility of a reasonable suspension of detention, taking into account the best interests of the children.’¹⁵⁶

This is reflected in the Regulation which requires that on reception to a centre, an inmate must be notified of their rights and obligations and the particulars of an inmate’s domestic circumstances (including children or other dependents to be recorded).¹⁵⁷

Consistent with the Bangkok Rules, the Regulation also provides for comprehensive health screening on reception, including:

- examination by a ‘prescribed health officer’¹⁵⁸ as soon as practicable after being received into a correctional centre¹⁵⁹
- recording the particulars of any ‘exceptional circumstances’ in the inmate’s family history such as physical or sexual abuse¹⁶⁰
- recording the state of an inmate’s physical and mental health and any known tendency to attempt suicide or self-harm, and¹⁶¹
- recording any involvement by the inmate in the abuse of drugs or other intoxicating substances.¹⁶²

155 See NSW Bureau of Crime Statistics and Research, *New South Wales Custody Statistics: Quarterly update December 2018* (30 January 2019) 19.

156 Rules 2.1 and 2.2 in UN General Assembly, United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules) : note / by the Secretariat, 6 October 2010, A/C.3/65/L.5 <<http://www.refworld.org/docid/4dcbb0ae2.html>>.

157 *Crimes (Administration of Sentences) Regulation 2014* cl 5, sch 1 item 4.

158 Clause 3 of the *Crimes (Administration of Sentences) Regulation 2014* defines a ‘prescribed health officer’ as the Chief, Executive JH&FMHN or a medical officer or other member of staff of JH&FMHN authorised by the Chief Executive, JH&FMHN to exercise the functions of a prescribed health officer for the purposes of the provision.

159 *Crimes (Administration of Sentences) Regulation 2014* cl 284.

160 *Crimes (Administration of Sentences) Regulation 2014* cl 4, sch 1 item 13.

161 *Crimes (Administration of Sentences) Regulation 2014* cl 4, sch 1 items 14-5.

162 *Crimes (Administration of Sentences) Regulation 2014* cls 4, 284, sch 1 item 15; Bangkok Rules, rule 6.

Inmates undergo screening during the reception process by a Services and Program Officer (SAPO) and a primary health registered nurse. Women who were deemed to be at significant risk at Silverwater were placed in one of the three assessment cells in the Mental Health Screening Unit. The assessment cells are separate to the Mental Health Screening Unit and are operated by the correctional centre rather than by the Mental Health Screening Unit. At the time of inspection, these assessment cells were in a poor condition and not clean. Such an environment is highly problematic for someone at high risk of self-harm. Even more so if someone is in custody for the very first time.

The quality of the reception process observed by the inspection team varied across inspected centres. The inspection team's overall observation was that staff at Silverwater were professional and respectful of new inmates. Despite being less thorough, Wellington also engaged in good practice during reception.

Part of the reception process includes strip searching inmates.

5.1.1 Strip searching

The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) recommend intrusive searches such as strip searches are only undertaken when absolutely necessary.¹⁶³ The Bangkok Rules also recommend alternative screening methods replace strip searches and invasive body searches.¹⁶⁴ NSW has commenced a trial of technology including body scanners and x-ray devices to find contraband in male correctional centres.¹⁶⁵ Technology can be more effective and reduce the need for routine strip searches.¹⁶⁶

However, it is unlikely that strip searching will be eliminated altogether. 'Strip searching is an entrenched prison practice'.¹⁶⁷ CSNSW policy states the function of strip searching is preventative; to locate and remove from correctional facilities anything posing an adverse risk to safety, security of good order and discipline.¹⁶⁸ According to policy, strip searches are required to be conducted when an inmate enters a correctional centre, after visits and at other times.¹⁶⁹ This means the majority of strip searches are routine rather than as a result of a risk assessment or intelligence information that suggests an inmate may have contraband.

It is therefore important for strip searches to be conducted with due regard to the dignity and privacy of the woman being searched.¹⁷⁰ This is in recognition that a significant number of female inmates have been victims of violence and sexual or emotional abuse. The Regulation requires a strip search to be conducted by or in the presence of a person of the same sex.¹⁷¹ According to CSNSW policy, strip searches do not require a woman to remove all of her clothing and be naked.¹⁷² It should involve a woman being partially clothed at all times. Nonetheless, it can still be a distressing and humiliating experience.

CSNSW is developing a Managing Female Inmates policy and procedure which will address strip-searching female inmates. In line with the Bangkok Rules and the Regulation, it recognises that a significant number of female inmates have been victims of violence, sexual or emotional abuse and searches must be conducted with sensitivity. It also requires care to be exercised in searching women who are pregnant or have recently given birth. There is a focus on communication with the inmate, with regard to dignity and respect and privacy issues.¹⁷³

¹⁶³ Rule 52 of the Mandela Rules.

¹⁶⁴ Rule 20 of the Bangkok Rules.

¹⁶⁵ In NSW, an x-ray body scanner is currently in operation at John Morony Correctional Centre.

¹⁶⁶ Office of the Inspector of Custodial Services (WA), *Strip Searching Practices in Western Australian Prisons* (March 2019) vi.

¹⁶⁷ Office of the Inspector of Custodial Services (WA), *Strip Searching Practices in Western Australian Prisons* (March 2019) 16.

¹⁶⁸ Corrective Services NSW, *Custodial Operations Policies and Procedures: 17.1 Searching inmates* (2017) 5.

¹⁶⁹ Corrective Services NSW, *Custodial Operations Policies and Procedures: 17.1 Searching inmates* (2017) 12.

¹⁷⁰ Bangkok Rules 19 through to 21 relate to the searching of female inmates.

¹⁷¹ *Crimes (Administration of Sentences) Regulation 2014* cl 46(2).

¹⁷² Corrective Services NSW, *Custodial Operations Policies and Procedures: 17.1 Searching inmates* (2017) 15–16.

¹⁷³ Corrective Services NSW, 'Searching female inmates' (*DRAFT Custodial Operations Policy and Procedures*, section 7.3, file ref: D17/500125). (received through data request from CSNSW in January 2018).

A clear policy for searching women is welcomed. During the inspection of Grafton, the inspection team heard women were being strip searched in a room with limited privacy. The Governor undertook to immediately address this issue at the time of inspection. CSNSW should review the use of routine searches and consider a risk-based approach to strip searching female inmates, complemented by the use of technology.

5.1.2 Women's access to welfare assistance

'Remand inmates should be given opportunities to resolve any urgent outstanding matters arising from their transition to a correctional centre such as advising family, making arrangements for dependents, pets or urgent property matters.'¹⁷⁴ The CSNSW Offender Services and Programs policy is in alignment with this expectation. It provides that the highest priorities for SAPOs are 'immediate service provision' – identifying and immediately responding to risk. This includes intake screening, reception screening, and crisis intervention services.¹⁷⁵

However, the role of SAPOs had changed in the year preceding the inspection. At the time of inspection, SAPOs were required to deliver programs in correctional centres and the community as well as attend to inmate welfare. This had led to some confusion among staff and inmates in relation to the role of SAPOs during the reception process. The inspection team formed the view that further training was required for staff and SAPOs around the expectations of their role and CSNSW policy, which provides that inmates must be provided with a phone call upon reception.¹⁷⁶

5.1.3 Clothing and bedding

Across centres, there was evidence that not all women were being provided with necessary items during reception in accordance with CSNSW policy.¹⁷⁷ The main issue was inadequate provision of clothing. There was insufficient underwear provided at Silverwater. At Wellington, inmates were required to sign that they had received the full reception pack, when this was not the case. It appears that when there is insufficient stock, centres ration what is placed in reception packs.

A number of inmates at Dillwynia shared their concerns that they did not have enough clothing. Some had requested clothing but had not been provided with that clothing. There seemed to be some confusion amongst inmates and officers as to what inmates were allowed to receive on reception and also what they were allowed to have in their cells. The departmental requirement of clothing according to policy is presented below in Table 6.

174 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 8.2.

175 Offender Services and Programs, Corrective Services NSW, *Policy for Prioritising Offender Services and Programs in Custody*, Offender Services & Programs (9 July 2019) 7.

176 Information provided by CSNSW 4 November 2019.

177 Corrective Services NSW, *Issuing Correctional Centre Clothing and Linen* (Custodial Operations Policies and Procedures, 1.5, 16 December 2017).

Table 6 CSNSW Custodial Operations Policy and Procedures detail around the initial provision of correctional centre clothing for female inmates.

Item	Quantity
T-shirt (short or long sleeve)	5
Sport shorts	2
Tracksuit top/jumper	2
Pants (cotton pants and/or tacksuit pants)	2
Bra/Sports bra	4
Pyjamas	2
Underpants	7
Socks	7 pairs
Brim hat or baseball cap	1
Shoes	1 pair
Thongs	1 pair
Washbags	1

In the report, *Prison Greens: The clothing and bedding of inmates in NSW* the Inspector directly addressed the provision of adequate clothing to inmates in NSW and recommended that all inmates are issued with the reception clothing entitlements stipulated by CSNSW policy.¹⁷⁸

5.1.4 Hygiene and sanitary items

CSNSW policy provides that women must receive hygiene items on reception.¹⁷⁹ The minimum issue of personal hygiene items for women at the time of reception at a correctional centre is: soap, toothbrush, toothpaste, comb, sanitary pads or tampons. Additional sanitary pads and tampons can be requested in each accommodation unit from the wing officer as well as two towels.¹⁸⁰ The dedicated women's correctional centres complied with the policy and no issues with the provision of sanitary items were raised.

However, the inspection found that the provision of sanitary items was a particular problem at Grafton. In Grafton, no sanitary items were provided in reception packs or weekly packs to women on remand. The inspection team were informed that women on remand at Grafton could request sanitary products. However, it could take several hours for sanitary items to be provided.¹⁸¹ This was despite sanitary items being stocked in a storeroom in the unit where the women were accommodated. The inspection found this

¹⁷⁸ There are a number of recommendations, on page 11, in our *Prison Greens* report (tabled in 2017) that concerned women. These included:

3. The Inspector recommends that CSI provides an extra-small size for women in the unisex clothing range.
4. The Inspector recommends that the new range of clothes for women is rolled out across all women's prisons.
6. The Inspector recommends that CSNSW makes thermal underwear available for purchase by inmates in the colder months at all correctional centres.

¹⁷⁹ This is consistent with rule 5 of the Bangkok Rules which provides *the accommodation of women prisoners shall have facilities and materials required to meet women's specific hygiene needs, including sanitary towels provided free of charge and a regular supply of water to be made available for the personal care of children and women, in particular women involved in cooking and those who are pregnant, breastfeeding or menstruating.*

¹⁸⁰ Corrective Services NSW, *Custodial Operations Policies and Procedures: 1.5 Issuing Correctional Centre Clothing and Linen* (16 December 2017) 7.

¹⁸¹ Interviews with staff and inmates June 2017.

to be degrading treatment of women. It is acknowledged that immediate assurances were given by the Governor of the centre that the centre would ensure compliance with CSNSW policy and provide sanitary items to women.

Access to deodorant was also a problem for some women, as deodorant is not provided in reception packs and some women had no funds to purchase deodorant. This particularly impacted women designated as WRBP, who were transferred between correctional centres. Staff and inmates observed that these individuals could be ostracised and subject to bullying by other inmates. CSNSW should consider providing deodorant in reception packs.

5.2 Induction/Orientation Process

The Regulation mandates that inmates must be notified of their rights and obligations as soon as practicable after an inmate is first received into a correctional centre. This includes:

- the correctional centre rules
- the inmate's obligations relating to discipline and conduct
- the inmate's right of legal representation and appeal in relation to proceedings under this Regulation
- the case management process
- the authorised methods of seeking information and making complaints
- the role of an Official Visitor
- the functions of the Review Council in relation to the segregation and protective custody of inmates, and
- any other matter necessary to enable the inmate to understand the inmate's rights and obligations and adapt to living in the centre.¹⁸²

The ICS standards provide that remand inmates should be immediately asked whether this is their first time in custody and they should be offered information about the induction program. The standards also refer to regimes on the first night, and first few days that inmates spend in prison, noting that special regimes should be in place to ensure remand inmates' safety and wellbeing.¹⁸³

Past research from Victoria has identified best practice for the induction of women inmates, including the provision of detailed centre-specific information to inmates about the prison process. Examples of good practice include:

- the provision of high quality information booklets with a specific version for sentenced inmates and one for women on remand.
- family induction sessions offered to families of newly-convicted inmates.
- information that is receptive and adaptive to the inmate's particular needs, such as those who have cognitive or sensory disabilities, and
- orientation and centre induction should commence no later than 48 hours after reception to the prison.¹⁸⁴

¹⁸² *Crimes (Administration of Sentences) Regulation 2014* cl 5.

¹⁸³ Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standards 8.3 and 8.4.

¹⁸⁴ Corrections, Prisons & Parole, Department of Justice (Vic), *Standards for the Management of Women Inmates in Victoria* (4 July 2014) 32.

At the time of inspection, CSNSW had published a 'Women's Handbook' that was being provided to women on reception and had been last updated in 2015. It contained detailed information to newly-incarcerated women about being in prison. The 85-page book covers extensive topics including: entering custody; induction processes; information about custody arrangements; visits; contacting family and friends; bail, legal services; appeals; classification; parole; employment, health services; and how to make enquiries, requests, complaints and applications.

The handbook is an impressive and comprehensive resource. It is invaluable for women who are new to the correctional system. CSNSW advise that female inmates must be provided with the Handbook and the Inmate Information booklet specific to each centre.¹⁸⁵ However, the handbook was not being distributed to all women on remand. It was distributed to some women at Grafton and Wellington, but there was no evidence that the handbook was being provided to women at Dillwynia and Silverwater.¹⁸⁶

Some centres provided information booklets that covered local processes and procedures. At Silverwater, the inspection team observed some inmates being provided with a local eight-page handbook. However, not all women received this local handbook. At Dillwynia, there was a three page pamphlet 'New Reception Information for Remand Inmates'. The pamphlet contained some basic information and contact numbers and referred to the Remand Addiction program.

Inmates should also be shown the "Your first 24 hours" video footage within the first 24 hours of arrival into a reception centre.¹⁸⁷ Silverwater provides information about being in custody on a TV channel which is looped. However, not all women have access to a TV. The information on the loop also needs to be reviewed to ensure it is up to date. One woman who had been at Dillwynia for over seven years described how 'Dillwynia TV' used to be run by education as an induction tool played through the TVs in cells.

At each centre, a reception committee provides women with information about the centre and makes necessary referrals. At Silverwater, staff from the induction unit explain to inmates the unit routine and ask the inmates if they wish to see any further services and referral forms. The induction unit has some inmates who are familiar with the system to assist new inmates. This is good practice and should be adopted in other centres through a peer support service. Peer support is used and valued in other jurisdictions to provide support for women entering the custodial system.¹⁸⁸

At Dillwynia, some information about the centre is available through attending the Reception Committee. However, the information provided was limited. Good practice was observed at Dillwynia with an Aboriginal delegate available to assist women with the transition to the correctional environment.

The induction process across centres did not take account of the English language abilities of some women on remand. Silverwater receives many non-English speakers. Although CSNSW policy provides for the provision of interpreter services, in practice there was limited evidence of the provision of interpreters. Assistance and resources, such as translation need to be available to assist these women during induction.

Overall, the inspection team observed a less than ideal induction or orientation process for women on remand to the correctional system. Women coming into custody for the first time were frequently unaware of the routines and procedures of prison life. The inspection team believe more systematic orientation to the system and each centre could assist inmates and staff, particularly women, who are in custody for the first time. This view was shared by both staff and inmates.

¹⁸⁵ Information provided by CSNSW 4 November 2019.

¹⁸⁶ Interviews with staff and inmates 2017.

¹⁸⁷ Information provided by CSNSW 4 November 2019.

¹⁸⁸ UN Office on Drugs and Crime, *Handbook on Women and Imprisonment* (Criminal Justice Handbook Series, 2nd ed, 2014) 54, 66.

The induction unit at Silverwater should be a place where inmates can spend a few weeks and stabilise, learn about how centres are run, develop pathways, complete release planning, do assessments, and receive health care. However, in a crowded system this is not possible and some women were in the induction unit for only a few days.

The inspection team observed many staff doing their best to assist new inmates and ensure those at risk were receiving appropriate care. However, the inspection team also observed a lack of concern for a first time inmate who was upset and confused about the correctional system. The inspection team formed the view that further staff training in working with female inmates was required at all centres accommodating women on remand.

Concerns around the quality of induction processes are not new. The inadequacy of induction processes at centres that receive remand inmates was raised by the former Inspector. In *Full House: The growth of the inmate population in NSW* it was observed at the Metropolitan Reception and Remand Centre that 'there was a general feeling that there is not enough information given to fresh custody inmates and they are reliant on receiving information about the way the centre operates and what to expect on an informal basis from other inmates.'¹⁸⁹

Induction processes at all centres with remand women need to be reviewed and a consistent induction program developed. The inspection team encourage CSNSW to provide an interactive, thorough and complete introduction to the correctional environment and local processes at each centre.

5.3 Accommodation Conditions

Prison buildings and management systems are often designed to meet the needs of male inmates. The Victorian women's prison standards reference the unique architectural and design requirements of female prisons:

'Living conditions in prison should reflect as closely as possible normal living standards in the community, within the boundaries of correctional practice, and be consistent with the maintenance of a healthy environment for prisoners. The provision of appropriate living conditions for prisoners is based on respect and dignity and provides prisoners with opportunities to assume responsibility..¹⁹⁰

The Australian publication of *Good Practice in Women's Prisons* highlighted a number of key findings for best practice in prison architecture. Key examples included:

- a focus on self-standing 'cottage'-style accommodation, where each woman has their own room, but share other resources, including bathrooms, laundries and kitchen.
- a focus on design of cells to maximise participant's wellness, by incorporating adequate natural light, outdoor space, colour and sound, and
- accommodation design should also make adequate consideration of inmates who may have additional needs, such as those with disability, Aboriginal women and women from culturally and linguistically diverse backgrounds.¹⁹¹ For example, research has explored the possibility of separating Aboriginal women in their own unit or living quarters to encourage these inmates to develop and preserve cultural links.¹⁹²

189 Inspector of Custodial Services (NSW), *Full House: The Growth of the Inmate Population in NSW* (Report, April 2015) 46.

190 Corrections Victoria, Department of Justice (Vic), *Standards for the Management of Women Inmates in Victoria* (Version 2.0, 4 July 2014) 79.

191 Lorana Bartels and Antonette Gaffney, 'Good Practice in Women's Prisons: A Literature Review' (Technical and Background Paper No. 41, Australian Institute of Criminology Reports, 2011) x.

192 Elizabeth Grant and Paul Memmott, 'The case for single cells and alternative ways of viewing custodial accommodation for Australian Aboriginal peoples.' (2007 – 08) 10(3) *Flinders Journal of Law Reform* 644.

In line with best practice, CSNSW has built 'cottage'-style accommodation for women in Dillwynia, Wellington, Mid North Coast and Emu Plains. Part of the ethos behind 'cottage' style designs is that women placed within each unit can replicate family and community responsibilities. This means that they engage in group decision-making about budgeting and cooking shared meals and chores. The idea behind this model is that it helps inmates gain skills to live independently and develop pro-social living skills, that will improve their transition back into society upon their release. The low density of cottage-style units (ideally around eight to 10 per unit) also means that women have some capacity for privacy.¹⁹³

5.3.1 Silverwater Units

5.3.1.1 Induction Unit

At the time of inspection, the accommodation at Silverwater was showing significant wear and tear. This is not surprising considering the high numbers of inmates transiting through the centre. The Induction Unit used to house women who were new to the centre, was dilapidated. CSNSW has advised that some renovation work has subsequently occurred, however the high use of this unit means it is difficult to maintain to an appropriate standard. Given the age and construction of the original unit, staff and inmates were both of the view a purpose-built unit is required to accommodate and induct women at Silverwater. This is particularly important given this may be the first contact a woman has with the correctional system. The unit has a maximum state of 48 with one dry cell and two safe cells. At the commencement of the inspection there were 35 inmates in the induction unit. The inspection team were advised of a plan to renovate the unit five cells at a time. At a visit to Silverwater in late 2018, the inspection team were advised that the Induction Unit had been refurbished, with cameras installed in all cells.

Due to the high needs of women entering custody, the unit is fully staffed 24 hours per day. Notwithstanding the poor physical environment, the inmates residing in this unit were very complimentary of the officers in this Unit whom they described as being very supportive and helpful.



Figure 17 A typical cell in the Induction Unit at Silverwater.

Induction is a time when an inmate's mental health may deteriorate or, signs or symptoms of withdrawal from drugs become evident. Inmates must be cleared by the Mental Health Service before they can be placed in another unit. Senior mental health staff attend the Induction Unit on Mondays and Fridays to review inmates.¹⁹⁴ If there are no mental health issues and the inmate is not experiencing withdrawal from drugs, they may only spend a short time in the induction unit. A woman with mental health issues may

¹⁹³ Lorana Bartels and Antonette Gaffney, 'Good Practice in Women's Prisons: A Literature Review' (Technical and Background Paper No. 41, Australian Institute of Criminology Reports, 2011) 14; John Paget, 'Human Rights and Prison Architecture: the Alexander Maconochie Centre from Conception to Construction' (PhD Thesis, Charles Sturt University, 2008) 12.

¹⁹⁴ Interviews with staff 2017 and 2018.

spend an extended period of time in the unit. Conversely, if a woman is well enough, they will be placed in a mainstream unit very quickly. Neither of these situations is ideal. A purpose-built induction unit would ideally cater to the needs of all women.

Section 33(2) of the Regulation provides that inmates of a particular class are to be kept separate from inmates of another class. Convicted and remand inmates are different classes of inmate. Further, within each class, the Commissioner may direct that inmates who have not previously been imprisoned are kept separate from other inmates. There was not generally a distinction in the placement of women who are sentenced and who are on remand at Silverwater. More importantly, there was no evidence of any attempts to keep women who had previously been in custody from those that had not. The inspection team were of the view this was problematic. Women new to the correctional environment may be vulnerable. The inspection team are of the view the Induction Unit is not suitable for housing vulnerable female inmates who are on remand presenting to the correctional system for the first time.

During the day the women in the Induction Unit were generally confined to the exercise yard. If an inmate was feeling unwell it was possible to be locked in their cell rather than being in the exercise yard area. There were also three segregation cells attached to the Induction Unit which are used to house inmates who have committed disciplinary breaches. The segregation cells have their own small exercise yard attached to the cell and inmates in this unit have TV access. None of the inmates raised any concerns about their conditions while being in segregation.

5.3.1.2 Brady, Teresa and Willet Units

The Brady, Teresa and Willet units were of the same design. Each had 48 beds, with two wings, connected to an exercise yard. The majority of cells in these units accommodate two inmates. Theresa unit includes a number of cells with four beds. Women sleeping on the bottom bunk are positioned in very close proximity to the toilet with no privacy screen. *The Corston Report* observed it is humiliating for women to have to use facilities in the presence of others, most particularly during menstruation.¹⁹⁵ CSNSW should consider installing privacy screens in these cells. The units were also showing considerable wear and tear and were in need of refurbishment. Vermin was an issue and cockroaches were observed. There was also evidence of extensive mould on the ceilings and walls of cells. New furniture had been purchased and installed into the Teresa and Brady units between the inspection and a subsequent visit in 2018.



Figure 18 The close proximity of the toilet to the lower bunk beds in Teresa Unit.

¹⁹⁵ Jean Corston, *The Corston Report: A Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System* (UK Home Office, 2007) 30.

There were also issues with the running and functioning of the Brady unit. At the time of inspection, the Brady unit had a dual purpose. It was the unit new receptions progressed to from the induction unit, and the 'regression' point for inmates from other parts of the centre who had behaved poorly. This meant that Brady consisted of a mixture of remand inmates that were new to custody and inmates who had been regressed for their poor behaviour in custody. The safety and wellbeing of some women may be compromised by this arrangement. It is recommended that the purpose of Brady is reviewed so that these two different inmate groups are not accommodated together in the same unit. It is acknowledged that this issue has been partly addressed with the opening of Mary Wade.

5.3.1.3 Morgan House

Morgan House is a small unit which houses approximately 11 women, some of who were sentenced, some of who were on remand. At the time of inspection, it was being used as a unit for trusted workers. A number of inmates had poor English and came from non-English speaking backgrounds.

The unit is old and dilapidated. The inspection team were of the view it was below an acceptable standard for correctional facility accommodation and required refurbishment. It has a common shower area that inmates only have access to during the day after they return from work for approximately one hour, before they return to their cell of an evening.

The unit has a small cement yard, which has some tables for inmates to sit at. Inmates are able to cook in the unit and are provided with a frying pan and a wok. At the time of inspection the unit did not have a functional phone. Inmates could make telephone calls on the weekend and could make two phone calls during a workday using a phone in the workshop area. On a subsequent visit to Silverwater in 2018, the phone in Morgan House had been repaired.



Figure 19 The outdoor yard area attached to Morgan House at Silverwater.

5.3.1.4 Area 2

Area 2 is a large section of Silverwater that is walled off from the other units. It has a capacity for 95 inmates across six wings, including A, B, C, D, E and F wings. There was lawn and garden space between the wings, creating a nicer environment for the women. Despite this, the inspection team had concerns about the size of some of the cells in each wing that accommodate four women.

Time in and out of cell

Regardless of whether they are on remand or sentenced, women at Silverwater are locked in from around 3:15pm in the afternoon until around 8:30am the following morning. Workers are released earlier to attend work at 7:30am. They will have breakfast and lunch in the workplace. The work day usually finishes at 2:30pm Monday to Friday.

There were occasional lock downs at Silverwater. Staff attempted to minimise the impact on women by rotating the units locked down between the morning and afternoon to allow inmates an opportunity to have some time out of cell and exercise. The inspection team considered these actions to be in alignment with the terms set by the Regulation, where practical limitations can preclude an inmate's entitlement to exercise due to issues with correctional centre administration.

5.3.2 Dillwynia Units

At Dillwynia, the placement of inmates in particular accommodation units is not determined by their security requirements, but rather through a case management process. Units are differentiated by program participation, employment, association issues, behaviour and supervision needs. There are also Independent Living Units which inmates can progress to over time. Dillwynia also has a Behavioural Intervention Unit.¹⁹⁶ Women on remand are held at a number of units within Dillwynia, usually with sentenced inmates.

To facilitate an increase in bed capacity at the centre, a demountable unit was added to the centre. The inspection team formed the opinion that the design was poor with very narrow corridors and access to three toilets and three showers for 40 inmates. The unit has been subsequently closed.

Time in and out of cell

At Dillwynia, women who are sentenced and on remand were locked into their unit or 'cottage', rather than their individual cell at approximately 3:30pm. Only the unit housing Category 4 inmates locked individuals into their cells. Overall, the inspection team were impressed with the management regime at Dillwynia, where inmates were usually provided with sufficient time to exercise after work or programs.



Figure 20 Outdoor area at Dillwynia

¹⁹⁶ Management Plan for Dillwynia Correctional Centre, Corrective Services New South Wales, supplied to the ICS 7/8/2017.

5.3.3 Grafton Units

The Regulation provides for the separation of male and female inmates, noting that ‘female inmates must be kept separate from male inmates except in the circumstances and under the supervision that the Commissioner determines’.¹⁹⁷ Women were housed separately from men at Silverwater, Dillwynia and Wellington. However, of concern, the women on remand at Grafton are housed within a predominantly male unit.

At the time of inspection, women on remand were being held in the Multiple Purpose Unit. Two cells in the unit (with a maximum capacity for five inmates) were being used to house female remand inmates. However, when more than five women on remand were accommodated at Grafton, two extra cells were co-opted from the male remand population to accommodate these women. During the day all women in the unit were placed in an exercise yard off the two dedicated cells for women.

The cells in which women were accommodated were adjacent to men’s cells. The inspection team considered this placement to be troubling given that a high number of women in prison have been victims of domestic violence and sexual abuse.

It should be noted that international standards and conventions do not support housing women in men’s units. The Mandela Rules state that men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women, the whole of the premises allocated to women shall be entirely separate.¹⁹⁸

The cells were in poor condition, unclean and covered in graffiti. There was evidence of cockroach infestation and several cockroaches were observed in cells during the inspection. Some of the mattresses were damaged or without covers. The inspection team observed one woman in a cold, dark cell with a bare mattress and no linen or blankets. The inspection team was informed it was washing day.

There are two streams of women on remand that come to Grafton. These include recently arrested women who are transferred from court cells (often in Coffs Harbour or Lismore), or women who are transferred from other correctional centres for court in the Grafton region.¹⁹⁹

Women remanded in custody at Grafton typically stay for a short time before they are moved to Mid North Coast Correctional Centre. However, women who are waiting for an upcoming local court appearance may spend some weeks at Grafton. There was evidence that one woman had been held at Grafton for 23 days. Once these women were sentenced, those classified as maximum security, (Category 4) moved to Silverwater or Dillwynia. Women classified as Category 2 would move to the June Baker Centre, a minimum security facility for sentenced women at Grafton. Other women would be transferred to the Mid North Coast Correctional Centre.

¹⁹⁷ *Crimes (Administration of Sentences) Regulation 2017* cl 34.

¹⁹⁸ Rule 11 of the Nelson Mandela Rules.

¹⁹⁹ Based on interviews with staff 2017, 2018 and 2019.



Figure 21 Photographs taken on inspection at women's accommodation cells in the multi-purpose unit at Grafton

Time in and out of cell

It was challenging for the correctional officers in the MPU to manage the access and movement of inmates in the MPU to different services and areas within the centre. Staff were cognisant that the wing was not appropriate for women on remand, who they knew should be treated better than sentenced inmates.

Women on remand were provided access to several different areas within the centre:

- the 'compound yard': a large outdoor concreted area where women can access gym equipment, sunlight and telephones.
- a small caged 'rear' balcony yard that was located behind their cells.
- the 'wing area': an enclosed indoor area out the front of their cells where the guard office is located. At the 'wing area' women can talk to officers and access cleaning equipment necessary to clean up their cells. The wing office is surrounded by the cells where male inmates are accommodated, and
- the health centre was located downstairs from the MPU, catering to both male and female inmates.



Grafton 'Compound yard', including exercise equipment



Grafton 'Compound yard', including telephones



New Grafton library



New Women's compound at Grafton

Figure 22 Photos taken at Grafton 2017, 2018 and 2019.

As women on remand only constituted a small group of those in the MPU, routines often needed to be altered and changed to facilitate their movement. For example, staff need to lock in the male inmates in the area before the women could be moved from their cells to the compound to exercise.

A standard day for women on remand followed the routine below:

- at around 8 or 8:30am, the officers opened the side doors to the cells, and provided women with access to the rear yard.
- around 10:30am, women that need to be provided with medications would be taken to the health centre.
- at around 12 or 12:30pm, the officers would attempt to facilitate women to access the compound yard. If the women cannot be taken outside to the compound, the officers may leave them in the

enclosed indoor 'wing' area for 30 minutes.

- they are then moved back in the 'rear yard' behind their cells, and
- at 2:30 – 2:45pm women are locked back in cells.

It was often not possible to take women to the compound yard for exercise, especially if male inmates were using the showers in the yard. Examination of logbook entries for movement occurring in the MPU in the 19 days preceding and during the inspection showed that women on remand were taken to the compound yard on only five occasions during this 19 day period. Examination of the movements log book also highlighted that even when women on remand were provided with access to the compound, they were given a shorter period there than their male remand counterparts; 30 minutes for women compared to 60 minutes for men.

CSNSW advised of a proposal to construct a compound yard to create adequate separate space for different groups of inmates to have time and exercise in the open air. This is a suitable short-term solution to this issue, which should allow women to have more exercise time. Staff also suggested the rear yard space could be improved by adding exercise equipment for the women to use.

Women on remand also had limited access to custodial officers. The logbooks documenting 19 days prior to and during the inspection revealed women on remand had access to the wing area only six times. The other periods where officers were in contact with inmates were during head counts, meals, lock in and movements. There was also an emergency button in the cell that women could use to alert officers in times of crisis.

The Inspector formed the view that the MPU should not be used to accommodate women. At the time of inspection, the inspection team were made aware of a submission to move women on remand into the June Baker Centre (JBC) to improve their living conditions and access to services. In the JBC, inmates have access to work and education, and they are out of their cell for at least six hours per day.

In 2018, the Inspector visited Grafton and found conditions had not improved. A further visit in 2019 saw improved access to a library and a purpose built exercise area in the compound. While it is recognised that the opening of the Clarence CC will provide appropriate accommodation for remand women in the north of the state, Clarence CC is not scheduled to open until mid-2020.²⁰⁰ Until that time, CSNSW should consider creating a secure area in the June Baker Centre minimum security unit at Grafton to accommodate remand women. In the interim, women should not be allowed to stay in the Grafton MPU for longer than seven days. This is consistent with the maximum time period women may remain in 24 hour court cells, where women and men are accommodated in the same facility.²⁰¹

5.3.4 Wellington Units

Of all centres, the inspection team were the most impressed with the grounds and accommodation units at Wellington. Wellington provided female inmates with a positive outdoor environment. The grounds of the centre provide inmates with access to space, sun, fresh air and exercise.

200 David Elliott, Minister for Corrections (NSW), 'Australia's Largest Prison Taking Shape' (Media Release, 21 August 2018).

201 *Crimes (Administration of Sentences) Act 1999* s 72(3).



Figure 23 Images of the outdoor area showing garden mosaics.

At Wellington, women were accommodated in ‘cottage’ style units. The inspection team observed three accommodation units for women, each containing two wings. Each wing had five cells, a kitchen and a common room and could hold up to 13 inmates. Although there were some minor concerns and issues raised about furniture in the accommodation units in Wellington from staff and women, overall the inspection team were very impressed with the conditions at Wellington and encourage this type of environment at other female centres.

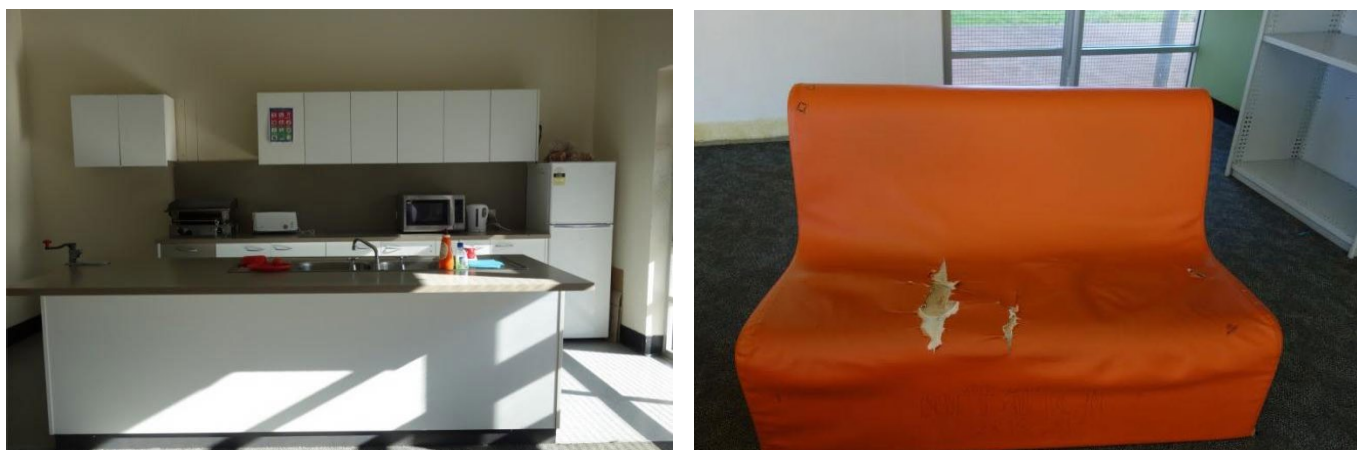


Figure 24 Image showing an example of the kitchen and an image of a torn lounge chair within common area of a unit

The rooms in the units accommodated between one and four women. Most of the cells were in a good condition and the floor was carpeted. However, some of the bed linen was threadbare. Women received two cotton blankets on reception and were able to purchase a doona and cover. However, not everyone can afford the cost of \$80.00 if they do not have employment or family able to provide money. Consequently, some women slept in the temperature-controlled common area of the unit to keep warm in winter and cool in summer. It would be preferable for women to be provided with adequate bedding to meet the climatic conditions of the centre, as required by the Regulation.²⁰²

Time in and out of cell

Women on remand start their day between 6:30am and 8am for work, education, or programs. Lock-ins commence between 3:30 to 6pm, with early lock-ins occurring at least one-two times per week. Like Dillwynia, inmates were only locked into their unit or cottage, not their actual cell. Overall, the inspection team were impressed with the management regime of Wellington.

²⁰² *Crimes (Administration of Sentences) Regulation 2014* cl 36(2).

5.4 Other issues

5.4.1 Inmate Development Committees

Inmate Development Committees (IDC) are a body of inmates that meet regularly with management to discuss problems and concerns about inmate services, programs and activities within the correctional centre. The Governor is tasked with ensuring that an IDC is established in each correctional centre. Inmate delegates are nominated by other inmates, and the committee is meant to meet at least monthly. The purpose of the IDC is to foster a positive relationship between inmates and centre staff and try and deal with and prevent conflicts and problems that arise within the centre.²⁰³

IDCs varied across inspected centres. Wellington's IDC included both sentenced and remand inmates. There was also a good representation of women at the IDC at Dillwynia. However, some women had been instructed to attend the committee meetings by officers, rather than volunteering to attend as mandated by CSNSW policy. At Silverwater, there were only two representatives on the IDC at the time of inspection. It is recommended that representatives are found from each accommodation area of Silverwater. While there was an IDC at Grafton for sentenced females at the JBC, female remand inmates were not able to participate. The inspection team understood the rationale for this was because women on remand transitioned through the centre quickly and therefore may only participate in one meeting. However, there was no way for the IDC to contact women on remand, meaning that their needs could not be shared through other representatives.

Delegates chosen from each centre should reflect the makeup of the prison population. Given the high numbers of incarcerated Aboriginal women, it is important to ensure that each IDC has at least one Aboriginal delegate. CSNSW policy provides that the Governor of a centre should ensure inmates from culturally and linguistically diverse backgrounds and Aboriginal inmates are represented on the IDC.²⁰⁴ At the time of the inspection, Silverwater did not have an Aboriginal delegate. Dillwynia did have an Aboriginal delegate who also assisted other Aboriginal women in custody through mentoring and advocacy. Delegates should also reflect the ethnic diversity of inmates at the correctional centre.

Some centres were better able to maintain a regular schedule of IDC meetings than others. At both Silverwater and Dillwynia, meetings were held on an ad hoc basis. For example, at the time of the inspection to Dillwynia, the IDC had not met for four months. At Wellington and Grafton the IDC met monthly and had male and female delegates. It was suggested that women should have their own additional IDC to deal with issues that are important to women.

5.4.2 Food

In the Regulation, it is noted that an inmate must be supplied each day with food in accordance with a diet designed to provide a dietary intake generally in accordance with the recommended dietary intakes published by the National Health and Medical Research Council. This means that the diet must be varied, provide adequate amounts of each essential nutrient from basic foods, and be planned to ensure optimal nutritional health.²⁰⁵

Corrective Services Industries (CSI) supplied food to each of the centres. A standardised menu had been developed which has been nutritionally approved in consultation with a qualified dietician. The centres were responsible for distributing the food to the inmates. There were no complaints about the food at Dillwynia, Silverwater or Grafton. However, multiple complaints were received regarding the food provided to women

203 Corrective Services NSW, '9.8 Inmate Development Committee' (Custodial Operations Policy and Procedures, File ref: D17/733287, 16 December 2017) 4.

204 Information provided by CSNSW 4 November 2019.

205 *Crimes (Administration of Sentences) Regulation 2014* cl 50.

at Wellington. It was suggested there was less variety in the meals provided at Wellington compared with other centres.

In addition to CSI meals, inmates also have the opportunity to buy various food items on the 'buy-up list'. This is dependent on the inmate having sufficient funds in their accounts to purchase those products. Inmates' families can deposit funds into their prison accounts to supplement these purchases, but women do not always have this support. An example was provided of an Aboriginal woman who received the standard weekly amenities allowance of approximately \$15.00 per week. By the time toiletries are purchased there is a little left for telephone calls and nothing for food on the buy up list.

5.4.3 Training for correctional officers working with female inmates

The inspection found that some correctional officers were not trained adequately to work with female inmates. Some staff expressed that compared to male inmates; female inmates could be needy, manipulative and aggressive. At both Grafton and Silverwater, the inspection team heard staff referring to women on remand as 'crims'. This type of language is inappropriate. Fortunately, this behaviour and attitude was not standard across all custodial officers, or even all centres. There were many professional officers who treated female inmates with respect.

Across centres, a need to increase the training available to correctional officers around how to work with female inmates and manage their elevated mental health needs was identified. National and international standards reflect the importance of training. The Bangkok Rules emphasise the importance of training staff to recognise and respond to inmate distress.²⁰⁶ Staff members, who had been provided opportunities to participate in training, described how this experience enhanced their capacity to manage women on remand.²⁰⁷ All staff in contact with inmates should receive specialised training in the areas of managing female inmates and 'receive some basic mental health awareness training. There should also be regular refresher training courses'.²⁰⁸ It is particularly important for staff based in units that house women with complex needs, such as the Mum Shirl Unit at Silverwater which houses women with personality disorders and cognitive issues.

At Wellington, a correctional officer described completing a course on 'Working with Female Offenders' on the Learning Management System. However, some officers suggested that face-to-face training was often more useful than online training, so they can ask questions. Attending Brush Farm Corrective Services Academy in Sydney, where the majority of the CSNSW training is held, may be difficult for officers at regional centres. To improve access to this training, CSNSW may consider sending trainers to deliver courses on site at correctional centres to facilitate all staff to access training. 'Working with Female Offenders' should be compulsory for all officers who work with female inmates. CSNSW are developing a revised training package for frontline staff to complement the new *Managing Female Inmates Policy*.²⁰⁹

High numbers of female offenders have experienced trauma over their lifetimes, which can affect their behaviour and experiences in custodial settings.²¹⁰ International research has shown that correctional processes, procedures and practices can themselves be traumatising or trigger re-traumatisation.

206 Rule 13 of the Bangkok Rules.

207 Interviews with staff 2017.

208 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 89.10.

209 Information provided by CSNSW 4 November 2019.

210 Mary Stathopoulos, *Addressing Women's Victimisation Histories in Custodial Settings* (Report No 13, Australian Centre for the Study of Sexual Assault Issues, Australian Institute of Family Studies, 2012) 2; Mary Stathopoulos and Antonia Quadara, *Women as Offenders, Women as Victims: the Role of Corrections in Supporting Women with Histories of Sexual Abuse* (Report, Corrective Services NSW, August 2014).

For this reason, it is particularly important that service providers within prisons, including correctional officers, are trained in Trauma-Informed Care and Practice (TICP).²¹¹ TICP is a model of care that aims to cater service delivery to be sensitive and responsive to the impact on violence and victimisation to a person's development, life and current behaviour.²¹²

CSNSW has developed a one-day training course designed by the NSW Mental Health Council and amended (with permission) for use in justice settings. This training is now included as part of the training of new Community Corrections Staff and new custodial recruits. The training also covers 'vicarious trauma', which can occur amongst both correctional staff and inmates. An amended package has been developed for custodial staff including both an online and face-to-face component. Existing staff at Mary Wade and Silverwater have completed the training, and staff at all centres that accommodate women will be required to undertake the training.²¹³ Officers who had completed this training suggested that it had been invaluable in helping them to understand the extent of trauma women had experienced, and how to best respond to this trauma. The Inspector is in full support of the work that CSNSW has been doing with TICP and CSNSW should be commended for including TICP within their staff training portfolio.

5.5 Recommendations

Recommendation 9: The Inspector recommends CSNSW review the use of routine strip searches on female inmates and consider a risk-based approach to strip searching utilising technology.

Recommendation 10: The Inspector recommends that CSNSW consider the closure of the Induction Unit at Silverwater and creation of a new induction unit at Silverwater.

Recommendation 11: The Inspector recommends that CSNSW ensure timely access to phone calls and other welfare requirements upon entry to custody to enable women to make arrangements relating to their children and accommodation.

Recommendation 12: The Inspector recommends that CSNSW ensure there is an induction process for new inmates and a centre handbook is provided at all centres.

Recommendation 13: The Inspector recommends that CSNSW ensure female inmates are provided with clothing and bedding as required under Departmental procedure and sanitary and hygiene items.

Recommendation 14: The Inspector recommends that CSNSW ensure interpreter and translation services are available for women who do not speak English.

Recommendation 15: The Inspector recommends that CSNSW ensure that Inmate Development Committees are run regularly and that Inmate Development Committee delegates are representative of the inmate profile at each centre, including ethnicity, and proportion of sentenced and remand inmates.

Recommendation 16: The Inspector recommends that CSNSW do not accommodate women in a men's unit at Grafton Intake and Transient Centre.

Recommendation 17: The Inspector recommends that CSNSW staff working with women complete training in working with female inmates, Trauma Informed Care and Practice and working with inmates with mental health issues.

211 Brian O. Hagan et al, 'History of Solitary Confinement is Associated with Post-Traumatic Stress Disorder Symptoms among Individuals Recently Released from Prison' (2017) 95(2) *Journal of Urban Health* 141, 148; Stephanie S. Covington & Barbara E. Bloom, 'Gendered Justice: Women in the Criminal Justice System' in *Gendered Justice: Addressing Female Offenders* (Carolina Academic Press, 2003); Mary Stathopoulos and Antonia Quadara, *Women as Offenders, Women as Victims: the Role of Corrections in Supporting Women with Histories of Sexual Abuse* (Report, Corrective Services NSW, August 2014).

212 Mental Health Coordinating Council (MHCC) 2013, *Trauma-Informed Care and Practice: Towards a cultural shift in policy reform across mental health and human services in Australia*, A National Strategic Direction, Position Paper and Recommendations of the National Trauma-Informed Care and Practice Advisory Working Group, Authors: Bateman, J & Henderson, C (MHCC) Kezelman, C (Adults Surviving Child Abuse, ASCA)

213 Information provided by CSNSW 4 November 2019.

6 Programs and services

6.1 Background

CSNSW may provide an inmate with services and programs that:

- a) offer the inmate an opportunity to develop skills, behaviours and attitudes that lessen the likelihood of the inmate re-offending, or
- b) contribute to the inmate living in society after release from custody, or
- c) promote the health, safety and well-being of the inmate.

This includes:

- welfare services
- services for inmates who have disabilities
- alcohol and other drug counselling services
- literacy and numeracy programs
- educational and vocational training programs, including the provision of libraries
- pre-release and post-release programs to enable inmates to adapt to normal lawful community life, and
- sports and recreational activities.²¹⁴

Unlike sentenced inmates, unconvicted inmates are not required to work.²¹⁵ The ICS standards provide that 'remand inmates are presumed to be innocent, and are not to be required to work or undertake programs addressing their offending. However, access to work, education and programs should be made available', as should entitlements to 'recreational activities, religious observance and other relevant activities and services'.²¹⁶ The ICS standards also provide that remand inmates should be offered opportunities for addressing drug and alcohol issues and where appropriate, cognitive skills development programs.²¹⁷ In other words, women on remand should not be disadvantaged in terms of their access to employment, programs and education.

One of the main issues identified during this inspection was the lack of opportunities that women on remand were provided with to engage in programs and services, employment and education. On numerous occasions, women on remand said they had nothing to do.

One of the primary barriers to delivering programs and services to women on remand appeared to be the rapid increase in female remand inmates, which did not seem to have been matched with a commensurate increase in the services available to women. This had placed pressure on existing services.

214 *Crimes (Administration of Sentences) Regulation 2014* 60(1)–(2)

215 *Crimes (Administration of Sentences) Regulation 2014* cl 38.

216 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standards 5.2, 9.3.

217 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 9.5.

6.2 Programs

CSNSW has confirmed their commitment to delivering programs to women in their *Strategy for the Program and Service Provision to Women Offenders*.²¹⁸ The strategy emphasises the role of CSNSW staff in recognising that each female offender has distinct needs, experiences and family circumstances, particularly in relation to their mental health needs, histories of abuse and domestic violence.²¹⁹ Consequently, each woman requires specialised support. The strategy also includes the importance of recognising and respecting the high number of women offenders who are Aboriginal and/or mothers.

CSNSW policy notes that participating in criminogenic and wellbeing programs aids offenders to reintegrate into the community in a pro-social way.²²⁰ Criminogenic programs are based on the Risk-Need-Responsivity (RNR) model of offender management which are targeted at addressing offending behaviour.²²¹ Women on remand are not eligible to participate in programs that target behaviour or risk-factors for re-offending because they have not been convicted of committing a criminal offence. However, women on remand are eligible to participate in CSNSW's 'wellbeing programs'.²²²

What programs are available for women on remand?

In an inspection report published in 2015, the former Inspector commented on the 'extremely limited program provision for remand inmates', noting that there are 'no short courses on substance abuse or life skills offered to remand inmates'.²²³ Consequently, the Inspector recommended that CSNSW develop short-term drop-in and drop-out programs for remand inmates.²²⁴ Since that time, CSNSW has designed and implemented programs to meet the specific needs of remand inmates, based on altered versions of what are available for sentenced inmates. These and other programs that are available for women on remand are listed and described below in Table 7.

Table 7: A list of all programs that are available to remand inmates.

Program Name	Description
Addiction Programs	
Remand Addiction Intervention	Remand Addiction is designed to provide remand inmates with support and guidance around their addictive behaviour to help them better understand their addiction, reduce unhelpful thinking and distress, and learn new coping skills. Information and interest about the program is flagged at an inmate's induction. Remand Addiction is run as an 'open group' intervention, meaning that participants can join a session at any stage of the program. ²²⁵ It consists of 20 sessions with five modules.

218 Corrective Services NSW, *Recognising Gender Difference – A Strategy for the Program and Service Provision to Women Offenders* (May 2014).

219 Corrective Services NSW, *Recognising Gender Difference – A Strategy for the Program and Service Provision to Women Offenders* (May 2014).

220 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (Offender Services & Programs, June 2016) 86.

221 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (Offender Services & Programs, June 2016) 3.

222 The eligibility and suitability criteria for different CSNSW programs can be found in the Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (Offender Services & Programs Division, June 2016).

223 Inspector of Custodial Services (NSW), *Full House: The Growth of the Inmate Population in NSW* (Report, April 2015) 65.

224 Inspector of Custodial Services (NSW), *Full House: The Growth of the Inmate Population in NSW* (Report, April 2015) 65.

225 Corrective Services NSW, *Policy for Implementation and Recording Remand Interventions for State-wide Programs* (Offender Services & Programs, 19/09/2018).

Program Name	Description
Aggression/Violence Programs	
Remand Domestic Violence Intervention	Remand Domestic Violence is a five-session intervention, for eligible remand inmates with a domestic violence charge (related to a family member or intimate partner) and/or a current Apprehended Domestic Violence Order. It aims to help remand inmates to understand their legal circumstances in relation to domestic violence and provide them with information and skills to develop and maintain healthier relationships. ²²⁶
Wellbeing Programs (All are available to women on remand)	
Mothering at a Distance (MAAD)	MAAD is an educational parenting program for mothers in custody. It aims to enhance the mother-child relationship, increase maternal sensitivity and reduce trauma during separation caused by incarceration. It also increases the mother's knowledge and skills to care for her infant. Female inmates who have post-release parenting responsibility for children aged 0 to 5 years may participate in MAAD. The program consists of 10 sessions of 1.5 to 2 hours duration. ²²⁷
Real Understanding of Self-Help (RUSH)	<p>RUSH uses cognitive, behavioural and acceptance-based interventions to help offenders cope with and respond to stressful situations. The program consists of 23 sessions.</p> <p>RUSH is the preliminary stage (or 'readiness component' of the Yallul Kaliarna (Intensive Drug and Alcohol Treatment Program for Women) a drug and alcohol therapeutic community program.²²⁸</p>
Out of the Dark	Out of the Dark is a gender-responsive program for women who have experienced domestic and family abuse as victims. It was designed to assist women to identify issues around domestic and family violence and identify the options and support available for them. ²²⁹
Seasons for Growth	Seasons for Growth is a chaplain-run program for offenders who have experienced significant traumatic grief and loss. The program teaches participants the means to accept, cope and adjust to loss that has occurred in their lives. The rationale for this program is that inmates may find it difficult or be unable to engage with rehabilitation programs and services until they have learned how to address past trauma, loss and grief that they have experienced. ²³⁰
Other Programs	
Mothers and Children's Program	The Mothers and Children's Program operates out of Emu Plains Correctional Centre, and provides a range of options to female offenders wishing to actively parent their dependent children whilst serving their custodial sentence. The Mothers and Children's program can occur in residence on a full-time basis, occasional basis or 'release'. ²³¹

Program Name	Description
Legal Education and Advice Program (LEAP) for women	To assist incarcerated women to access culturally-appropriate legal services and form legal connections that can be maintained post-release. Several groups including Wirringa Baiya Aboriginal Women's Legal Centre, Women's Legal Services NSW and Hawkesbury Nepean Community Legal Centre provide legal advice to women in custody. LEAP operates monthly at Silverwater, Dillwynia and Emu Plains. Clients self-refer or can be referred by centre staff. ²³²
Health Survival Tips (HST)	A program aiming to reduce the risk of transmission of communicable diseases in prisons. All inmates must attend a HST session at least once every 12 months and complete the associated knowledge assessment. HST must be completed at least one month into their incarceration. HST is a one-hour face-to-face session, which is facilitated by an offender services and programs staff member. It includes a DVD, discussion and a knowledge assessment. ²³³
KAIROS Prison Ministry Australia	A church-based program which provides Christian ministry reaching out to incarcerated individuals. Kairos Inside is the name of a voluntary short course (three to five days) which is run within prisons, aiming to help inmates reflect on their previous choices and the choices they can make in the future. ²³⁴
Enough is Enough 'R' program – (Responsibility – Rehabilitation-Reintegration)	A program run for correctional staff and inmates (including women on remand). It educates people about awareness of victim issues, taking responsibility for their actions and how to recognise their own emotions. It includes DISC behavioural profiles, behaviours and communications, team activity for change, conflict escalation, conflict resolution strategies and the power of change. ²³⁵

²²⁶Corrective Services NSW, *Policy for Implementation and Recording Remand Interventions for State-wide Programs* (Offender Services & Programs, 19/09/2018).

²²⁷Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (Offender Services & Programs, June 2016) 88-89.

²²⁸Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (Offender Services & Programs, June 2016) 23, 91.

²²⁹Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (Offender Services & Programs, June 2016) 92.

²³⁰Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (Offender Services & Programs, June 2016) 94-95.

²³¹Corrective Services NSW, *Mother and Children's Policy*, Internal document accessed via Justice Intranet.

²³²Women's Legal Service NSW, *Leap for Women* (Web Page) <<http://www.wlsnsw.org.au/legal-services/legal-advice-and-casework/leap-for-women/>>.

²³³Offender Services & Programs Corrective Services NSW, *Policy and procedures for delivery of the Health Survival Tips session and RPOSP Health in prisons*, (Offender Services & Programs, No D14/530225, Version 2, 28 March 2018).

²³⁴Kairos: Prison Ministry Australia (Web site) <<http://www.kairos.org.au/>>.

²³⁵Enough is Enough Anti-Violence Movement Inc., 'The 'R' Program' (Fact Sheet), <<http://www.enoughisenough.org.au/wp-content/uploads/2015/07/The-R-Program.pdf>>.

Remand Addiction and Remand Domestic Violence were modified from EQUIPS programs to be suitable for inmates on remand. The development of these programs was a response to the remand cohort's 'relatively high rate of re-arrest on their release from court/to bail, even prior to their court proceedings being finalised'.²³⁶ It was also to assist the 'high proportion of inmates who enter custody on remand with a substance abuse or dependence problem, or in withdrawal'.²³⁷ These programs are positioned as 'early intervention strategies' and unlike EQUIPS, do not directly address offending behaviour.²³⁸ It is noted in the implementation guidelines for these programs that because those on remand are yet to be convicted, group facilitators must ensure that remand inmates participating in the program are aware of the limits of confidentiality and should not disclose any details of their alleged offences.²³⁹

Remand Addiction and Remand Domestic Violence are structured to meet the needs of the remand population, who are frequently transferred between centres or released from custody. As such, participation in the program is voluntary. They are 'rolling' programs with no minimum number of participants required to commence a group. Participants who want to attend can enter and exit at any time or session.²⁴⁰

Remand Addiction was available to women at the time of inspection. 10 per cent of women on remand (or 188 women) participated in the program in 2017-18.²⁴¹ One woman shared her experiences of having completed the course at Cessnock Correctional Centre. She was then able to show the court that she had been involved in this program, which she felt had been of benefit.²⁴² In March 2018, the inspection team were advised that Remand Addiction had started running at Dillwynia. CSNSW is currently evaluating the effectiveness of remand programs.²⁴³

Through consultation with staff and inmates across each of the centres, the importance of wellbeing programs in improving the welfare and meeting the needs of women on remand was evident. When women on remand enter custody, they are often dealing with many personal and psychological issues associated with outstanding matters on the outside, such as the care of their children.²⁴⁴

CSNSW note that 'wellbeing' programs 'do not directly address factors that are empirically linked to reduction in offending behaviour'.²⁴⁵ However, research on these programs has highlighted that these programs often assist women to work with their personal issues in a way that can be instrumental in helping them avoid offending. For example, research has shown that domestic violence in a current relationship is a risk factor for relapse and recidivism. Addressing victimisation while incarcerated through programs like 'Out of the Dark' may improve a woman's chances of avoiding reimprisonment post-release.²⁴⁶ Other research has shown that abuse during childhood and adulthood, depression, fearfulness and suicidal thoughts tend to be stronger predictors for recidivism for women than men, suggesting that working with these issues (like

236 Corrective Services NSW, *Policy for Implementation and Recording Remand Interventions for State-wide Programs* (Offender Services & Programs, 2018) 4.

237 Corrective Services NSW, *Policy for Implementation and Recording Remand Interventions for State-wide Programs* (Offender Services & Programs, October 2017).

238 Corrective Services NSW, *Policy for Implementation and Recording Remand Interventions for State-wide Programs* (Offender Services & Programs, October 2017).

239 Corrective Services NSW, *Policy for Implementation and Recording Remand Interventions for State-wide Programs* (Offender Services & Programs, October 2017).

240 Corrective Services NSW, *Policy for Implementation and Recording Remand Interventions for State-wide Programs* (Offender Services & Programs, October 2017).

241 This data was received by Corrections Research, Evaluation & Statistics, CSNSW, on 16 January 2019 (CRES Ref: D18/906873).

242 Interview with inmate 2017.

243 Information provided by CSNSW, 4 November 2019.

244 Eileen Baldry, 'Women in Transition: From prison to...' (2010) 22(2) *Current Issues in Criminal Justice* 253.

245 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (Offender Services & Programs, June 2016) 86.

246 Michele J. Eliason, Janette Y. Taylor & Stephan Arndt, 'Assessing Intimate Partner Violence in Incarcerated Women' (2005) 1(3) *Journal of Forensic Nursing* 106, 106.

‘Out of the Dark’ and ‘RUSH’) may have particularly beneficial effects for the treatment of female inmates.²⁴⁷ A review of Australian-based literature in this area found that the strongest predictors of treatment success for incarcerated women are programs that target their interpersonal needs, victimisation and self-esteem.²⁴⁸ This indicates that programs that appeal to a female inmate’s wellbeing, such as Seasons for Growth, RUSH, Out of the Dark and MAAD may be beneficial in reducing a women’s likelihood of re-offending.

Despite the benefits of providing wellbeing programs, they were not being provided to women on remand at most inspected centres. At the time of inspection RUSH was not being run regularly at any of the correctional centres visited. Data provided by CSNSW illustrated that RUSH had been run twice per year at Dillwynia in the two years up to November 2017, and twice at Silverwater in the year prior to November 2016, but not at all in the 12 months between then and November 2017. This was attributed to women needing to have been at the centre for three months and on a psychology list to participate.²⁴⁹

The inspection team received data from CSNSW that RUSH was run for only 12 women on remand across NSW in 2017-18.²⁵⁰ The low frequency at which RUSH is run is unfortunate as a number of staff across correctional centres, felt women on remand would benefit from programs that teach them how to recognise and name their emotions, manage distress and work with their emotional dysregulation. The RUSH program was specifically developed for a remand offender population.²⁵¹ RUSH does not touch on explicit experiences of trauma, but ‘up-skills’ women to better cope with issues related to such experiences and to manage and regulate emotions.

Similarly, the MAAD program was run infrequently at all inspected centres. In the 12 months prior to each inspection, the program had run once at Grafton for sentenced inmates, once at Wellington and had not been run at Dillwynia or Silverwater. Data received from CSNSW illustrated MAAD was not run for women on remand at any correctional centre across NSW in 2017-18.²⁵²

The inspection team heard particularly positive comments about the provision of Seasons for Growth at Silverwater. The program had the support of the Governor who had agreed not to move women undertaking the program until they finished the program (the program was run over three consecutive days). The Governor also provided financial support for the program to the chaplain. The program had been so successful that psychologists have been referring women to attend the program.²⁵³ However, data received from CSNSW showed that 12 women on remand participated in the Seasons for Growth program in 2017-18, and of these only two women actually completed the program.²⁵⁴

At the time of inspection, Out of the Dark was being run regularly at Wellington through an external provider, Barnardos. At Grafton, Out of the Dark had been run once in the year prior to the inspection, but due to funding issues, the program was no longer being run. It was not run at Silverwater or Dillwynia either at the time of inspection or in the preceding year.

Wellington was the only centre offering a program aimed at teaching women ‘life skills’ including how to cook nutritional food, and how to budget and develop financial independence. Research suggests that

247 Brent B. Benda, ‘Gender Differences in Life-Course Theory of Recidivism: A Survival Analysis’ (2005) 49(3) *International Journal of Offender Therapy and Comparative Criminology* 325, 337; Barbara L. Zust, ‘Partner Violence, Depression, and Recidivism: The Case of Incarcerated Women and Why we Need Programs Designed for Them’ (2009) 30(4) *Issues in Mental Health Nursing* 246, 248.

248 Karen Heseltine, Andrew Day and Rick Sarre, *Prison-Based Correctional Offender Rehabilitation Programs: The 2009 National Picture in Australia* (Australian Institute of Criminology, Research and Public Policy Series No.112, 2011) 23.

249 Interviews with staff 2017.

250 Data received from Corrections Research, Evaluation & Statistics, CSNSW on January 16 2019 (CRES Ref: D18/906873).

251 Corrective Services NSW, ‘Compendium of Offender Behaviour Change Programs in New South Wales’ (Offender Services & Programs Division, June 2016).

252 Data received from Corrections Research, Evaluation & Statistics on January 29, 2019.

253 Interviews with staff and inmates at 2017 and 2018.

254 Data received from Corrections Research, Evaluation & Statistics on January 29, 2019.

these types of programs are valuable.²⁵⁵ It was strongly suggested, by multiple staff and inmates that life skills programs would assist women to prepare for release. This is supported by the UNODC Handbook.²⁵⁶ The South Australian Department of Correctional Services has a 'Life Skills Program' that could be adapted to a NSW context. This volunteer-run program covers a wide variety of issues to assist individuals to adjust to life on release, including budgeting, food and nutrition, personal presentation, cleaning tips, sewing and basic health and hygiene.²⁵⁷ CSNSW should consider adopting a model similar to the South Australian 'Life Skills Program'.

6.2.1 Barriers experienced in running programs for women on remand

Running remand programs and wellbeing programs is the responsibility of SAPOs at most centres. However, the provision of wellbeing services, delivery of RUSH for sentenced or remand and delivery of remand addiction are a lower priority in program provision, after time-sensitive programs, criminogenic programs and case management. This is because SAPOs must prioritise the provision of programs to sentenced inmates before they can run programs for women on remand.²⁵⁸

The inspection found that more needs to be done to ensure adequate numbers of programs are run for women on remand, especially at centres with large remand populations. This could involve development of new targets, monitoring and coordination of remand programs.

The high frequency of movements between centres was described as another barrier to running programs for women on remand. This is because women on remand often do not stay long enough to complete programs and unlike sentenced women, there are no 'program holds' for women on remand.²⁵⁹ An example was provided of a program which commenced with 15 participants, which had one participant remaining after two weeks.²⁶⁰ CSNSW policy for implementing remand programs provides that there is no minimum number of remand inmates necessary to run the 'rolling' course, and remandees can attend program sessions as available.²⁶¹ This means that transfers of women on remand in and out of a centre should not negatively impact the regular running of remand programs at that centre or on the ability of women to continue the program at a different centre.

255 In their literature review on best practice with women offenders, Chris Trotter and Catherine Flynn (2016) argue that there has been a lack of research on the efficacy and finance and debt programs in prisons, but that existing indicators suggest that such programs would be invaluable as it addresses a major problem for many women.

256 UN Office on Drugs and Crime, *Handbook on Women and Imprisonment* (Criminal Justice Handbook Series, 2nd ed, 2014) 53.

257 See 'The Life Skills Program', *Department of Correctional Services (SA)* (Web page) <<http://www.corrections.sa.gov.au/volunteers/volunteer-programs/the-life-skills-program>>.

258 Offender Services and Programs policy denote the list of priorities for SAPOs is as follows:

1. The highest priorities for these workers are 'immediate service provision' – identifying and immediately responding to risk. (This includes Intake Screening, reception screening, and crisis intervention services).
2. The second highest priority are 'time dependent priorities' that are determined by the Managers of Offender Services and Programs in a Cluster and the Managers within Specific Needs.
3. The third highest priorities are in the following order: the provision and delivery of EQUIPS programs, legislative requirements (including participation on Case Management Teams), completion of CSNSW assessments (e.g., LSI-R, SPSQ, etc.) and finally, provision of high priority services for groups of inmates (e.g., HST and NEXUS).
4. The fourth highest priority is the provision of medium priority services and programs. This includes providing services for adjustment and reintegration, enhancing program outcomes and finally, addressing other adjustment and responsivity not listed above (this includes provision of Wellbeing services, delivery of RUSH for sentenced or remand and delivery of remand addiction)

The lowest priority for services and programs staff include providing other programs (including non-criminogenic programs, The R Program and Shine for Kids) and specific projects at direction of MOSP staff. Corrective Services NSW, Policy for Prioritising Offender Services and Programs in Custody (Offender Services & Programs, December 2016).

259 A program hold prevents a woman from being transferred to another centre until a program has been completed.

260 Interviews with Staff 2017.

261 Corrective Services (NSW), 'Policy for Implementation and Recording Remand Interventions for State-Wide Programs' (Offender Services & Programs, October 2017) 11.

However, those who had started a program at one centre may have moved to a centre where the same program was not available. Different programs may be run at different correctional centres, meaning that remand women's access to programs depended on what was offered at the particular centre at which they were placed. The decision-making process around which programs are run at each correctional location depends on the profile of the centre, including the security rating and the inmates within it. The availability of resources (such as rooms, staff availability and training) required to run each program is also considered.²⁶²

Given the high volume of programs and services that are required to be provided to inmates, and the barriers to running wellbeing programs, the effort and support some centres are putting in place to facilitate these necessary and highly beneficial programs is to be commended. For example, the Governor's financial support and allowance of 'program holds' to those completing Seasons for Growth at Silverwater. Nonetheless, it may be prudent for CSNSW to consider ensuring each centre has adequate resources to run programs for remand inmates.

6.2.2 Best practice

Centres where wellbeing programs were run frequently and particularly well for women on remand, tended to be receiving extra and often external support to run these programs. For example, Barnardos had an invaluable role in running MAAD and Out of the Dark at Wellington. Barnardos also ran other programs for women at Wellington. The list of programs provided by Barnardo's over the past few years was impressive. These included parenting-focused programs like Keeping Children Safe, Triple P (Positive Parenting Program) and Feeding the Family. Statistics of attendance showed that a reasonable number of Aboriginal inmates attended (around 5 to 10 per session).²⁶³

Given the success of external groups like Barnardos in helping to run wellbeing programs in centres, it may be necessary to explore new ways to facilitate similar arrangements in other centres. CSNSW should draw on and review these instances of good practice and continue promoting these relationships and enhancing community partnerships across different centres.

Internationally, there has been recognition of the role of community and volunteer organisations in facilitating prison programs. A recent UK report put forward a case for coordination of the voluntary sector within prisons to help run programs.²⁶⁴ In this model, a voluntary sector member of staff was supported to work within a prison to implement a model of voluntary sector coordination that would align with the specific needs of each prison's population. These volunteer coordinators fulfil several roles, including:

- mapping existing services to improve access to them and identify gaps in provision;
- ensuring voluntary sector staff and volunteers understand the prison environment, population and regime adequately in order to deliver their services efficiently and safely;
- enhance knowledge of, and access to voluntary sector support amongst people in prison; and,
- develop a strategic role for voluntary organisations working in prison.²⁶⁵

This trial was associated with positive outcomes for the prisons involved, including creating a more normalised, community-facing prison culture to support rehabilitation; ensuring services are timely and appropriately sequenced including improved through-the-gate provision, providing evidence of needs and what works; and contributing to a safer prison environment.²⁶⁶

²⁶² Interviews with staff 2017.

²⁶³ Interviews with staff 2017.

²⁶⁴ See generally Clinks, *The Good Prison: Why Voluntary Sector Coordination is Essential* (Report, 2018) <<https://www.clinks.org/publication/good-prison>>.

²⁶⁵ Clinks, *The Good Prison: Why Voluntary Sector Coordination is Essential* (Report, 2018) 3 <<https://www.clinks.org/publication/good-prison>>.

²⁶⁶ Clinks, *The Good Prison: Why Voluntary Sector Coordination is Essential* (Report, 2018) 6 <<https://www.clinks.org/publication/good-prison>>.

CSNSW could consider adopting a similar voluntary sector coordination model, which includes having a single point of contact within prisons to coordinate partnerships with external voluntary agencies to best meet the individual needs of prisons. As part of the South Australian Department for Correctional Services *Women Offender Framework and Action Plan*, a strong focus was placed on partnering activities with a range of government and non-government organisation, business, research and tertiary institutions and third sector communities. In particular, focus was placed on strengthening community linkages, establishing partnerships and allegiances, and agreements and protocols in place in order to provide the best support to women offenders through facilitating reintegration, clear pathways to transition and post-release supports.²⁶⁷

6.3 Specialised programs for Aboriginal women on remand

CSNSW recognise the importance of providing Aboriginal women offenders with services and programs and acknowledge the importance of respect for history, culture, community, kinship and family responsibilities in their Strategy for Women Offenders.²⁶⁸ This is good practice, in line with existing international and national standards. The Bangkok Rules acknowledge that it is important to recognise that prisoners from different religious and cultural backgrounds have distinctive needs and may face multiple forms of discrimination in their access to gender and culture relevant programmes and services, and there is a need to create programs that respond to these needs.²⁶⁹ The *Guiding Principles for Corrections in Australia* provide: programs and services should be responsive to the particular needs of vulnerable prisoner cohorts and that remand prisoners should have access to early interventions such as personal development and life skills programs which focus on building resilience.²⁷⁰

Other reports have also identified the importance of incorporating culture into programs oriented towards Aboriginal people and ensuring that all programs are culturally competent.²⁷¹ The Australian Law Reform Commission (ALRC) have compiled a list of key issues in relation to access to prison programs for Aboriginal women in custody, including:

- Aboriginal women offenders are likely to be victims of family violence and sexual assault. Programs should acknowledge the role of family violence in Aboriginal and Torres Strait Islander women's incarceration cycles
- Aboriginal female offending can interact with histories of trauma and abuse. This means that prison programs that are able to successfully address these histories in a culturally competent way may be more likely to be successful in reintegration, and
- up to 80 per cent of Aboriginal and Torres Strait Islander women in prison are mothers. Aboriginal women offenders often have children removed from their care, and require programs that address issues around parenting capability or that model positive engagement with children.²⁷²

The ALRC recommended that corrective services agencies around Australia develop specialised prison programs in tandem with relevant Aboriginal and Torres Strait Islander organisations that address offending behaviours and/or prepare people for release. These should be available to inmates held on remand, serving short sentences and female Aboriginal and Torres Strait Islander inmates.²⁷³

267 Department for Correctional Services (SA), *Strong Foundations & Clear Pathways: Women Offender Framework and Action Plan* June 2014 – June 2019 (2014) 7 <<https://www.corrections.sa.gov.au/about/our-research/women-offenders-framework>>.

268 Corrective Services NSW, *Recognising Gender Difference -A Strategy for the Program and Service Provision to Women Offenders* (May 2014) 3.

269 Bangkok Rules rule 54

270 Corrective Services Administrators' Council (Cth), *Guiding Principles for Corrections in Australia: Revised* (2018) 23-4 <<https://www.corrections.vic.gov.au/publications-manuals-and-statistics/guiding-principles-for-corrections-in-australia>>.

271 Council of Australian Governments, *Prison to Work Report* (Report, 2016) 23 <<https://www.coag.gov.au/sites/default/files/reports/prison-to-work-report.pdf>>.

272 Australian Law Reform Commission, *Pathways to Justice: An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Final Report No 133, December 2017) 294.

273 Recommendation 9–1 in Australian Law Reform Commission, *Pathways to Justice: An Inquiry into the Incarceration Rate of Aboriginal and*

6.3.1 Cultural programs

At the time of inspection there was a lack of meaningful cultural programs, and a need for Elder visits.²⁷⁴ Since the inspection, a High Intensity Program Unit (HIPU) has been opened in Wellington with programs and services targeting inmates with short sentences. The inspection team visited the centre and observed a number of Aboriginal women engaging in art activities at the HIPU. At Dillwynia, there was an Aboriginal art room, which all women, including those on remand, are welcome to use.

Since the inspection, the CSNSW Aboriginal Strategy and Policy Unit have commenced a new program for Aboriginal women on remand at Mary Wade. The program involves sewing classes for Aboriginal women through NSW TAFE.²⁷⁵ This initiative and similar programs for Aboriginal women on remand are to be encouraged.

Access to community organisations may also assist Aboriginal inmates to engage in cultural activities. For example, Orana Arts Inc., a local art centre had been conducting workshops with women at Wellington. By allowing this community group to access the centre, Aboriginal inmates at Wellington were provided with access to some cultural activities. CSNSW is considering other cultural programs to increase support.²⁷⁶

6.3.2 Elder visits

Across centres, there was little evidence of Elders visiting on a regular basis. Women shared their view that Elders help women stay in touch with their cultural identity.

A new CSNSW policy may provide a pathway to improving the facilitation of regular Aboriginal Elder visits at centres. The new '*Pinta Kulpi*' informal strategy aims to provide and promote:

- support for the Aboriginal community
- connection with Aboriginal culture through music, art, horticulture and language
- participation in CSNSW education, training and treatment programs, and
- reintegration in to the community.²⁷⁷

Under this strategy, centres may recruit Aboriginal Community Mentors (ACM). Mentors are selected individuals with recognised 'significant standing' in the Aboriginal community who provide inmates and staff with culturally appropriate and responsive support, knowledge and expertise. ²⁷⁸

Torres Strait Islander Peoples (Final Report No 133, December 2017).

274 Interviews with staff and inmates 2017.

275 Interviews with staff 2018.

276 Information provided by CSNSW 4 November 2019.

277 'Pinta Kulpi: Aboriginal Community Visitation Program', *Department of Justice Intranet: Aboriginal Strategy & Policy* (Web page) <<http://intranet.internal.justice.nsw.gov.au/Divisions/Pages/divisions/corrective-services-nsw/corrections-strategy-and-policy/aboriginal-strategy-and-policy-unit/pinta-kulpi.aspx>>.

278 'Pinta Kulpi: Aboriginal Community Visitation Program', *Department of Justice Intranet: Aboriginal Strategy & Policy* (Web page) <<http://intranet.internal.justice.nsw.gov.au/Divisions/Pages/divisions/corrective-services-nsw/corrections-strategy-and-policy/aboriginal-strategy-and-policy-unit/pinta-kulpi.aspx>>.

CSNSW, 'Aboriginal community mentors' (Report, Custodial Operations Policy and Procedures, December 2017) 11.6.

6.4 Case Management

The Regulation stipulates that case plans are to be prepared for all convicted inmates (unless their earliest release date is less than three to six months away).²⁷⁹ The ICS standards provide that remand inmates should be case managed and the conditions of their continued custody subject to regular review.²⁸⁰

CSNSW defines case management as the collaborative process between specialised staff and inmates where assessment and planning occurs in order to provide appropriate individual interventions required to reduce re-offending. Case management has several goals which are designed to benefit the inmate and their capacity to rehabilitate. Some of these are treatment-oriented, such as referral to the most appropriate programs, services, employment and education; and motivating inmates to engage more fully in rehabilitation interventions. Other aims are oriented to assisting inmates' transition out of prison, into the community, including: assisting inmates to become more responsible, develop positive attitudes, behaviours and skills that will assist them post-release and to help them with pre-release and reintegration planning. Case planning goals and strategies are also used by CSNSW classification staff when deciding where to place an inmate. This ensures that an inmate is classified to a centre and to a level where they can participate in programs and services in line with their case plan.²⁸¹

At the time of the inspection the provision of case management was inconsistent across centres. There was no case management reported for women on remand at Grafton, Wellington or Silverwater. Dillwynia had adopted a different approach to case management. Every inmate (regardless of whether they were sentenced or on remand) was assigned a case manager at reception. Correctional officers had a caseload of about three to four inmates and 'touched base' with them about once a month. In addition, correctional staff could make case notes on anyone if needed or necessary. Inmates reported the quality and frequency of case management was dependent on their case manager.

The inspections occurred prior to a change in CSNSW policy and the advent of the new Case Management Units. Since the time of inspection, the new case management policy has been fully implemented. In this model, inmates on remand and inmates with less than three months to serve before their earliest possible release date are provided with a service plan, that is a list of suggested services such as health survival tips and NEXUS.²⁸²

The policy provides that women who are on remand for long periods may have access to a custodial case officer. However, the policy does not define how CMUs identify which women are likely to be on remand 'long term' and therefore should be provided with a Custodial Case Officer. More clarity is needed to ensure that eligible women on remand have access to meaningful case management.

The implementation of a new specialised and person-centred model of case management is welcomed. However, it is important to acknowledge the practical limits of providing case management to someone who spends only a short period in custody.

6.5 Activities

Across centres, the inspection team heard about the physical and social benefits that participation in activities can offer women on remand. At Silverwater, the 'Biggest Loser' exercise challenge had 30 to 40 women register to compete. Several women shared their experiences of the challenge, noting that they were excited by the initiative and were motivated to participate. At Wellington, an Aboriginal Health Worker ran a healthy lifestyle program along with JH&FMHN staff. When the program started, 10 women and 10 men were participating, but by the end of the program there were 43 women and 24 men. The program

²⁷⁹ *Crimes (Administration of Sentences) Regulation 2014* cl 24.

²⁸⁰ Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 9.7.

²⁸¹ Corrective Services NSW, *Policy for Case Management in Correctional Centres* (Offender Services and Programs, December 2017) 8.

²⁸² Corrective Services NSW, *Policy for Case Management in Correctional Centres* (Offender Services and Programs, December 2017) 14, 23.

included weight loss, exercise, weights and blood sugar level readings.²⁸³ These types of activities, which were widely accepted by staff and women to be engaging and motivating, are to be commended.

In terms of access to physical exercise equipment, most centres had physical equipment and space where women could exercise. Silverwater had a dedicated activities area attached to an oval, which was clean and reasonably well resourced with equipment. New exercise equipment, including a treadmill had been installed. However, across centres women's access to equipment differed according to the location of their unit within the centre. At the time of inspection, women on remand at Grafton had limited access to the 'compound exercise yard' with sports equipment.²⁸⁴ Women on remand at Wellington had access to outdoor green space but did not have access to outdoor exercise equipment, the oval, or the tennis courts attached to the male units at that centre. At Dillwynia, women had access to outdoor green space.



Figure 25 Outdoor exercise area at Silverwater

One of the main barriers to providing activities was caused by the activity officer being required to perform other duties to cover sick leave or rostering issues. This occurred at Silverwater and Dillwynia.

The high frequency of transfers of women on remand between centres also hampered the ability of activity officers to plan activities. Sometimes, women on remand expressed interest in participating in upcoming activities, but were transferred to another centre.²⁸⁵

6.6 Employment

The Regulation provides that remand inmates cannot be required to work.²⁸⁶ The ICS standards provide that work should be made available to women on remand if they express a desire to work.²⁸⁷ This reflects CSNSW policy, where it is noted that 'unconvicted inmates, while not obliged to work are to be encouraged to participate in work and other programs for their own self-development.'²⁸⁸

283 Interviews with staff and inmates 2017.

284 A reconfiguration of the compound yard in 2019 has resulted in better access for women on remand.

285 Interviews with staff and inmates 2017.

286 *Crimes (Administration of Sentences) Regulation 2014* cl 38.

287 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 5.2.

288 Corrective Services Industries, 'Inmates Wages System' (Section 8.2, August 2015) 2.

CSNSW policy provides that one of the primary aims of prison employment is to contribute to the employability training and attitudinal development of inmates to enhance their opportunity to gain and retain post-release employment so as to facilitate their successful return to the community.²⁸⁹ There are other motivators to work within the prison environment, with local research showing inmates can also perceive employment as a way to structure their day and pass the time in an otherwise monotonous prison existence.²⁹⁰ Inmates can also use the income gained through employment to pay for phone calls to their family and children and purchase food, resources and activities through 'buy ups.' For example, at Wellington where winter temperatures are very cold, income could be used to purchase warm bedding such as doonas.

Data received from CSNSW showed that of all women who were remanded in custody in NSW in 2017-18, only 20 per cent (or 360 women) were employed in some capacity across centres.²⁹¹ As remand inmates cannot be required to work, Corrective Services Industries (CSI) generally gives priority to employing sentenced inmates first, and then those on remand. At the time of the Silverwater inspection, 167 of the approximately 274 inmates present were employed (approximately 61%).²⁹² This was either in 'service industries' (domestic hygiene and maintenance) or Gencor (cleaning and refurbishing airline headsets). Where there is a vacancy women on remand are able to apply to work.

Dillwynia should be commended on the high rates of employment at the centre for sentenced inmates, however the same access to employment is not provided for women on remand. Overall less than half of women on remand (around 39% or 25 of 66) were employed at Dillwynia.²⁹³ At the time of inspection, there were no wing sweepers at Dillwynia, which is a common form of employment for women on remand at other centres. The following table presents information about the number of women on remand employed at Dillwynia within each occupation.

Table 8 Employment at Dillwynia

Industry, occupation or program participation	Sentenced	Remand	Total
Ground maintenance	20	2	22
Centre maintenance	16	0	16
Buy Ups	17	16	33
Hygiene	17	3	20
Packaging/Assembly	22	1	23
Food Services	14	1	15
Education Clerks	2	2	4

289 'CSI Policies: CSI Policy Manual 1.1 Correctional Industry Philosophy', *Corrective Services Industries* (2019) 1 <<https://www.csi.nsw.gov.au/Pages/csi-policy-manual/csi-policy-manual.aspx>>.

290 Kym Lindeman and Abilio de Almeida Neto 'Evaluation of Vocational Training in Custody: Offenders' Experiences of Training and Pathways to Post-Release Employment' (Corrective Services NSW, Research publication No. 58, August 2017) 26; See also Adrian Cherney and Robin Fitzgerald, 'Finding and Keeping a Job: The Value and Meaning of Employment for Parolees' (2016) 60 *International Journal of Offender Therapy and Comparative Criminology* 21.

291 Data received from Corrections Research, Evaluation & Statistics, CSNSW on 16 January 2019 (CRES Ref: D18/906873).

292 Data received from Corrections Research, Evaluation & Statistics, CSNSW on 16 January 2019 (CRES Ref: D18/906873).

293 Data received from Corrections Research, Evaluation & Statistics, CSNSW on 16 January 2019 (CRES Ref: D18/906873).

Industry, occupation or program participation	Sentenced	Remand	Total
Greyhound Adoption Programme	2	0	2
Clerks	2	0	2
Aboriginal Delegate	1	0	1
IDATP Peer Mentor	2	0	2
IDATP Pathways (Program)	8	0	8
IDATP RUSH (Program)	7	0	7
CSI Logistics/Textiles (Works Release)	1	0	1
CSI Corporate Office (Works Release)	2	0	2
CSI Logistics/Textiles	12	0	12
Independent Living Unit Grounds/hygiene/ buy-ups/headsets/Edu/Pio	3	0	3
Total	148	25	173

CSI staff at Dillwynia face several challenges in employing women on remand, contributing to the low employment rates of this group. These included:

- the low number of employment vacancies
- remand inmates not wanting to do the job that they are offered (for example grounds and centre maintenance), and
- the short length of time that women on remand spend at Dillwynia and the need to train inmates (CSI officers prefer inmates to have a minimum period of four months in custody at Dillwynia to be offered work).

Women on remand at Grafton were not offered work, as there was no work available for them. Sentenced women at Grafton had full employment in the kitchen and laundry, general office administration work and ground maintenance.

At Wellington there was limited employment available for women on remand at the centre. The employment sites at Wellington, such as the kitchen, were located outside the secure perimeter and therefore required a section 6(2) off complex permit, for which women on remand are ineligible to apply.²⁹⁴ Consequently, women on remand had 'little to do'. To provide remand women with an opportunity to earn a wage CSNSW created work inside the secure perimeter which included bagging tension ropes and portable clotheslines, and packing teabags, coffee and sweeteners for inmates at the facility. At a subsequent visit to the centre in 2018 the ration packing had ceased.

²⁹⁴ Crimes (Administration of Sentences) Act 1999 s 6(2).

CSNSW has advised of a possible new work opportunity for women at Wellington, building modular houses for the Aboriginal Housing Office. The program would employ 20 women, but it is unclear how many of these positions would be available for women on remand. CSNSW should consider ways to increase employment opportunities for women on remand to acquire skills and experience to gain employment post-release.

6.6.1 The non-workers yard

The Regulation provides that remand inmates cannot be made to work and that an inmate must not be employed in a disciplinary capacity.²⁹⁵ There was no evidence of women on remand being made to work.

The inspection team observed the practice of CSI staff at Dillwynia invoking sanctions on sentenced inmates that were dismissed from employment. If a sentenced inmate was dismissed from employment they received no wage for two weeks and spent two weeks in the non-workers yard. The yard was referred to by staff and inmates alike as the 'Chook Pen'. The non-workers yard was a slab of concrete which had been fenced off, with one attached bathroom, and no phone. The yard had some shade but was open to the elements, and women were placed there in all weather conditions. Staff and inmates said the yard was very cold in winter and very hot in summer. Women were able to access drinking water from a tap on top of the toilet cistern.²⁹⁶ At the time of inspection, there were seven non-workers in the yard. There were also some women who had been sent to the yard as punishment due to positive drug tests. As women on remand cannot be forced to work they were not sent to the yard. The inspection team were concerned that the use of the non-workers yard was inhumane. At subsequent visits to Dillwynia in March 2018 and April 2019, the non-workers yard was no longer being used as a sanction for inmates who had been dismissed from employment.



Figure 26 – The non-workers yard at Dillwynia

The removal of wages as a sanction is in alignment with CSNSW policy, where being dismissed from employment means an automatic two weeks of not working and no wages.²⁹⁷ The CSNSW policy provides that there can be additional local sanctions for those who are dismissed from work. The non-workers yard was implemented at Dillwynia as a local sanction to act as a punishment and deterrent.²⁹⁸ Some staff were of the opinion that the loss of the deterrent could mean inmates would no longer have an incentive to remain employed. If there is a need to find incentives to encourage inmates to work, the Inspector recommends engaging in positive incentives, rather than relying on negative or punitive sanctions. Indeed there were clearly more women who wanted to work at Dillwynia than positions available.

²⁹⁵ *Crimes (Administration of Sentences) Regulation 2014* cl 176.

²⁹⁶ Interviews with staff and inmates 2017.

²⁹⁷ Corrective Services Industries, 'Inmates Wages System' (Section 8.2, August 2015) 5.

²⁹⁸ At page 5, the policy notes that 'Additional sanctions may apply at the discretion of the General Manager'.

6.7 Education

The Regulation provides that the Commissioner may provide an inmate with 'educational and vocational training programs, including the provision of libraries'.²⁹⁹ The Regulation also provides that when running services and programs, special attention must be given to 'the needs of inmates who have low literacy or numeracy, and the needs of inmates who have a disability'.³⁰⁰

Research from Western Australia has revealed that the more classes that inmates complete over time, the lower the rate of re-incarceration and the less likely they are to increase the seriousness of their offending. There were also other beneficial outcomes associated with engaging in prison education, including a reduction in access to welfare payments post-release.³⁰¹

Participating in education and training in prison can help people to find employment on release. Research has found that completing education and training whilst in prison can mitigate the negative effects of prison-related stigma on perceived employability post-release. Australian research has shown that employers tended to perceive offenders who had undertaken training whilst incarcerated as more employable than those who had not participated in that training.³⁰²

6.7.1 CSI Education

At the time of inspection, the delivery model of education in NSW correctional centres was in a period of reform. Education in NSW correctional centres is now managed by Corrective Service Industries (CSI).

Education is focused towards those inmates who are assessed as having low literacy/numeracy ability. This is described by CSNSW as a 'needs-based model', leading to an increase in adult basic education for those with low literacy/numeracy, and an increase in acquiring more employability skills, through vocational training, for others.³⁰³ Eligibility to access education programs is assessed using a core skills assessment (currently the Vocational Indicator Assessment (VIA)) and an interview with inmates.³⁰⁴ Those who are found to have low capacity in language, literacy and numeracy receive specialised classes in this area (or Foundation Skills Programs).³⁰⁵

According to CSI policy, the relationship between work with CSI and vocational education programs is:

'Symbiotic and essential elements in providing viable post release employment pathways for inmates. Authentic workplaces built on commercial intensity are essential for inmates to gain *real world* work experiences. This combined with the delivery of nationally accredited VET programs gives inmates the means to optimise their post release employability as well as their capacity to work effectively within CSI.'³⁰⁶

299 *Crimes (Administration of Sentences) Regulation 2014* cl 60(2)(f).

300 *Crimes (Administration of Sentences) Regulation 2014* cl 60(3).

301 Margaret Giles, 'Study in Prison Reduces Recidivism and Welfare Dependence: A Case Study from Western Australia 2005-2010' (Trends & Issues In crime and Criminal Justice No. 514, Australian Government: Australian Institute of Criminology, April 2016) 7.

302 Joseph Graffam, Alison J. Shinkfield & Lesley Hardcastle, 'The Perceived Employability of Ex-Inmates and Offenders' (2008) 52(6) *International Journal of Offender Therapy and Comparative Criminology* 673, 679.

303 CSNSW, NSW Justice, 'Better Prisons: New Education and Training Model' (Fact sheet released 24 May 2017)

304 Information provided by Corrective Services NSW on 4 February 2019.

305 Information provided by Corrective Services NSW on 12 March 2018.

306 Corrective Services Industries policy, '1.3 Vocational Education and Training Joint CSI and AEVTI, May 2007' 2.

6.7.2 The availability of education to women on remand

Remand inmates are assessed using the VIA. The results of the assessment are then used to inform an education and employment plan.³⁰⁷ As the majority of women on remand in NSW enter custody through Silverwater, there are three assessment and planning officers at Silverwater to conduct core skills assessments.³⁰⁸ However, data provided by CSNSW shows that in 2017-18, only 19 women on remand (1.1% of those that had been remanded) had completed core skills assessments.³⁰⁹

At the time of inspection at Silverwater, limited education programs had been provided for a period of in excess of eight months. Similar issues were encountered at Dillwynia, Wellington and Grafton prisons for women on remand.

The inspection team were concerned by the limited access women on remand had to participate in any education classes. This was seen as particularly problematic for women on remand for lengthy periods. The inspection team was advised that Foundation Skills Programs could not be run for women on remand. The high number of movements and transfers between centres and the unpredictable timing around their release was cited as the reason. These factors meant that women on remand could not be guaranteed to stay at a centre long enough to complete the course.

During the 2017-18 period 81 women on remand (or 4.5% of all remand receptions) participated in Foundation Skills: Digital Literacy. However, no women completed the full course. Slightly more women on remand (105 women or 5.8% of all remand receptions) participated in Foundational Skills: Language, Literacy and Numeracy, but only one woman on remand (or 0.1% of all receptions) completed the course.³¹⁰

At Silverwater, Wellington and Grafton there was little evidence of any female inmates, sentenced or remand, engaging in vocational education. At the time of inspection, Dillwynia was the only women's prison that offered traineeships.³¹¹ The inspection team suggest vocational training is made available to women to assist in their capacity to gain employment on release.

At each centre, women on remand gave accounts to the inspection team of wanting to participate in some form of education. This was particularly prevalent in centres where there were limited opportunities for women on remand to occupy themselves with work or programs, such as Wellington, Dillwynia and Grafton. At every centre, women described wanting more diverse programs and courses, especially art classes, craft or music. This sentiment was echoed by some staff.³¹²

Research based in Western Australia has highlighted the meaningful role that art classes can have on inmate-student's self-efficacy, self-esteem, capability and sense of belonging and connection to others. The research identified that female inmates, Aboriginal inmates and those who had experienced multiple episodes of incarceration tended to be the most likely to engage in art-education programs. Although art classes may not directly reduce recidivism or improve work readiness, they can act as an important pathway to accessing other programs.³¹³

307 CSNSW, NSW Justice, 'Better Prisons: New Education and Training Model' (Fact sheet released 24 May 2017).

308 Interviews with staff 2017.

309 Data received by Corrections Research, Evaluation & Statistics, CSNSW, 16 January 2019 (CRES Ref: D18/906873).

The reason that less Core Skills Assessments were undertaken than the number of women who participated in courses was attributed by Corrections Research, Evaluation & Statistics to the larger number of Core Skills Assessments that were carried out in the 2016/17 financial year period.

310 Data received from Corrections Research, Evaluation & Statistics, CSNSW, 29 January 2019.

311 Interview with staff 2017.

312 Interviews with inmates and staff 2017.

313 Margaret Giles, Lisa Paris and Jacqui Whale, 'The Role of Art Education in Adult Prisons: The Western Australian Experience' (2016) 62(6) *International Review of Education* 689-693.

6.7.3 Library services

The Regulation provides that the Commissioner may provide an inmate with services and programs including educational and vocational training programs, including the provision of libraries.³¹⁴ The ICS standards note that correctional centre libraries should operate according to standard library practice.³¹⁵ The Australian Library and Information Association released revised minimum standard guidelines for library services to prisoners in December 2015. Inmates should be encouraged to make full use of the library. Library resources should reflect the needs of the different segments of the population at the correctional centre. Where relevant, materials appropriate to women, Aboriginal inmates, and inmates from non-English speaking backgrounds should be available. Library resources should also support the correctional centre's educational and training programs.³¹⁶

At the time of inspection remand inmates had inadequate access to library services. At Wellington, the women's library was smaller than the men's library, and the books were supplied on a basis of exchange from the men's library. There were no computers in the women's library, meaning women could not access online education resources. There was a separate computer room with a number of computers in it that could only be accessed if approved by education staff for inmates completing their core skills assessments (see Figure 21). At Grafton, female inmates had limited access to the library and computers. On subsequent visits to Wellington and Grafton, the library and library access for women on remand had improved.



Figure 27 Images of both sides (left and right) of the large computer room at Wellington.

314 *Crimes (Administration of Sentences) Regulation 2014* cl 60(2)(f).

315 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 124.1.

316 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 124.4.



Figure 28 Image on the left is of the new Grafton library which includes a number of computers; right – library at Wellington

The library and computer access at other correctional centres was better. At Dillwynia, education staff aim to provide all 270 inmates with access to the library. A timetable was developed where a maximum of 10 inmates at any one time could attend the library, for a maximum period of 60 minutes per day. The librarian would allow a new set of inmates to enter every 30 minutes. Some inmates were given specific timeframes during the week where they were able to attend the library. However, the timetable was not sufficient to meet the needs of all inmates, with many missing out. At Silverwater a custodial officer worked overtime to keep the library open to facilitate access to inmates.³¹⁷

6.8 Recommendations

Recommendation 18: The Inspector recommends that CSNSW deliver the Remand Addictions Program to women on remand at all centres.

Recommendation 19: The Inspector recommends that CSNSW increase employment, activities, programs, and access to education and library services in women's correctional centres and units.

Recommendation 20: The Inspector recommends that CSNSW increase cultural support for Aboriginal inmates.

Recommendation 21: The Inspector recommends that CSNSW develop partnerships with community organisations to increase access to services for women.

³¹⁷ Interviews with staff and inmates 2017.

7 Access to health services

7.1 Background

It is generally acknowledged that female inmates experience a complex array of issues related to their physical and mental health. Bartels and Gaffney identified Australian studies that highlighted the poorer health of female inmates compared with their male counterparts. They found that women:

- have higher mortality rates post-release
- are more likely to have offences directly associated with their substance use
- have higher prevalence of Hepatitis C
- have higher incidence of continued intravenous drug use while in prisons (and subsequent increased exposure to blood-borne viruses)
- have higher incidence of asthma
- have higher prevalence of mental health disorders (around 85.4%)³¹⁸ and
- have higher prevalence of intellectual disability.³¹⁹

The most recent survey of patient health in NSW correctional centres found that around 55 per cent of the women (both sentenced and those on remand) surveyed had some form of psychiatric care prior to being incarcerated. Almost 80 per cent had previously received a diagnosis for a mental health condition, most commonly depression or anxiety. Approximately 43 per cent had contemplated suicide over their lifetimes, with over a quarter (28.6%) having attempted suicide at least once. Only slightly more than a quarter (26.2%) of women reported that they had 'very good' or 'excellent' mental health. This was compared to almost half (46.9%) of male respondents.³²⁰ The high prevalence of mental disorder and poor self-reported psychological wellbeing amongst incarcerated women shows that mental health care is particularly important in this setting.

Aboriginal women have a particularly elevated risk of health issues. In the foreword to the 2015 Network Patient Health Survey (NPHS) – Aboriginal People's Health Report it was noted that:

'... the health and wellbeing of Aboriginal women is a particular cause for concern. Aboriginal women were most likely to report that both their parents had been incarcerated during their childhood and were the least likely to complete their high school education. They were most likely to report being homeless prior to their incarceration and most likely to report not receiving visits from family. They were also most likely to report having a disability and receiving a head injury resulting in unconsciousness. Among Aboriginal women, there were higher prevalence of angina, Hepatitis C, back problems, asthma, depression, psychotic disorders, drug use or dependence, and posttraumatic stress disorder than was seen among other groups ... Although accounting for a comparatively small proportion of the patients we care for, there is a clear and unambiguous case for continuing efforts to improve health outcomes for these women'.³²¹

318 Christine S. Tye and Paul E. Mullen, 'Mental Disorders in Female Prisoners' (2006) 40(3) *Australian and New Zealand Journal of Psychiatry* 266, 268.

319 Lorana Bartels and Antonette Gaffney, 'Good Practice in Women's Prisons: A Literature Review' (Technical and Background Paper No. 41, Australian Institute of Criminology Reports, 2011) 50 citing Andrew J. Cashin, 'Intellectual Disability in the New South Wales Inmate Population' (2006) 2(2) *International Journal of Prisoner Health* 115, 117.

320 Justice Health & Forensic Mental Health Network, *2015 Network Patient Health Survey Report* (Report, May 2017) 54.

321 Justice Health & Forensic Mental Health Network, *2015 Network Patient Health Survey: Aboriginal People's Health Report* (Report, November 2017) ix.

Research has explored several reasons why the health of incarcerated women may be poor. One explanation is that many women already have poor health on entry to prison. Many are from disadvantaged socioeconomic backgrounds evidenced by histories of low educational attainment, experiences of childhood care, parental incarceration, high rates of unemployment, substance use, child sexual abuse, homelessness and insecure housing.³²² These were often exacerbated amongst Aboriginal women.³²³ Women who have been incarcerated are highly likely to have been the victims of traumatic experiences such as violence and physical and/or sexual abuse, which can have a negative impact on both physical and mental wellbeing.³²⁴ Past trauma can have a negative effect on physical health and can also negatively impact mental health whilst in prison.³²⁵

These women may have also had compromised access to preventative health care prior to their incarceration, and are often seen as 'hard to reach' by health care providers.³²⁶ Consequently, the Australian Medical Association released a statement confirming the role of the prison setting as a unique opportunity to address the physical and mental health needs of this often underserved and disadvantaged group.³²⁷

The negative impact of the prison environment on health is also well established. The World Health Organisation (WHO) Mental Health in Prisons Project identified a number of components of prisons that are likely to negatively impact on mental health. Amongst others, these included:

- isolation from family and social networks
- experiences of aggression and bullying from staff and other inmates
- shame and stigmatisation
- pressure to use substances
- lack of purposeful and meaningful activity
- loss of identity and agency
- uncertainty (particularly amongst remand prisoners) and
- concern about their capacity to reintegrate meaningfully within the mainstream community.³²⁸

Those on remand may experience heightened health issues due to distress regarding unresolved issues in the community, including care and custody of children, housing matters and amenities. Indeed research in NSW has found that the period immediately after reception into prison, when inmates are most likely to be on remand, is often associated with a peak in poor mental health.³²⁹

322 See Australian Institute of Health and Welfare, *The Health of Australia's Prisoners 2018* (Report, May 2019) 12-25 <<https://www.aihw.gov.au/reports/prisoners/health-australia-prisoners-2018/contents/table-of-contents>>; Devon Indig et al, '2009 NSW Inmate Health Survey: Key Findings Report' (Justice Health & Forensic Mental Health Network (NSW), 2010).

323 Justice Health & Forensic Mental Health Network, *2015 Network Patient Health Survey: Aboriginal People's Health Report* (Report, November 2017).

324 Lorana Bartels and Patricia Easteal, 'Women Prisoners' Sexual Victimization: Ongoing Vulnerabilities and Possible Responses' (2016) 2(3) *Journal of Criminological Research, Policy and Practice* 206, 207, 210; Mary Stathopoulos, *Addressing Women's Victimization Histories in Custodial Settings* (Report No 13, Australian Centre for the Study of Sexual Assault Issues, Australian Institute of Family Studies, 2012).

325 The 2015 JH&FMHN Patient Health Report found that around 20.9% of women surveyed had a health central diagnosis of PTSD. A US-based review of research on women's trauma on mental health during incarceration has linked PTSD and past trauma to poor mental health outcomes whilst in prison, such as self-injury, suicide and substance use; Holly Harner and Ann W. Burgess, 'Using a Trauma-Informed Framework to Care for Incarcerated Women' (2011) 40 *Journal of Obstetric, Gynaecologic & Neonatal Nursing* 469.

326 Australian Medical Association, 'Position Statement on Health and the Criminal Justice System' (August 2012) 3 <<https://ama.com.au/position-statement/health-and-criminal-justice-system-2012>>.

327 Australian Medical Association, 'Position Statement on Health and the Criminal Justice System' (August 2012) 6 <<https://ama.com.au/position-statement/health-and-criminal-justice-system-2012>>.

328 Lars Møller et al (eds) 'Health in Prisons: A WHO Guide to the Essentials in Prison Health' (World Health Organisation: Europe, 2007) <http://www.euro.who.int/__data/assets/pdf_file/0009/99018/E90174.pdf?ua=1>.

329 Kimberlie Dean and Daria Korobanova, 'Brief Mental Health Screening of Prison Entrants: Psychiatric History Versus Symptom Screening for the prediction of In-Prison Outcomes' (2018) 29(3) *The Journal of Forensic Psychiatry & Psychology* 455.

It must also be acknowledged that some women can experience improved health within a prison environment. This is particularly the case for those who had a chaotic or unsafe life out of prison or severe substance abuse. In prison, individuals have health care that is readily accessible and often experience a reprieve from the severity in their substance use, violence and chaos, leading to an improvement in health symptoms.³³⁰

7.2 Regulation, standards and policies

It is noted within the ICS standards that the particularly poor health of prisoners means that the attainment of a 'community standard' of health care for this population requires a significantly larger provision of resources than would be required for a random sample gathered from the general population.³³¹ Correctional centres holding female inmates must ensure appropriate health care services are available to meet the specific health needs of female inmates.³³² The ICS inspection standards provide that all inmates should have access to a 24-hour, on-call, or stand-by primary health service that is a registered doctor or nurse.³³³

The Act provides for JH&FMHN to be the primary provider of health care for inmates in NSW.³³⁴ JH&FMHN, in consultation with a Governor of a correctional centre, provides and manages all basic health care services and medical attention for inmates.

7.2.1 JH&FMHN Services

JH&FMHN provide comprehensive primary health services under a nurse-led model of care in all adult female correctional centres in NSW. Services are provided in health centres, which are stand-alone areas of correctional centres staffed by JH&FMHN nurses and overseen by a Nurse Unit Manager. Health care is provided in a tiered system, with registered nurses providing initial assessment, referral and treatment within their individual scope of practice including women's health, drug and alcohol services, mental health, and population health. Higher levels of need or matters outside registered nurses' scope of practice are referred to a GP, Nurse Practitioner (NP) or Transitional Nurse Practitioner (TNP), who attend centres on a visiting basis according to demand.

Access to secondary/specialist services is available when required via in-reach services, or through scheduled outpatient appointments in community Local Health Districts. The majority of specialist appointments for women are booked at Westmead and Nepean Hospitals.³³⁵ Some inmates must be transferred from other centres to attend these appointments. Tertiary care in specialised inpatient facilities is available at the Long Bay Hospital (LBH) or local hospitals for emergency cases.

Health support is available to all correctional centres 24 hours per day via a Remote Offsite After Hours Medical Service (ROAMS). This service links health centres with drug and alcohol, mental health and population health specialist nurses as well as senior operational managers.

Women newly received into custody or on remand may be more likely to be experiencing mental health problems and be detoxing from drugs.³³⁶ Accordingly, women on remand may require drug and alcohol services and mental health services.

330 Nicola Douglas, Emma Plugge and Ray Fitzpatrick, 'The Impact of Imprisonment on Health: What do Women Prisoners Say?' (2009) 63 *Journal of Epidemiology & Community Health* 749, 754.

Australian Medical Association, 'Position Statement on Health and the Criminal Justice System' (August 2012), <https://ama.com.au/position-statement/health-and-criminal-justice-system-2012> (viewed at 29/06/2018)

331 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) 63.

332 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 81; Bangkok Rules 18.

333 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 80.

334 *Crimes (Administration of Sentences) Act 1999* s 236A.

335 JH&FMHN, Policy 1.252, *Access to Local Public Health Services*, 16 December 2013, p2

336 UN Office on Drugs and Crime, *Handbook on Women and Imprisonment* (Criminal Justice Handbook Series, 2nd ed, 2014) 7.

The ICS standards note that uncertainty involved in being on remand can contribute to poor mental health and that ‘particular care should be taken to observe and provide support and counselling to remand inmates who have mental health problems’.³³⁷ The Bangkok Rules state that ‘individualized, gender-sensitive, trauma-informed and comprehensive mental health care and rehabilitation programmes shall be made available for women prisoners with mental health-care needs in prison or in non-custodial settings’.³³⁸

In an effort to better facilitate the care of women in the custodial system, CSNSW is drafting a policy on Gender Specific Health Needs. The inspection team were impressed with the creation of such a policy, which recognises the unique needs, characteristics and life experiences that incarcerated women can experience. The inspection team commend CSNSW for facilitating a policy and practice for better access to health care, and recommend the timely release of this policy.³³⁹

Internationally, the European World Health Organization has published *Women’s health in prison: Action guidance and checklists to review current policies and practices*. This document endorses a ‘planned and systematic’ approach to addressing gender insensitivities and deficiencies experienced by women in correctional centres and recommends that current policies and practices be reviewed³⁴⁰. To this end, they provide a collection of checklists that aim to ensure ‘greater safety and better quality medical care for women in prison ... to assist a review of current policies and practices relating to women’s health in prisons’.³⁴¹

The UK is also taking great strides towards formulating standards of best practice for the health care of women in prison. In 2018, Public Health England released *Gender Specific Standards to Improve Health and Wellbeing for Women in Prison in England*. The implementation of these standards has been identified as a shared objective of Her Majesty’s Prison and Probation Service, National Health Service England and Public Health England. The standards encompass the following overarching principles:

- the whole prison environment should be focused on promoting the mental and physical health and wellbeing of all women in prison
- the prison environment for women needs to be trauma informed
- user involvement should be integrated into the development and delivery of health and wellbeing programmes within the prison
- all women in prison should have access to purposeful activity and time out of cell
- a structured program of peer support should be available to all women and
- prepare for and ensure continuity of care for women on release in to the community.³⁴²

The ICS standards include standards for the adequate health care of Aboriginal inmates, especially women. It is noted that:

- correctional centre health services should be delivered in culturally appropriate ways. This includes Aboriginal health workers should be available, particularly in centres with high number of Aboriginal inmates³⁴³
- all health care workers, managers and professionals should have undergone Aboriginal cultural awareness training³⁴⁴

337 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 89.9.

338 Rules 12 and 16 of the Bangkok Rules.

339 Corrective Services NSW, *Gender Specific Health Needs* (Custodial Operations Policy and Procedures, Section 7.1, draft version 1).

340 Brenda van den Bergh and Alex Gatherer, *Women’s Health in Prison: Action Guidance and Checklists to Review Current Policies and Practices* (World Health Organization Regional Office for Europe and United Nations Office on Drugs and Crime, 2011) iii.

341 Brenda van den Bergh and Alex Gatherer, *Women’s Health in Prison: Action Guidance and Checklists to Review Current Policies and Practices* (World Health Organization Regional Office for Europe and United Nations Office on Drugs and Crime, 2011) i.

342 Public Health England, *Gender Specific Standards to Improve Health and Wellbeing for Women in Prison in England* (Report, 2018) 10-23.

343 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standards 79-79.1.

344 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 79.2

- an holistic definition of health should be adopted when working with Aboriginal inmates. This means health status should include attention to physical, spiritual, cultural, emotional and social well-being³⁴⁵
- correctional centres should seek to establish a partnership with a local Aboriginal Health Service to improve the cultural appropriateness of health services³⁴⁶
- referrals to Aboriginal Mental Health worker must be arranged for all Aboriginal patients³⁴⁷ and
- in line with the holistic approach required in Aboriginal health, Aboriginal inmates should have access to traditional healers, or Elders, where appropriate and practicable.³⁴⁸

7.2.2 Reception health screening of remand inmates

On arrival into custody at each centre, all individuals must receive a Reception Screening Assessment (RSA).³⁴⁹ The RSA is a comprehensive health screening and assessment conducted with a JH&FMHN nurse to identify any primary health, mental health, drug and alcohol and population health issues that will require referrals for immediate or ongoing treatment with a health specialist. The RSA also includes an initial pregnancy test (which is subsequently repeated 28 days later). Based on assessed health needs, medical referrals, waiting list entries and/or appointments are booked for required health services, including GP, psychologist, primary health, mental health, population health and drug and alcohol nurses. If a patient is deemed medically or mentally unwell, the health centre will regularly monitor and assess them. Patients can also put in a self-referral form requesting health care when desired. Nursing staff can dispense necessary medication to inmates (although they must record it on relevant forms). Nurses screen for whether the inmate needs special management consideration for their first few days. If women state they have a medical condition or are on medication they are given a release form to sign which is then sent to the woman's doctor in the community. On confirmation of medications from their prescribing doctor, nurses contact an 'on call' doctor and initiate their medications.³⁵⁰

With consideration to confidentiality, JH&FMHN provide CSNSW with a Health Problem Notification Form (HPNF) on each patient.³⁵¹ JH&FMHN can recommend for an inmate to be transferred to another correctional centre for 24 hour nurse coverage or to have access to particular health services offered at that centre. They can also recommend a medical hold at the current correctional centre for clinical reasons.³⁵² A HPNF must be implemented by correctional staff unless there are overriding security concerns or issues.³⁵³ JH&FMHN advised that CSNSW is responsive to their recommendations.

If a patient is aggressive, confused, uncooperative or sedated, clinicians are unable to undertake the RSA and instead undertake a gross observation of the patient. They observe their physical appearance (e.g. scars, signs of self-harm, injury or substance use) as well as signs of gross neurology (e.g. physical limb movements, facial symmetry, tremors, pupil size, consciousness or signs of head injury). A referral is made for the patient to receive immediate treatment with the appropriate health specialist and the RSA is completed as soon as the patient stabilises.³⁵⁴

345 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 79.4.

346 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 79.5.

347 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 89.7.

348 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 90.3.

349 Corrective Services NSW, 'Reception Procedures' (Custodial Operations Policy and Procedures, 16 December 2017) 5.

350 Justice Health & Forensic Mental Health Network, *Health Assessments in Male and Female Adult Correctional Centres* (Policy 1.225, 5 May 2015).

351 Corrective Services NSW, *JH&FMHN Notifications* (Custodial Operations Policy and Procedures 6.1, 16 December 2017) 4.

352 Corrective Services NSW, *JH&FMHN Notifications* (Custodial Operations Policy and Procedures 6.1, 16 December 2017) 1.

353 Corrective Services NSW, *JH&FMHN Notifications* (Custodial Operations Policy and Procedures 6.1, 16 December 2017) 4.

354 Justice Health & Forensic Mental Health Network, *Health Assessments in Male and Female Adult Correctional Centres* (Policy 1.225, 5 May 2015).

7.3 Physical health care

At the time of inspection most women on remand were admitted into custody at Silverwater. The Silverwater JH&FMHN team has to be ready and resourced to meet the specific needs of women on remand. During the inspection at Silverwater, JH&FMHN advised that the primary health issues experienced by women on remand on reception were: detoxing from drugs; pregnant women using drugs; uncontrolled diabetes; hypertension; and women being non-complaint with Hepatitis C treatment.³⁵⁵ At the time of inspection, at least one nurse was on duty 24 hours a day, 7 days per week at Silverwater. Like Silverwater, the health centre at Dillwynia was well resourced. Unfortunately, the regional location of Grafton and Wellington meant that fewer GPs and specialists were available at these centres.

The following table illustrates services available of each of the health centres at the time of inspection.³⁵⁶

Table 9 Health services delivered at each of the inspected centres as noted at the time of inspection.

	Silverwater	Dillwynia	Wellington	Grafton
General Practitioners	✓ 3 days per week (5.5 hrs/day)	✓ 2 days per week	✓ 2.5 days per week	✓ One male, but no female GP
Drug and alcohol nurse and/or doctor	✓ 5 days per week (nurse) once per fortnight (doctor)	✓ 2 days per week (nurse) once per fortnight (doctor)	✓ Monday to Friday (nurse)	✓ 2 days per week (via telehealth)
Population health nurse	✓ 3 days per week	✓ 3 days per week	✓ Monday to Friday	✓ 3 days per fortnight
Women's health nurse	✓	✓	✓ 1 day per week	✗
Perinatal nurse	✓	✓	✗	✗
Midwife	✓	✓	✗	✗
Chronic care nurse	✓	✓	✗	✗
Dentist	✓ Twice per week.	✓ When sufficient referrals	✓	✓
Sexual health counsellor	✓ Weekly	✗	✗	✗
Radiographer	✓ When required	✗	✓ Fortnightly	✗

³⁵⁵ Interviews with staff 2017.

³⁵⁶ These numbers are specific to the time of each inspection and may not reflect the current staffing profile.

- **General Practitioner services:** At Silverwater, a GP attended the health centre three days per week. There was a triage-based waitlist for the GP to see semi-urgent cases. There were 62 inmates on this wait list, 10 of who were on the list as they were due for follow up. At Dillwynia there was a GP wait list of approximately 58 women, some of who were due for follow up. At Wellington, a GP from Sydney attended the health centre to see patients from the whole centre (males and females) for 2.5 days per week. A male GP attended Grafton. There was no female GP available to attend.
- **General and Primary Health Nursing Services:** At Silverwater, the inspection team was told that a nurse will see inmates who are acutely unwell in the medical centre the same day. The wait list at the time of the inspection to see a nurse was two days, with 15 inmates on the wait list. Due to a lack of general registered nursing staff at Wellington, the women's health nurse (who attends one day per week) was often used to fill other nursing positions when needed.
- **Women's Health Nurse:** Silverwater had a woman's health nurse, but women requiring a mammogram were referred to hospital. At Wellington, the women's health nurse often had to fill other vacant nursing roles. Consequently, women with women's health needs that were urgent were seen by the reception nurse, and others went on a waitlist. The GP was doing women's health tests, such as pap smears. Women with abnormal results were sent to Sydney for follow up. Mammograms were completed by Breast Screen NSW. Grafton did not have a women's health nurse but JH&FMHN facilitated a women's health nurse to visit the centre. Alternatively women could be transferred to Sydney to have their women's health tests conducted.
- **Dental services:** Inmates presenting with a dental issue will be assessed by a primary health nurse, with immediate intervention such as pain relief provided where possible. The inmate will be instructed to call an Oral Health Information Service (OHIS) line where the operator prioritises the inmate on the dental waitlist for that centre, based on presenting symptoms. A list of patients is then developed for the next available scheduled dental clinic with the OHIS scheduling approximately 10 patients based on prioritisation of need and length of wait. Thus the frequency of dental services in correctional centres is predominately demand-and supply-driven, based on dental budget, and the availability of dental officers and dental assistants. At Silverwater, the dental clinic was staffed two days per week due to the high number of women moving through that centre. Dillwynia and Grafton are subject to the waitlist system. This can mean long wait periods and delays in dental treatment. JH&FMHN are aware of the wait times for dental services in custody and advise that these waiting periods are less than public dental waiting lists in the community. Triage occurs consistent with NSW Health policy and medical emergencies are sent to hospital.³⁵⁷ At Wellington, inmates are taken to Wellington or Dubbo town centres for dental services.

It is JH&FMHN protocol that waiting lists are managed into different priority groups to ensure patients are treated within appropriate timeframes.³⁵⁸ Priority 1 relates to urgent cases for patients whose health condition is deteriorating and requires attention within one to three days. Priority 2 relates to cases that are semi-urgent, for patients where lack of immediate intervention may result in adverse outcomes and requires attention within three to fourteen days. The types of health issues that are likely to fall under each category are articulated in the protocol. Priority 3 to 5 refer to those whose health concerns were triaged to a less-than semi-urgent priority level, meaning their health concerns did not need to be seen in at least fourteen days.³⁵⁹

³⁵⁷ Centre for Oral Health Strategy (NSW), *Priority Oral Health Program* (Policy Directive, July 2017) 6; see JH&FMHN, Response to Health Report Info Request Number 1, Item 31.

³⁵⁸ Justice Health and Forensic Mental Health Network, *PAS Waiting List Priority Level Protocol* (November 2018).

³⁵⁹ Justice Health and Forensic Mental Health Network, *PAS Waiting List Priority Level Protocol* (November 2018).

It is important to note that waiting list times do not include those who are seriously ill or in crisis. Patients whose health conditions have the potential to deteriorate to the point that an emergency admission is required within 24 hours or who needs to be seen immediately are triaged as a 'walk in', seen immediately and are not placed on the waitlist.³⁶⁰

JH&FMHN provided data on the average number of days that women with urgent or semi-urgent physical health needs (i.e. priority 1 and priority 2) waited for different health services at inspected centres over a 14 month period (September 2017 to October 2018).³⁶¹

Dillwynia

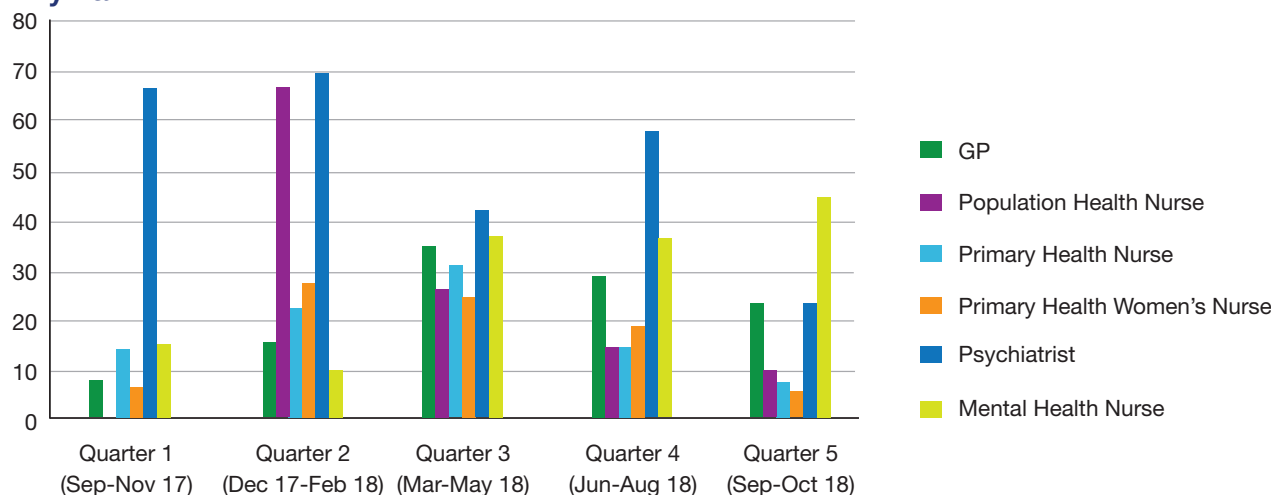


Figure 29 This bar graph shows the average waiting time (days) for female patients at Dillwynia who had been placed on a waiting list with a priority of Urgent or Semi-Urgent for their physical and mental health issues. The data was received from JH&FMHN with each month's waiting days being grouped and averaged out. It does not identify the number of patients per each result.

Grafton

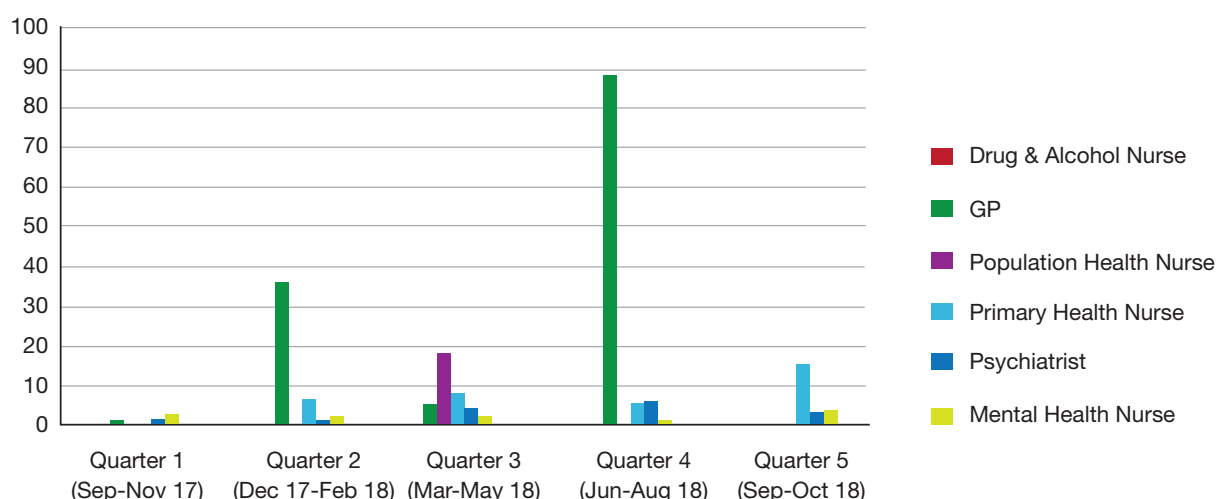


Figure 30 This bar graph shows the average waiting time (days) for female patients at Grafton who had been placed on a waiting list with a priority of Urgent or Semi-Urgent for their physical and mental health issues. The data was received from JH&FMHN with each month's waiting days being grouped and averaged out. It does not identify the number of patients for each result.

³⁶⁰ Justice Health and Forensic Mental Health Network, *PAS Waiting List Priority Level Protocol* (November 2018).

³⁶¹ JH&FMHN data set received January 2019.

Silverwater

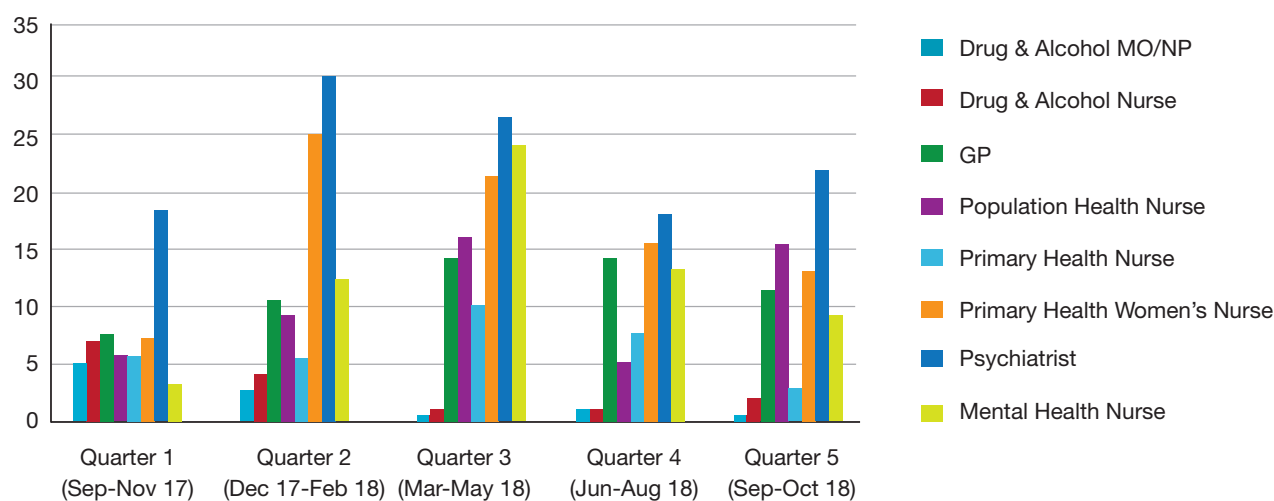


Figure 31 This bar graph shows the average waiting time (days) for female patients at Silverwater who had been placed on a waiting list with a priority of Urgent or Semi-Urgent for their physical and mental health issues. The data was received from JH&FMHN with each month's waiting days being grouped and averaged out. It does not identify the number of patients for each result.

Wellington

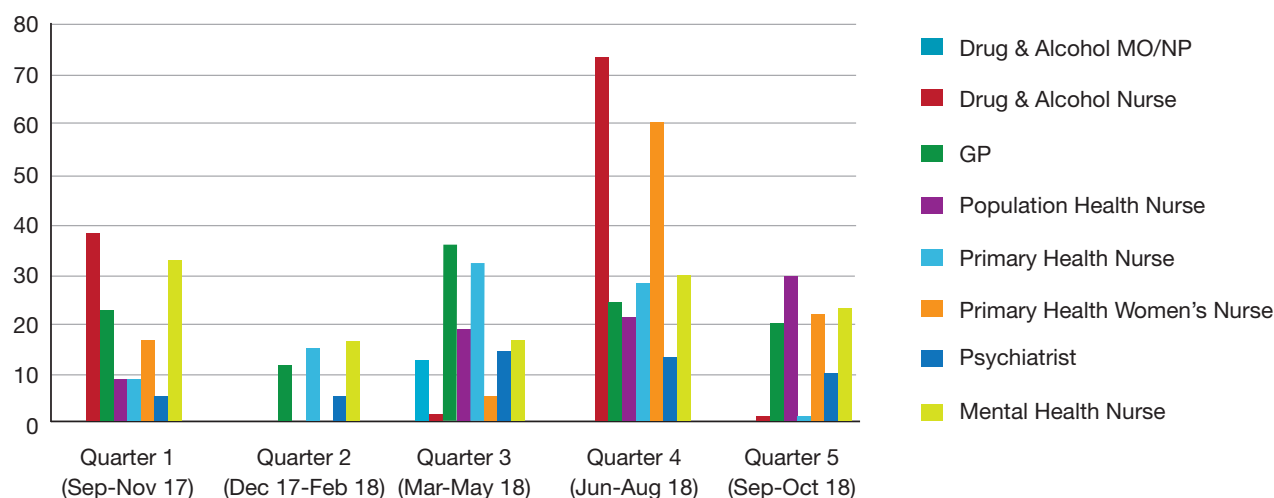


Figure 32 This line graph shows the average waiting time (days) for female patients at Wellington seeking urgent or semi urgent health appointments for physical and mental health issues. The data was received from JH&FMHN, and included some missing data around waiting list times for some health professionals at certain time points.

The upper-limit of time in which a JH&FMHN health service should see someone who is priority 1 or priority 2 is 14 days. Wellington appeared the least able to offer health services within this timeframe, which is unsurprising considering the difficulty that the centre had in recruiting health care providers. There were also some issues at Dillwynia. Greater co-ordination between CSNSW and JH&FMHN is required to ensure better patient access to the health centre at Dillwynia to reduce waitlists. Waiting list data at Silverwater and Grafton showed that both health centres did well to meet the physical health needs of women in their centres. Despite the efforts of JH&FMHN staff, difficulty recruiting for and rostering certain health care provider positions also contributed to waiting lists.

7.3.1 Care of pregnant women in custodial settings

The Australian Institute of Health and Welfare have outlined positive and negative aspects of women experiencing pregnancy whilst incarcerated. The stressors associated with incarceration may place pregnant women and their unborn child at elevated risk of poor health. However, incarceration may enhance pregnancy outcomes for women from socially and financially disadvantaged backgrounds as it provides them with shelter, adequate nutrition and access to medical care, which they may have had limited access to in the community.³⁶² However, recent Australian research has questioned the assumption that prison provides improved access to prenatal health care than mainstream health care.³⁶³ As prison can be a risk factor for poor prenatal and perinatal health of mothers and their babies, there is a need to ensure women who are pregnant in custody continue to receive optimal care, in line with community standards.

Analysis of JH&FMHN policy around the care of pregnant women in custody revealed the policy is comprehensive, responsive and informed by community best practice. It discusses issues including:

- drug and alcohol services for pregnant women
- the Legal Education and Advice in Prison (LEAP) program
- right to choice regarding possibilities of termination
- Perinatal and Infant Mental Health Service (PIMHS)
- documentation of observations
- release of information
- identification of a child at risk
- escorting pregnant women
- antenatal care
- postnatal care and
- breastfeeding and expressed breast milk.³⁶⁴

All women of child bearing age are offered a pregnancy test within 24 hours of reception into custody. A follow-up pregnancy test is offered 28 days later to allow for false positives or identify missed pregnancies. Data received from CSNSW showed there were 70 pregnant women in 2016-17 and 58 pregnant women in 2017-18.³⁶⁵ JH&FMHN staff advised that women who are pregnant are usually accommodated at Silverwater, because they are close to Westmead Hospital and 24 hour nursing staff is available. Senior health workers at Silverwater provided a good level of care to pregnant women in custody.

Women are supported to give birth in hospitals outside the correctional centre, which is consistent with the ICS standards.³⁶⁶ A midwife comes to the centre once a week to see pregnant women. Women also attend external specialist or hospital prenatal health appointments. However, as there are only two health escorts per day for all inmates at Silverwater, pregnant women's appointments may be cancelled.

These findings show that whilst good health care is generally available for incarcerated pregnant women, it is essential to ensure a consistent high-level of care. This is particularly important given the effect the prison environment may have on women's prenatal, perinatal and postnatal health outcomes.³⁶⁷

362 Australian Institute of Health and Welfare (AIHW), 'From Corrections to Community: A Set of Indicators of the Health of Australia's Prisoners' (Bulletin No. 75, 2009) 10.

363 See, eg, Jane R Walker et al, 'Pregnancy, Prison and Perinatal Outcomes in New South Wales, Australia: a Retrospective Cohort Study using Linked Health Data' (2014) 14(214) *BMC Pregnancy and Childbirth* 1.

364 See generally JH&FMHN, 'Management of Pregnant Women in Custody' (Policy No. 1.430, December 2017).

365 Corrections Research, Evaluation & Statistics (CSNSW) data request, provided on 16 January 2019 (CRES Ref: D18/906873).

366 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 81.5.

367 Jane R Walker et al, 'Pregnancy, Prison and Perinatal Outcomes in New South Wales, Australia: a Retrospective Cohort Study using Linked Health Data' (2014) 14(214) *BMC Pregnancy and Childbirth* 1, 8.

7.4 Access to mental health care

Mental health need is often identified upon reception to prison during the RSA by primary health nurses, who receive training in mental health under the JH&FMHN 'shared model of care'. This guides assessment and referral to GPs or Custodial Mental Health (CMH) which is the mental health clinical stream of JH&FMHN comprising mental health nurses (MHN), nurse practitioners, and psychiatrists. The JH&FMHN's *A New Mental Health Model of Care* provides for the management and placement of patients according to the severity of their mental health issues, across all custodial centres and JH&FMHN sites.³⁶⁸

The *A New Mental Health Model of Care* provides for the following categories:

- 'Clinical Level A' meaning a patient with stable or non-acute deterioration in their mental health status requiring either continuation of their current psychotropic medications, or possible adjustment or initiation of non-complex psychotropic medications.
- 'Clinical Level B' where a patient is assessed as having unstable or acute deterioration of their mental health status.³⁶⁹

The following model diagram illustrates how and where the care a patient receives must be concordant with their clinical level.

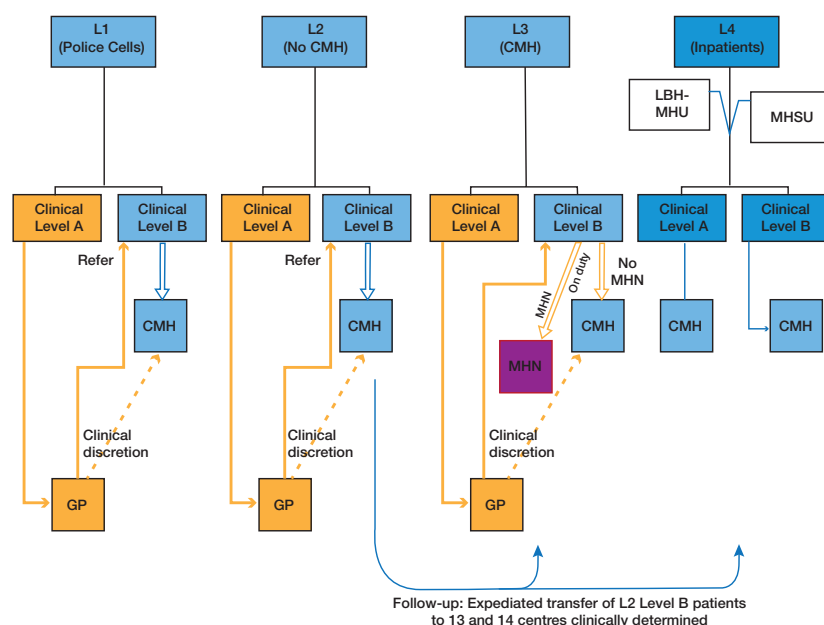


Figure 33 Model Diagram of a New Mental Health Model of Care, taken from JH&FMHN policy on Custodial Mental Health – Referral and Case Management (Appendix 3, p. 17).

GPs are responsible for managing Level A patients (i.e. those with stable and non-acute deterioration) and can prescribe all medications apart from complex psychotropic medications. For Level B patients (those with unstable and acute deterioration), CMH should be contacted. No patient that requires ongoing specialist mental health review should remain housed in a custodial centre which has no regular on-site CMH service (meaning, no visiting specialist psychiatrists).³⁷⁰ The JH&FMHN policy ensures that individuals of varying levels of mental health concerns are treated appropriately.

³⁶⁸ NSW Health, Justice Health & Forensic Mental Health Network, *Important Notice 19828 – A New Mental Health Model of Care* (in 'Custodial Mental Health – Referral and Case Management Policy', Policy No. 1.443, 6 March 2017) 16, 17.

³⁶⁹ NSW Health, Justice Health & Forensic Mental Health Network, *Important Notice 19828 – A New Mental Health Model of Care* (in 'Custodial Mental Health – Referral and Case Management Policy', policy number 1.443, 6 March 2017) 16, 17.

³⁷⁰ NSW Health, Justice Health & Forensic Mental Health Network, *Important Notice 19828 – A New Mental Health Model of Care* (in 'Custodial Mental Health – Referral and Case Management Policy', policy number 1.443, 6 March 2017) 16, 17.

In NSW, the CMH units for women are located at Silverwater. Silverwater has its own mental health NUM. There are several units that provide specialised mental health care for women experiencing mental health disorders, including the Mum Shirl Unit (MSU), the Mental Health Screening Unit (MHSU) and the Mental Health Step Down Unit (MHSDU). Referrals to the MHSU may be made from other female correctional centres, but women are often identified and referred during induction.³⁷¹ Due to the limited number of beds in Silverwater units, those on CMH waiting lists may stay at other centres with inadequate mental health facilities to meet their needs.

7.4.1 The Mental Health Screening Unit (MHSU)

Inmates are usually referred to the MHSU from induction or other units. There are two units in MHSU: one unit is the mental health unit and the other is a multipurpose unit. The mental health unit holds a maximum of 10 women and there were nine at the time of the inspection. There was a waitlist of 20 women for the MHSU but there were insufficient beds or infrastructure for them.³⁷²

Inmates within this unit receive 12-hour onsite coverage from mental health staff (from 7am to 7pm). Doctors attend Monday to Friday. There are two psychiatrists and a dedicated 24 hours per day mental health nurse employed by JH&FMHN. There is also a psychologist and SAPO assigned to the units. Staff at the MHSU conduct and electronically log physical observations of inmates every 30 minutes and there are cameras in all the cells. A multidisciplinary management plan is completed for each inmate involving input from the psychiatrist, psychologist, JH&FMHN and custodial staff. While efforts are made to try to get MHSU residents to access activities and the library (they are scheduled to attend activities once a week, but many choose not to), they do not have programs or courses.

The unit does not have the capacity to keep and treat patients who are not compliant with their medication. These patients, who require involuntary treatment orders, must be sent to Long Bay Hospital. However, the wait list for Long Bay Hospital can be weeks. The NSW Mental Health Commission recently noted:

‘because of the relatively low number of women in custody, there are issues in terms of equity of access to services which have mainly been designed to meet the needs of male inmates. There are no dedicated beds for women at the 40-bed mental health unit at Long Bay Prison Hospital, with the result that women requiring treatment there are, in effect, kept in seclusion.’³⁷³

At the time of the Silverwater inspection, a woman had been on the wait list for Long Bay Hospital for 30 days. This is unacceptable. ‘Inmates who are suffering from a severe psychiatric illness should be assessed and transferred without delay so they may be managed by an appropriate tertiary or specialist health care facility, rather than a correctional centre’.³⁷⁴

The length of stay in the MHSU is dependent on the treating psychiatrist. It can range from one week to one year.³⁷⁵ The inmates are generally transitioned from the MHSU to the MHSDU, and are visited by the same doctors. There was a need for additional sub-acute care as evidenced by patients often cycling between the MHSU and MHSDU units, depending on their needs at that time. Keeping women for long stays in the MHSU, because of a perceived lack of adequate step down support was creating ‘bed block’ for women waiting for a bed in the MHSU.

7.4.2 The Mental Health Step Down Unit (MHSDU)

The MHSDU accommodated a maximum of 10 women. At the time of inspection, most of the women were housed in their own cells. One of these women was on remand and had been in the MHSDU approximately

371 Interviews with staff, 2017.

372 Interviews with staff, 2017.

373 Mental Health Commission of New South Wales, *Living Well: A Strategic Plan for Mental Health in NSW 2014-2024* (2014) 82.

374 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 89.2.

375 Interviews with staff, 2017.

6 months. She had been able to engage in a number of activities and services, such as going to the yard and the library. She also saw a counsellor once per fortnight and family members visited her from a rural location. Like the MHSU, women in the MHSDU were not involved in employment or education. At the time of inspection, there were two inmates on the wait list for the MHSDU.

In general, inmates praised the unit. The inspection team observed an inmate make a threat to harm herself and others. The officers on duty dealt with this incident calmly and respectfully. Officers should be commended on their treatment of inmates and their mental health concerns.

The inspection team were informed by staff that women housed in MHSDU were often hesitant to return to the mainstream units of the prison due to their vulnerability. Although staff from the MHSDU offer continuity of care, it was suggested that there should be another 'step down' between the MHSDU and the main units.

7.4.3 The Mum Shirl Unit (MSU)

The MSU is a specialist 19 bed unit for women with behavioural management issues, such as those with personality disorders, challenging behaviours, self-harm and suicidal behaviours. The unit also accommodates women who have cognitive and intellectual disability, due to a lack of other suitable accommodation. There are several exclusion criteria, including those admitted to the Supervision Unit, floridly psychotic, or with acute depression or chronic mental health issues. There are two full time psychologists dedicated to the unit. A psychiatrist attends the unit once per month.

The unit was staffed 24 hours a day with half-hourly physical checks undertaken of all inmates. There were various activities to keep the women occupied. This included puzzles, TV shows, music/radio, and colouring in activities. Inmates the inspection team spoke with said the officers were helpful and supportive.

MSU staff shared their concerns with releasing inmates from the MSU back into mainstream populations. Staff suggested a solution would be a subacute area where women can be transferred from either the MSU or the MHSDU for a reasonable period of time before being transferred back into the mainstream prison population. On a subsequent visit to Silverwater in 2018, half of the Willett unit had been transformed into a nine bed transitional unit from the MHSDU. This new strategy appears to be working well in assisting women with subacute mental health needs to transition into the mainstream population.

7.4.4 General mental health services

JH&FMHN policy mandates that when JH&FMHN staff notify CSNSW regarding an inmate's placement, they need to consider the clinical mental health needs of the patient and the level of mental health care offered at their classified centre.³⁷⁶ Those who experience unstable mental health (Clinical B) residing at centres without CMH require a transfer to Silverwater, which has Custodial Mental Health Services.³⁷⁷

The need for the policy is justified as the inspection team observed that Grafton, Dillwynia and Wellington could not provide mental health services for women with unstable mental health. This was partially due to difficulty recruiting and retaining specialists in regional areas.

7.4.5 Psychiatry services

Despite Silverwater having regular psychiatric services; demand for psychiatric services was not able to be met outside the designated mental health units. Two psychiatrists attended two days per week in the

³⁷⁶ NSW Health, Justice Health & Forensic Mental Health Network, *Important Notice 19828 – A New Mental Health Model of Care* (in 'Custodial Mental Health – Referral and Case Management Policy', policy number 1.443, 6 March 2017) 16, 17.

³⁷⁷ NSW Health, Justice Health & Forensic Mental Health Network, *Important Notice 19828 – A New Mental Health Model of Care* (in 'Custodial Mental Health – Referral and Case Management Policy', policy number 1.443, 6 March 2017) 16, 17.

MHSU and MHSDU, to service 20 inmates and one psychiatrist attended four days per week to service induction, MSU and other units. The psychiatric support that was available for women in Area 2, which has a maximum state of 122 inmates, was two hours per week.

Data received from JH&FMHN based on averages between September 2017 and October 2018 revealed those women who required urgent or semi-urgent psychiatric treatment (rated priority 1 & 2) faced waitlists at Dillwynia and sometimes at Silverwater. However, these waits varied over time.

7.4.6 Psychology services

Psychologists in NSW correctional centres are employed by CSNSW, not JH&FMHN. The services provided by psychologists in prisons are different to those experienced in community health settings.³⁷⁸ In prison, psychologists may provide short-term behavioural interventions to inmates such as coping strategies for stress or grief. However, the longer-term interventions provided by psychologists in the community are not considered appropriate in prison, as they require a stable normalised environment for behavioural management and change.³⁷⁹

At the time of the inspection, there were five psychologists working at Silverwater, each servicing different streams of inmates. Three psychologists worked in the specialist mental health units (two at the MSU and one in the MHSU), leaving two to service the mainstream units (Area 1). Outside the designated mental health units, women had limited access to psychologists. At the time of inspection, the psychological services waitlist at Silverwater (which included follow up appointments) was around 160 days.³⁸⁰ However, if a woman's condition changed whilst she was on the waitlist, the appointment could be escalated. There has been no increase in psychological services at Silverwater with the increases in female inmate numbers.³⁸¹ At a follow up visit 12 months later, it was clear that the situation had not improved, with only one psychologist to service all the mainstream units.

There were two psychologists at Dillwynia, both who reported significant waitlists. At Wellington there was no regular psychologist at the time of inspection. Once a week, a psychologist from Bathurst came to Wellington to see inmates. At the time of inspection, this visiting psychologist had 231 referrals from the entire Wellington centre (including male and female inmates).³⁸² CSNSW is trying to fill vacant psychologist roles and establish external partnerships to provide counselling.³⁸³

7.4.7 Mental Health nurses

The inspection team found there is a lack of mental health nurses across centres. JH&FMHN are cognisant of the challenge of recruiting to these roles, particularly in regional areas. At the time of inspection, Dillwynia did not have a permanent mental health nurse. If a woman became acutely mentally unwell they were transferred back to Silverwater, but this could take some time. These women tended to be accommodated in observations cells until their transfer.

While Grafton did have a mental health nurse employed three days per week at the time of the inspection, they had a long waitlist of about 60 inmates. They sometimes spent between two hours or a full day with patients in 'telehealth' appointments with a psychiatrist in Sydney cutting down the time they could spend in one-on-one appointment with clients. The regional location of Wellington meant it had been difficult for

378 Psychologists responsibilities in prisons include delivering programs related to offending, assessing inmates risk and criminogenic need, and reporting to courts, parole authorities or the Mental Health Review Tribunal; see 'Psychology Services', *Department of Communities and Justice (NSW)* (Web Page, June 2016) <<https://www.correctiveservices.justice.nsw.gov.au/Pages/CorrectiveServices/programs/principal-advisor-psychology/principal-advisor-psychology.aspx>>

379 Interviews with staff, 2017.

380 Interviews with staff, 2017.

381 Interviews with staff, 2017.

382 Interviews with staff, 2017.

383 Information provided by CSNSW 4 November 2019.

Wellington to recruit mental health nurses as well as other health professional positions. Due to a substantial waitlist, the mental health nurse only saw women on remand when they were in crisis.

Data received by JH&FMHN from September 2017 to October 2018 revealed those women who required urgent or semi-urgent treatment from a mental health nurse (rated priority 1 & 2) faced long waitlists at Dillwynia and Wellington. The average waitlist at Silverwater and Grafton were much better, with women usually seen within 5-10 days.

7.4.8 Mental health needs of Aboriginal women

The JH&FMHN Network Patient Health Survey found that over 80 per cent of Aboriginal women had been diagnosed with a mental illness by a clinician, higher than the rates for non-Aboriginal women.³⁸⁴ Aboriginal women tended to have higher instances of schizophrenia, psychosis, alcohol abuse or dependence or post-traumatic stress disorder than non-Aboriginal participants. A smaller proportion of Aboriginal women were likely to have attempted suicide than non-Aboriginal women. However, being Aboriginal and being female was more highly predictive of having attempted suicide, than being male and/or non-Aboriginal.³⁸⁵ In the JH&FMHN survey, Aboriginal participants were more likely to report using alcohol at potentially dangerous levels compared to non-Aboriginal people.³⁸⁶ Taken together, each of these findings means that Aboriginal women require specialised and targeted health care practice and treatment.

Research has identified that Aboriginal conceptual understanding of mental health is different to mainstream understandings and criminal justice services would benefit from implementing these understandings in their service provision to Aboriginal patients. Culturally specific influences on Aboriginal mental health have been said to include trauma and loss; life stress and major life events; acculturation stress; racism; socio-political factors; and self-determination for Aboriginal people.³⁸⁷ The 2015 JH&FMHN *Network Patient Health Survey – Aboriginal People's Health Report* noted that identification with culture and country constitutes a source of Aboriginal resilience which protects Aboriginal people's wellbeing.³⁸⁸ They found that a larger proportion of Aboriginal women in custody, than Aboriginal men, tended to have no recognition of a traditional country or homeland (19.1% versus 9.1%), potentially having negative effects on their wellbeing.³⁸⁹

CSNSW requires Aboriginal-specific options for mental health care that are culturally-aware and responsive to individual needs, including the prevention, early intervention and treatment of mental health issues.³⁹⁰ There were no Aboriginal mental health workers at the centres visited. This was particularly troubling at Wellington, which has a significant Aboriginal female population. Staff across different centres described trying to recruit for an Aboriginal mental health worker without success.

Across centres, inmates and staff agreed that Elder visits and Aboriginal mental health workers are vital to help women with their cultural identity. In the centre-specific induction book received by women on reception to Wellington, it was noted that 'Wellington Correctional Centre has Aboriginal Mentors to

384 Justice Health & Forensic Mental Health Network, *2015 Network Patient Health Survey: Aboriginal People's Health Report* (Report, November 2017) xiii, 28.

385 Sarah Larney et al, 'A Cross-Sectional Survey of Prevalence and Correlates of Suicidal Ideation and Suicide Attempts among Prisoners in New South Wales' (Research Article, BMC Public Health, 2012) 12, 14.

386 Justice Health & Forensic Mental Health Network, *2015 Network Patient Health Survey: Aboriginal People's Health Report* (Report, November 2017) 31-2.

387 Robin Jones and Andrew Day, 'Mental Health, Criminal Justice and Culture: Some Ways Forward?' (2011) 19(4) *Australasian Psychiatry* 325, 330. A more detailed perspective of Aboriginal mental health in criminal justice settings can be seen in this article.

388 Justice Health & Forensic Mental Health Network, *2015 Network Patient Health Survey: Aboriginal People's Health Report* (Report, November 2017) 24.

389 Justice Health & Forensic Mental Health Network, *2015 Network Patient Health Survey: Aboriginal People's Health Report* (Report, November 2017) 24.

390 Ed Heffernan, et al, 'Mental Disorder and Cognitive Disability in the Criminal Justice System' in Pat Dudgeon, Helen Milroy & Roz Walker (Eds.) *Working Together: Aboriginal and Torres Strait Islander Mental health and Wellbeing Principles and Practice* (Commonwealth Copyright Administration, 2nd ed. 2014)

assist you to reconnect to your mob. Simply ask the Correctional Officers to do an electronic referral to the Mentors on the computer. Mentors are available to assist you Monday to Friday.’³⁹¹ This initiative is an example of good practice. The CSNSW Aboriginal Strategy & Policy unit is dedicated to advocating and providing for Aboriginal inmates. Part of their work is to ensure that attention is paid to the high levels of trauma experienced by Aboriginal women and the negative impact this can have on mental health.³⁹² A CSNSW Aboriginal Advisory Council meets regularly to support and improve the care provided to incarcerated Aboriginal people at an executive level.³⁹³

7.5 Counselling Services

Research shows that many female offenders are themselves victims of violent crimes.³⁹⁴ A history of victimisation is seen to be a contributing factor to offending behaviour. In recognition of the need to provide counselling services for female offenders who are also victims, the CSNSW WAC together with NSW Victims Services launched a ‘counselling in prison’ program for male and female inmates who have been the victims of a violent crime, including those on remand.³⁹⁵ This approved counselling service allows eligible inmates to access trauma-informed face-to-face counselling from an external provider. At the time of inspection, the program had been rolled out to Dillwynia (counsellors attended twice per week), Wellington (where counsellors attended once per fortnight) and Silverwater (counsellors attended once per week).³⁹⁶ There were over 600 counsellors across the state that were part of the program and there were future plans to roll out the program to all centres accommodating women, including Grafton.³⁹⁷ Across centres, the initiative was held in high regard. However, the high demand for the service at Wellington, Silverwater and Dillwynia meant that some women on remand missed out on participating in the program due to their short stay in custody.

7.6 Women with cognitive impairment or disability

People with disabilities (such as cognitive impairment, disability, foetal alcohol spectrum disorder and acquired brain injury) are overrepresented within the Australian criminal justice system. This is particularly the case amongst Aboriginal peoples.³⁹⁸ Research shows that Aboriginal peoples experience higher rates of mental and cognitive disability than non-Aboriginal people in Australia and that Aboriginal women with disability are particularly prone to encounters with the criminal justice system.³⁹⁹

391 Information about legal access to computers is provided in Corrective Services NSW, *Induction Information Booklet for Inmates Wellington Correctional Centre 6* (received onsite).

392 ‘Corrective Services NSW: Aboriginal Strategy and Policy Unit’, *Department of Communities and Justice (NSW)* (Intranet Web Page, January 2018) <<http://intranet.internal.justice.nsw.gov.au/Divisions/Pages/divisions/corrective-services-nsw/corrections-strategy-and-policy/aboriginal-strategy-and-policy-unit/aboriginal-strategy-and-policy-unit.aspx>>.

393 ‘Corrective Services NSW: Aboriginal Advisory Council’, *Department of Communities and Justice (NSW)* (Intranet Web Page, November 2017) <<http://intranet.internal.justice.nsw.gov.au/Divisions/Pages/divisions/corrective-services-nsw/corrections-strategy-and-policy/aboriginal-strategy-and-policy-unit/aboriginal-advisory-council.aspx>>.

394 Mary Stathopoulos and Antonia Quadara, *Women as Offenders, Women as Victims: the Role of Corrections in Supporting Women with Histories of Sexual Abuse* (Report, Corrective Services NSW, August 2014) 18.

395 Thomas Dornan and Elyse Aird, ‘An Evaluation of the Counselling in Prison Trial’ (NSW Justice Victims Services, 2015).

This evaluation of the program found that over time, counselling sessions provided inmates with a safe and non-judgemental space in which to discuss their experience of victimisation and work through the shame, anxiety and grief associated with those experiences. Quantitatively, there were positive changes through a reduction in severity of inmate’s anxiety, depression and stress post-counselling. This difference occurred across participants regardless of gender, whether or not the inmate identified as Aboriginal and the age of the inmate.

396 Thomas Dornan & Elyse Aird, ‘An evaluation of the counselling in prison trial’ (NSW Justice Victims Services, 2015).

397 NLAF meeting presentation from Mahashini Krishna, Commissioner of Victims’ Rights, February 2018.

398 Australian Medical Association, ‘Position Statement on Health and the Criminal Justice System’ (August 2012) 3 <<https://ama.com.au/position-statement/health-and-criminal-justice-system-2012>>.

399 Elizabeth McEntyre, ‘How Aboriginal women with disabilities are set on a path into the criminal justice system’ *The Conversation* (online), November 3, 2015, <<https://theconversation.com/how-aboriginal-women-with-disabilities-are-set-on-a-path-into-the-criminal-justice-system-48167>>; Australian Institute of Health and Welfare, ‘Effective Strategies to strengthen the mental health and wellbeing of Aboriginal and Torres Strait Islander people’ (Issue paper no. 12, 2014) <<https://www.aihw.gov.au/getmedia/6d50a4d2-d4da-4c53-8aeb-9ec22b856dc5/ctgc-ip12-4nov2014.pdf.aspx?inline=true>>.

The needs of people with disabilities are recognised in NSW legislation. The Commissioner must give special attention to the needs of inmates who have a disability when providing services and programs that promote the health, safety and wellbeing of the inmate.⁴⁰⁰

At Silverwater, inmates with cognitive impairment are placed in the MSU as these inmates require extra care and are too vulnerable to be in the mainstream population. At the time of the inspection there were several women in the unit with a cognitive impairment or disability. There were difficulties associated with housing these women with women who have behavioural issues, as the women have very different care needs. This placed a strain on staff members' capacity to provide adequate care for all inmates. Some women also required assistance with activities of daily living, such as bathing. The inspection team were confident that MSU staff were working with these inmates to the best of their ability, with the resources they had. However, it was suggested that an Additional Support Unit is required for women in this situation.⁴⁰¹ Additional Support Units provide specialised accommodation for inmates with disabilities who require placement outside the mainstream correctional environment due to their increased care needs, assessment and/or the requirements to participate in a specific program to address offending behaviour.⁴⁰² There are currently three Additional Support Units for male inmates in NSW but none for women. It is acknowledged that additional capital and non-capital funding would be required. Women with severe cognitive impairments should be accommodated in their own unit for the safety of staff and inmates.⁴⁰³

7.7 Medication

CSNSW policy provides that CSNSW works with JH&FMHN to enable the monitoring and administration of medication to inmates in a safe, effective and secure manner.⁴⁰⁴

Some women enter prison during a period of instability, having not been compliant with their medications in the community. This means that health staff have to help women to re-establish their medication schedule. When an inmate comes into custody as part of the screening process, the inmate is asked what medications they are taking. Staff are then required to verify the medications with the inmate's treating practitioner through a Release of Information (ROI). This is good practice as it aims for continuity of care. However, the return of ROIs is beyond the control of JH&FMHN, and prescribing officers within JH&FMHN may need to make their own clinical assessment to address the medication needs of patients.

The inspection team recognise that providing medication requires stringent policy and guidelines to ensure patient safety and wellbeing. The ICS standards note 'drugs which have a potential for abuse or dependency should only be prescribed when there is no alternative, and according to appropriate controls'.⁴⁰⁵ JH&FMHN's *Network Medication Guidelines* attend to these issues.

As much as possible, JH&FMHN encourage women to take responsibility for their own medication. This is more likely to be facilitated for sentenced than remand inmates because it requires stable accommodation arrangements. If the inmate is not compliant with use or issues around diversion arise, they may be taken off this regime and provided with daily supervised medication.

400 *Crimes (Administration of Sentences) Regulation 2014* cl 60(3)(b).

401 Interviews with Staff 2017.

402 'Additional Support Units', *Corrective Services NSW* (Web Page) <<http://www.correctiveservices.justice.nsw.gov.au/Pages/CorrectiveServices/programs/statewide-disability-services/additional-support-units.aspx>>.

403 In October 2018, the Victorian Ombudsman released a report examining the service gap for women with cognitive function disorders in Victoria. That report recommended that the Department of Justice consider options for specialist units and services for women with an intellectual disability or cognitive impairment in Victorian prisons. It was also recommended they seek advice from relevant disability experts when determining placements within the prison system in complex cases of prisoners with mental impairment; see Victorian Ombudsman, 'Investigation into the Imprisonment of a Woman Found Unfit to Stand Trial' (16 October 2018) 66 <<https://www.ombudsman.vic.gov.au/Publications/Parliamentary-Reports/Investigation-into-the-imprisonment-of-a-woman-fou>>.

404 Corrective Services (NSW), *Medications* (Custodial Operations Policy and Procedure, number 6.8, 16 December 2017) 4. <<http://intranet.internal.justice.nsw.gov.au/Divisions/Documents/corrective-services-nsw/Custodial%20Corrections/copp/medications.PDF>>.

405 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 84.4.

7.7.1 Opiate Substitution Treatment

JH&FMHN policy includes a protocol for patients currently taking, or requesting to go onto Opioid Substitution Treatment (OST) programs (including Methadone, Buprenorphine or Suboxone). All patients who enter the correctional system on an OST program are maintained on this treatment once incarcerated, unless clinically indicated otherwise. Those requesting to commence on this treatment in custody must undergo a comprehensive assessment process to determine their suitability for the program. The assessment is conducted in line with the JH&FMHN Drug and Alcohol Procedure Manual. Those who are on the OST program are regularly reviewed.⁴⁰⁶

At the time of the inspection at Dillwynia, there were 12 women on Suboxone and 50 women on Methadone. Dosing requires stringent security and observation. This has a significant impact on the provision of other clinical services such as primary health or GP health services, as no other services can commence until after this has been completed. Although primary health, GP health services or specialty staff were available from 8am patients were unable to be seen until 10am.⁴⁰⁷ This is because additional correctional officers would be required to escort and supervise OST dosing and clinic appointments. JH&FMHN and CSNSW should work together to ensure clinic services are operating efficiently with the aim of reducing patient waitlists.

7.8 System-wide issues

Overall, the inspection found that JH&FMHN staff were committed to the physical and mental health care of women on remand. Yet, there was concern that an increased demand for health services and frequent transfers between correctional centres had placed a strain on existing resources. This creates challenges to providing adequate health care to women on remand.

7.8.1 Transfers between correctional centres

As soon as practicable after an inmate is transferred from one correctional centre to another, the inmate's medical records are to be given into the custody of a prescribed health officer at the centre to which the inmate is transferred.⁴⁰⁸ It is then the duty of the primary health nurse at the receiving centre to review treatment plans, see what waitlists a woman may be on, and transfer appointments to the waitlists at the receiving centre.⁴⁰⁹

The movement of women on remand out of Silverwater due to bed availability could negatively impact on women's health care. Silverwater is resourced to manage women who are withdrawing from drugs and alcohol, and women with acute mental health issues. Dillwynia was not established to accommodate women on remand and despite having a very good health centre; it is not equipped as well as Silverwater. Due to bed availability women on remand are sometimes transferred to Dillwynia and then back to Silverwater which has more access to health services. It is acknowledged that managing withdrawal symptoms is a clinical priority for JH&FMHN and specialist Consultation and Liaison services are available on a 24 hour basis if health centres require extra support.⁴¹⁰ It is important that CSNSW communicate well in advance to JH &FMHN if a centre is changing its role and function. This will enable JH&FMHN to resource and plan accordingly for the health requirements of a centre's population.

406-Justice Health and Forensic Mental Health Network (NSW), 'Drug and Alcohol Services' (Policy Number 1.040, 12 July 2017) 4 <https://www.justicehealth.nsw.gov.au/about-us/right-to-information/1-040_policy_0717.pdf>.

407 Interviews with staff 2017.

408 *Crimes (Administration of Sentences) Regulation 2014* cl 288(4).

409 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 78.3.

410 Justice Health and Forensic Mental Health Network (NSW), 'Drug and Alcohol Services' (Policy Number 1.040, 12 July 2017) 4 <https://www.justicehealth.nsw.gov.au/about-us/right-to-information/1-040_policy_0717.pdf>.

7.8.2 Access to health centres

Across each of the inspected centres, the security regime at each centre, including the need to manage different populations in the prison, constrained the access of women to the health centre and JH&FMHN staff.⁴¹¹

Custodial staff play an important role in health centre access as they are required to escort inmates to their medical appointments. Higher security classifications require more escorting officers. Accordingly, custodial staff shortages (for example due to illness, absence, industrial action, or having to attend to a security issue elsewhere within the centre) impact the number of patients who can be seen by JH&FMHN staff. There are also certain practical limitations such as patients not being able to associate with each other, or patients not wanting to attend their appointment. Senior JH&FMHN staff at Silverwater commended Silverwater custodial officers for doing their best to balance the need to maintain security with prioritising access to the health centre.

Health centre infrastructure impacts clinic access. For example, the size of the health centre, the number of treatment rooms, and provisions for maintaining inmate privacy and confidentiality such as separate entry ways, windows, screens, and walls. The health centre infrastructure at Wellington allowed for flexibility and the maintenance of security protocols and inmate privacy. Custodial staff were skilled at coordinating inmates of different genders to use the health centre at the one time (in separate treatment rooms). The inspection team were impressed with the flexibility of Wellington CSNSW staff at balancing the security regime with the health needs of women.

7.9 Access to specialist health services at regional centres

In line with JH&FMHN's model of primary health care, external appointments were facilitated for women where a clinical assessment determined the need for a secondary/specialist consultation beyond the primary health services available at health centres. Consistent with JH&FMHN policy, specialist appointments should be scheduled at Nepean and Westmead hospitals for female inmates.⁴¹² This was a challenge at Wellington and Grafton due to the regional location of these centres. Inmates were required to transfer to a metropolitan correctional centre, such as Silverwater, due to the significant distance of regional correctional centres from metropolitan Sydney. However, the inspection team heard that some women cancel specialist appointments in order to stay at regional centres close to family.⁴¹³ It would be preferable to access external health specialists without requiring escort from regional areas to metropolitan Sydney.

It is acknowledged that JH&FMHN is expanding telehealth across NSW correctional centres. Telehealth allows consultation via audio-visual link of an inmate in a correctional centre by a remotely located specialist. This is having a positive impact on increasing specialist services to regional correctional centres.

7.10 Health promotion programs

The ICS standards emphasise the importance of health promotion and health education for the wellbeing of inmates.⁴¹⁴ The primary health promotion program run by JH&FMHN is 'Health Survival Tips'. There is also a range of health promotion and education booklets and flyers available to inmates. The inspection team were impressed with the health promotion work regularly conducted at Silverwater, Dillwynia and Wellington.

⁴¹¹ Interviews with staff 2017.

⁴¹² Justice Health and Forensic Mental Health Network (NSW), 'Access to Local Public Hospitals' (Policy Number 1.252, 15 January 2018) 2 <https://www.justicehealth.nsw.gov.au/about-us/right-to-information/1-252_policy_0118.pdf>.

⁴¹³ Interview with staff and inmates 2017.

⁴¹⁴ Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 85 states that 'Health promotion and education should be delivered in the language of choice of the recipient and in a culturally appropriate manner to the individual and the setting', and according to standard 85.1, 'Health promotion and health education must be evidence-based'.

7.11 Recommendations

Recommendation 22: The Inspector recommends that CSNSW and JH&FMHN ensure health centres are appropriately resourced to deal with remand inmates who are detoxing from drugs, experiencing acute mental health issues, and other factors relevant to the remand health profile.

Recommendation 23: The Inspector recommends that CSNSW and JH&FMHN consider increasing the number of step down beds at the Mental Health Screening Unit at Silverwater to assist with patient flow between the Mental Health Screening Unit at Silverwater and Mental Health Unit at Long Bay Hospital.

Recommendation 24: The Inspector recommends that JH&FMHN consider increasing the number of beds available for women requiring mental health treatment at the Mental Health Unit at Long Bay Hospital.

Recommendation 25: The Inspector recommends that CSNSW ensure counselling and psychological services are available for female inmates at all centres accommodating women.

Recommendation 26: The Inspector recommends that JH&FMHN review the waiting lists for health services at women's centres and ensure access to general practitioners, mental health services, drug and alcohol services, and women's health practitioners at all centres with female inmates.

Recommendation 27: The Inspector recommends that CSNSW consider establishing an Additional Support Unit for women with severe cognitive impairment or disability.

Recommendation 28: The Inspector recommends that JH&FMHN and CSNSW should work together to ensure clinic services are operating efficiently with the aim of reducing patient waitlists.

8 Drug Use and Strategy

‘Drug and alcohol use in prisons pose risks to the health and safety of staff and prisoners. Their use contributes to violent and disruptive behaviour, bullying and intimidation among the prison population, and the spread of blood borne viruses. Failure to address drug and alcohol addictions can lead to reoffending.’⁴¹⁵

Research by the Australian Institute of Criminology has identified that female offenders tend to experience a different and more complex pathway to drug use and offending than their male counterparts. They found a stronger relationship between drug use, offending and past experiences of child abuse amongst female than male detainees. Women that had reported child abuse were more likely to have been drug dependent and to have been recently charged with an offence than male detainees. There was also an association between experiences of child abuse and mental illness, which was stronger for females than male detainees. Females tended to use ‘harder’ drugs than males, which were understood to be a means of coping with mental distress, resulting from past negative experiences and poor mental health. The authors reasoned that because females have a different profile of drug use to their male counterparts, substance use treatment ‘designed for male offenders may not be suitable’ for women.⁴¹⁶

Existing research in NSW has shown that illicit drug use is a challenge for many inmates in NSW correctional centres. A recent report found that around two thirds of prison entrants, including women, have used illicit drugs in the year prior to entering prison. Those who are Aboriginal, rather than non-Aboriginal were more likely to have used illicit drugs during this time.⁴¹⁷ Other research by CSNSW has found that approximately 44 per cent of females report drug withdrawal symptoms on reception to prison.⁴¹⁸

At the time of inspection staff and inmates at Silverwater and Dillwynia were open with the inspection team about the high use of illicit drugs by women on remand and the impact on other inmates. This includes women on remand who were not drug users before entering the correctional system, but started using drugs whilst in prison.⁴¹⁹

CSNSW recognises the impact of drug dependence on correctional centres and re-offending and has enshrined in its policy that:

there exists convincing evidence that the abuse of alcohol and the use of illicit (illegal or non-prescribed) drugs contributes significantly to offending behaviour. Therefore CSNSW aims, through timely and dynamic intervention, to divert inmates from drug and alcohol abuse, particularly where their offence is related to such behaviour.⁴²⁰

CSNSW considers that it has a comprehensive drug strategy in place with three focus areas to reduce drug use by inmates; prevention of drugs entering the correctional system (a deterrent to use); detection (relating to searches and urinalysis); and treatment for drug dependence (pharmacological and psychological).

415 Western Australian Auditor General, ‘Minimising Drugs and Alcohol in Prisons’ (Report no. 22, 8 November 2017) 5 <<https://audit.wa.gov.au/reports-and-publications/reports/minimising-drugs-alcohol-prisons/auditor-generals-overview/>>.

416 Lubica Forsythe and Kerry Adams, ‘Mental Health, Abuse, Drug Use and Crime: Does Gender Matter?’ (Trends & Issues in Crime and Criminal Justice No 384, Australian Government: Australian Institute of Criminology, November 2009) 1 <<https://aic.gov.au/publications/tandi/tandi384>>.

417 Australian Institute of Health and Welfare, *The Health of Australia’s Prisoners 2018* (Report, May 2019) 96 <<https://www.aihw.gov.au/reports/prisoners/health-australia-prisoners-2018/contents/table-of-contents>>.

418 Maria Kevin, *Drug Use in the Inmate Population – Prevalence, Nature and Context*, (Research Publication No. 52, DUIP -6th Biennial Data Collection 2019-10: Overview and Series Trends, Corrective Services NSW, June 2013) i <<https://www.correctiveservices.justice.nsw.gov.au/Documents/Related%20Links/publications-and-policies/cres/research-publications/drug-use-in-the-inmate-population-prevalence-nature-and-context.pdf>>.

419 Interviews with inmates and staff 2017.

420 Corrective Services (NSW), ‘Urinalysis in Correctional Centres’ (Operations and Procedure Manual 19.1 -19.18, Version 1.5, February 2016) 4.

Drug use in prison is a complex issue and requires a well-resourced strategic response. It requires resources to prevent drugs from entering custodial centres; detect drugs that have entered custodial centres; understand the demand for drugs and type of drug use within each custodial centre; reduce the demand for drugs within custodial centres; provide substance misuse treatment and programs; and minimise harm to individuals who use drugs as well as staff who work in custodial centres and the community to which the majority of inmates will return.⁴²¹ It would therefore be preferable for CSNSW, in consultation with JH&FMHN to develop and publish a comprehensive and integrated drug strategy. This work has commenced.⁴²²

8.1 Detection

A common substance used illicitly by women was buprenorphine, which was prescribed to some patients through OST. The inspection team heard from staff and inmates that there is a lot of pressure on women from other inmates to divert this drug. For example, although only nine women were prescribed buprenorphine at the time of the Dillwynia inspection, random testing had identified increased use of this substance.⁴²³

The increase in drug use has changed management and operations across centres. Dillwynia had implemented a local drug strategy to reduce drug use. This included security to prevent drugs entering the centre and searches and testing to detect drugs.⁴²⁴ At the time of the inspection 32 inmates at Dillwynia were on non-contact visits due to drug use. Inmates are physically separated from visitors and cannot have physical contact with them, preventing the possible exchange of drugs. The inspection also coincided with 'Operation Purge', a broader NSW strategy to target contraband, mobile phones, drugs and weapons across NSW prisons.⁴²⁵

8.2 Treatment

The ICS standards provide that 'remand inmates should be offered opportunities for addressing drug and alcohol issues'.⁴²⁶ The opportunity for women on remand to access treatment is particularly important given that some women spend a significant portion, if not all, of their sentence on remand.⁴²⁷ Prison has been identified as a critical point where health systems can help to intervene in women's substance use and related crime.⁴²⁸

421 See generally Her Majesty's Prison & Probation Service (UK), 'Prison Drugs Strategy' (2019) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/792125/prison-drugs-strategy.pdf>.

422 CSNSW advice June 2019.

423 Interviews with staff 2017.

424 The CSNSW Custodial Operations Policy and Procedure section on Inmate Property is currently under review (as of 11 September 2018). However, the current Operations and Procedures Manual (section 9) includes strict guidelines ensuring that property provided to inmates is in accordance with policy.
An Assistant Commissioner's memorandum presenting the reversing of the prior policy to allow inmates to receive underwear, socks and singlets from family and friends from 30 April 2018. The cited reason for this was due to an increase in contraband secreted in parcels of underwear posted to inmates.
Kevin Corcoran, Assistant Commissioner's Memorandum Custodial Corrections, No. 2018/08, 10/04/2018.

425 Corrective Services NSW, *The Bulletin*, edition 692 July-August 2017, 3.

426 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 9.5.

427 Jennifer Galouzis and Simon Corben, 'Judicial Outcomes of Remand Inmates in New South Wales' (Research Bulletin No. 34, Corrections Research, Evaluation and Statistics, Corrective Services NSW, October 2016) 3.

428 Western Australian Auditor General, 'Minimising Drugs and Alcohol in Prisons' (Report no. 22, 8 November 2017) 4 <<https://audit.wa.gov.au/reports-and-publications/reports/minimising-drugs-alcohol-prisons/auditor-generals-overview/>>.

On reception to prison, many women on remand are withdrawing from substance use. Due to the health risks associated with withdrawal, specialised clinical management is required under the supervision of JH&FMHN.⁴²⁹ JH&FMHN provide drug and alcohol services in NSW correctional centres to a medical model of intervention. Under the shared model of care, primary care nurses assess and manage intoxication and withdrawal, and provide OST to eligible inmates. Specialist Clinical Nurse Consultants and Nurse Practitioners provide consultation, liaison, supervision and secondary clinical support. All JH&FMHN health centres may access specialist advice for withdrawal management on a 24-hour basis.

Although Silverwater has four designated detoxification cells, this was described as being inadequate to meet the demand at times. Due to a lack of beds at Silverwater, women on remand may be transferred from Silverwater to other centres, with fewer specialist services.

In recognition of the unique pathways of women in to substance use, the Bangkok Rules provided that 'Prison health services shall provide or facilitate special treatment programmes designed for women substance abusers, taking into account prior victimization, the special needs of pregnant women and women with children, as well as their diverse cultural backgrounds'.⁴³⁰

Providing and facilitating access to intensive drug treatment programs that are specifically designed for women is a way to achieve good outcomes for female inmates. Women who use drugs have unique needs and therefore require specialised treatment and policy.⁴³¹

The inspection team heard accounts of women actively seeking support and programs to help them cease substance use. There are psychological treatments, pharmacological treatments and harm-reduction based support for women on remand with substance use issues. JH&FMHN have a program of early detection and prevention of blood borne viruses associated with intravenous drug use. Direct acting antiviral medication for Hepatitis C is also made available to clinically indicated inmates.

CSNSW has developed the Remand Addiction program for inmates on remand who have a substance use or dependence problem, or are in withdrawal. It provides education and information about overcoming substance use. It is run as an open 'rolling' group intervention, meaning participants can start at any time.⁴³² There were no scheduled Remand Addiction programs at Silverwater, Grafton, Dillwynia or Wellington at the time of inspection.

Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) are run at some centres. Data received from CSNSW illustrated that of the centres inspected; only Silverwater had these programs at the time of the inspection. They ran 104 Addictions Support Groups within the period of December 2016 to November 2017. While there is limited research around the effectiveness of 12-step programs in prison, research suggests that they are a promising approach.⁴³³

429 Shane Darke, Sarah Larney, and Michael Farrell, Addiction: Editorial, 'Yes, People Can Die From Opiate Withdrawal' (2016) 112 *Society for the Study of Addiction* 199, 199 <<https://onlinelibrary.wiley.com/doi/full/10.1111/add.13512>>.

430 Rule 15 of the Bangkok Rules.

431 Lubica Forsythe and Kerryn Adams, 'Mental Health, Abuse, Drug Use and Crime: Does Gender Matter?' (Trends & Issues in Crime and Criminal Justice No 384, Australian Government: Australian Institute of Criminology, November 2009).

432 Corrective Services NSW, 'Policy for implementation and recording remand interventions for state-wide programs', *Offender Services & Programs, Corrective Services NSW*, 9-10.

433 Linda Jenner, Jarryd Bartle and Nicole Lee, 'What works. Alcohol and Other Drug Treatment in Prison' (360 Edge, 2018) 23 citing Frank S. Pearson and Douglas S. Lipton

8.3 Pharmacological treatments for drug and alcohol use and harm reduction

A critical aspect of drug and alcohol services available in correctional centres is continuation of OST. NSW correctional centres provide OST in the form of methadone syrup, buprenorphine wafers or suboxone film.⁴³⁴ There is a well-established research base that supports the use of OST treatment in custodial conditions. Those who are opioid dependent and placed on OST during custody who continue adhering to treatment post-release are at a lower risk of post-release mortality through overdose, injecting drug use and re-incarceration.⁴³⁵

Current JH&FMHN policy states 'all patients who enter the correctional system... on an OST program are maintained on this treatment unless clinically indicated otherwise.'⁴³⁶ Pregnant women have a priority status for entry onto the OST program and treatment commences as soon as possible for the health of the mother and the baby.⁴³⁷ Any other patient requesting to commence an OST program is clinically assessed, triaged and managed according to any clinical risks that present.⁴³⁸ Any patient that is unable to be commenced on this treatment whilst in custody is offered symptomatic management of any withdrawal syndrome they are presenting with and referred to CSNSW Drug and Alcohol Programs where appropriate.

Independent research has commented on the difficulties JH&FMHN face in trying to balance high patient demand for OST with clinical needs for patient safety and program capacity. Clinical governance reforms led to improved outcomes for OST patients in custody. However, there is also value in routinely monitoring and re-evaluating program access and outcomes to ensure ongoing improvement of treatment quality and best practice.⁴³⁹

A harm reduction approach recognises that a small proportion of the prison population will always use drugs, and so should be supported to use in a way that is the safest for themselves and those around them. In 1993 the World Health Organization (WHO) recommended that, where preventative measures were provided in the community, they should also be provided in prisons.⁴⁴⁰

Harm reduction practices were observed at inspected centres. One example of this was Health Survival Tips (HST), a DVD-based program which aims to educate inmates on how to prevent the spread of communicable diseases in custody. CSNSW policy mandates that all inmates within NSW correctional facilities (including those on remand) must participate in HST at least once every twelve months and complete the associated Knowledge Assessment. Inmates received into custody that have not previously attended the session, must do so within one month of incarceration.

434 Suboxone is the commercial name for a pharmaceutical containing buprenorphine and naloxone.

435 See: Lauren Brinkley-Rubinstein, Michelle McKenzie, Alexandria Macmadu, Sarah Larney, Nickolas Zaller, Emily Dauria & Josiah Rich, 'A randomized, open label trial of methadone continuation versus forced withdrawal in a combined US prison and jail: Findings at 12 months post-release' (2018) 184 *Drug and Alcohol Dependence*, 57-63. Natasa Gisev, Marian Shanahan, Don J. Weatherburn, Richard P. Mattick, Sarah Larney, Lucy Burns & Louisa Degenhardt, 'A cost-effective analysis of opioid substitution therapy upon prison release in reducing mortality among people with a history of opioid dependence' (2015) 110 *Addiction*, 1975-1984. Sarah Larney, Barbara Toson, Lucy Burns & Kate Dolan, 'Opioid substitution treatment in prison and post-release: Effects on criminal recidivism and mortality' (monograph series no. 37, National Drug Law Enforcement Research Fund, 2011).

436 JH&FMHN Drug and alcohol services policy, 2014, p.3

437 JH&FMHN Drug and alcohol procedure manual – Opioid substitution treatment program, January 2019, p.2

438 Advice from JH&FMHN.

439 Sarah Larney, Wilson Lai, Kate Dolan & Deborah Zador, 'Monitoring a prison opioid treatment program over a period of change to clinical governance arrangements, 2007-2013' *Journal of Substance Abuse Treatment* (2016) 70, 58-63.

440 World Health Organisation, WHO Guidelines on HIV infection and AIDS in Prisons (1993), page 6, available at https://www.who.int/hiv/idu/WHO-Guidel-Prisons_en.pdf?ua=1.

In 2017-18, 242 inmates attended a HST session at Dillwynia. However, HST was not run successfully at all centres. Grafton did not always deliver the program to women on remand at the centre.⁴⁴¹ At Wellington, staff and inmates raised concerns that the male-oriented content of the HST DVD was unsuitable for female inmates. A HST DVD for female inmates was released in late March 2018, which better meets the needs of female inmates.

JH&FMHN staff at certain centres were particularly focused on educating patients about taking a harm-reduction approach. At Wellington, JH&FMHN staff who specialised in drug and alcohol reported a significant emphasis on harm minimisation and education as a strategy to prevent drug use. This is consistent with the Bangkok Rules.⁴⁴²

8.4 Recommendations

Recommendation 29: The Inspector recommends that CSNSW develop a comprehensive and integrated drug strategy to prevent and detect the supply of illicit drugs; reduce the demand for illicit drugs; and minimise the harm arising from drugs through programs, education and treatment.

⁴⁴¹ Interviews with staff and inmates 2017.

⁴⁴² Rule 15 of the Bangkok Rules.

9 Access to legal services

The ICS standards provide that remand inmates should be held in readiness for their next court appearance and be assisted to prepare for that appearance.⁴⁴³ This is reflected in the Regulation which makes certain provisions to facilitate the access between inmates and lawyers.⁴⁴⁴ It also includes the provision of adequate centre facilities, such as enough access to current legal resources that are necessary to prepare for their defence.⁴⁴⁵

CSNSW policy provides that 'Governors must ensure inmates have access, and are not impeded in their attempts to gain access, to legal resources and documents.'⁴⁴⁶ Inmates must have access to Australian legislation via the Legal Info Portal on the offender computer network; Legal reference books recommended by the NSW State Library Legal Information Access Centre, such as the Legal Toolkit; and Legal self-help guides and pamphlets. These are to be maintained in the correctional centre's library or in a designated location accessible by inmates.⁴⁴⁷ Remand inmates should also be provided with writing material for the preparation of documents upon request.⁴⁴⁸

An examination of the Legal Portal found it has legal handbooks with general information and a comparative sentencing schedule. Although relatively easy to navigate, some women will require assistance to find relevant legislation and information.

Women on remand had varying levels of access to legal resources. At Silverwater, women on remand had limited access to the Legal Portal, computers and the library. There were also limited law books in the Silverwater library; there was one book on tenancy law and another on family law. Similarly, there was limited access to legal textbooks in the Wellington library. However, women were able to book time for access to library computers, subject to a security assessment.⁴⁴⁹

The most restrictive access to legal resources was at Grafton, and Dillwynia had the best legal resources of all inspected centres. These legal resources could be easily accessed by women on remand. There were also computers that women on remand could use to access the Legal Portal.

However, women on remand at Dillwynia had difficulty accessing legal forms and paperwork, such as those associated with bail, appeal or those required to access Legal Aid. At the time of inspection women at Dillwynia were only able to obtain forms or lodge paperwork on certain days of the week.

443 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 6. This is consistent with the Bangkok Rules 2.1;26;

444 Clause 82 of the *Crimes (Administration of Sentences) Regulation 2014* provides that in addition to any other visit authorised by the Regulation, an inmate is entitled to be visited by the inmate's legal practitioner. Additionally, an inmate who is an Aboriginal person may be visited by:

- a) a field officer of the Aboriginal Legal Service (NSW/ACT) Limited, or
- b) a field officer of any other organisation that provides legal or other assistance to Aboriginal persons and that is approved by the Commissioner.

Clause 120 provides that the cost of a telephone call made by an inmate (including the telephone component of the cost of sending a fax) is to be met by the inmate. But this subclause does not apply to any call made to the Office of the Ombudsman, the Independent Commission Against Corruption or the Legal Aid Commission. Clause 80 provides that inmates that are confined to cells are not entitled to visits except in certain situations, including the case of a visit to discuss or transact legal business and a visit by a field officer by the Aboriginal Legal Service (NSW/ACT) Limited or a similar organisation approved by the Commissioner. Clause 163 provides that the use of a telephone is among an inmate's 'withdrawable privileges' except for calls to legal practitioners and exempt bodies.

445 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standards 6 and 6.1-6.6.

446 Corrective Services NSW, 'Inmate access to legal resources' *Custodial Operations Policy and Procedures* (16 December 2017) 20.8, p 1.

447 Corrective Services NSW, 'Inmate access to legal resources', *Custodial Operations Policy and Procedures* (16 December 2017) 20.8, 4.

448 This is consistent with the Mandela Rules 120.2.

449 Information about legal access to library computers at Wellington is provided in Corrective Services NSW, *Induction Information Booklet for Inmates Wellington Correctional Centre* p.10 (received onsite)

A window in the common area was staffed at specific times during the week to provide these services to women. A number of women explained that the window was the portal for sending off urgent legal paperwork. This was confirmed by staff, who advised all legal paperwork is faxed to the records unit at Silverwater. Although inmates queued in an orderly fashion at the window, the window was closed at the end of the session time without speaking to the women in the queue to determine if any requests were urgent. This could result in a delay in important paperwork being received.

Women who have limited English skills may also require an interpreter or more targeted support to assist them to access legal resources and handle legal documents.

9.1 Phone calls, AVL for legal purposes and legal visits

The ICS standards state that inmates should be provided with assistance to communicate with the legal counsel that they choose. This includes the provision of private and unmonitored telephone conversations and meetings with legal counsel, as frequently as necessary.⁴⁵⁰ CSNSW policy states that inmates must have access to their legal representatives and must not be impeded in their attempts to gain access to their legal representatives. Inmate calls to their legal representatives must not be recorded or monitored.⁴⁵¹

Women on remand often communicate with their lawyers by phone. CSNSW policy provides that CSNSW will meet the costs of all legal telephone calls per week for an unconvicted inmate. Inmates provide the contact details of their legal representative to be added to their telephone account, which may be verified by CSNSW staff.⁴⁵² Inmates may have up to three legal contact numbers programed into their Offender Telephone System (OTS) accounts.⁴⁵³ The duration of each legal call is 10 minutes.⁴⁵⁴ At Silverwater and Wellington, cordless phones were used to allow women to speak to their solicitors before court appearances.

Lawyers also attend centres in-person to visit clients. Data from CSNSW indicates that 1,126 legal visits occurred to the 1,800 women who were remanded in custody in 2017-18.⁴⁵⁵ This suggests that many women on remand did not receive in-person legal visits over the course of their time in custody. Instead, phone or Audio-Visual Link (AVL) services are used to help women communicate with their lawyers and prepare for court. Staff were of the view that the use of AVL suites had alleviated demand and pressure on in-person legal visits. However, some staff and inmates expressed concern that there were an inadequate number of AVL facilities to meet the needs of women at some centres. As all bail hearings and many court mention dates are conducted via AVL, this has increased the demand for AVL professional suites at remand centres such as Silverwater. Table 10 shows the number of AVL appearances at each centre per annum and the number of AVL suites.

At Silverwater, there were two AVL suites and two legal rooms, where women could speak to their lawyer in-person. At Dillwynia, the inspection team observed four AVL suites (two 'court links' and two 'legal links') that could be used for court appearances or legal visits. At Wellington, there were two AVL suites, one specialised 'court suite' and three legal phone booths. Due to the increase in remand inmates at the centre, CSNSW staff suggested that the centre needed two further AVL court suites and three legal AVL suites to meet the demand. At the time of the inspection there were 23 inmates on the AVL list for the day. Consideration should be given to increasing the number of AVL suites at centres accommodating remand inmates.

450 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standards 6, 6.1-6.6.

451 Corrective Services (NSW), 'Inmate Telephones' (Custodial Operations Policy and Procedures 8.2, 24 October 2018) 7.

452 Corrective Services (NSW), 'Inmate Telephones' (Custodial Operations Policy and Procedures 8.2, 24 October 2018) 7.

453 Corrective Services (NSW), 'Inmate Telephones' (Custodial Operations Policy and Procedures 8.2, 24 October 2018) 1.

454 Corrective Services (NSW), 'Inmate Telephones' (Custodial Operations Policy and Procedures 8.2, 24 October 2018) 6.

455 Data received by Corrections Research, Evaluation & Statistics on the 16 January 2019 (CRES Ref: D18/906873).

At Grafton, there were three AVL suites. Two were used for legal visits. The booths were not sound proofed and it was easy to overhear conversations. The inspection team were concerned that these suites did not provide adequate privacy for women discussing confidential legal matters. On a return visit to Grafton in 2018, construction work had been completed to the AVL suites to address our concerns about privacy.

Table 10 AVL suites⁴⁵⁶

	No. Court Studios	No. Professional Studios	No. of early guilty plea studios	No. of centre appearances via AVL p.a.
Dillwynia Correctional Centre	1	2	1	1277
Silverwater Women's Correctional Centre	2	2	1	2969
Wellington Correctional Centre	2	1	–	3231
Grafton Correctional Centre	2	1	–	1535

9.2 Bail

Data received from CSNSW showed that of all women received on remand between May 2016 and April 2017, 2 per cent had bail granted but conditions not yet met.⁴⁵⁷ Research suggests that Aboriginal women on remand may need extra support to meet the conditions of their bail or to be granted bail.⁴⁵⁸ A recent ALRC report identified how Aboriginal people can experience difficulty in comprehending the conditions of their bail and complying with requirements.⁴⁵⁹

Bail conditions 'should be actively and regularly reviewed to ensure that unconvicted inmates are not held in correctional centre unless it is absolutely necessary'.⁴⁶⁰ CSNSW policy outlines that inmates may access a non-offender telephone to organise sureties for bail where the inmate is in custody at a police/court cell complex.⁴⁶¹

At each centre, different staff members were tasked with assisting women on remand to meet their bail conditions. However, more should be done to assist and support women to apply for bail, and meet the conditions of their bail so they can be released.⁴⁶² Data the inspection team received from CSNSW from 2017-18 showed that more than a quarter of women on remand (26.2%) are granted bail after a period of remand. The average amount of time that women on remand are incarcerated before bail is granted was 34 days.⁴⁶³ DCJ should conduct research into why women are granted bail after spending short periods in custody. CSNSW should develop a consistent policy in relation to assisting inmates with sending and

⁴⁵⁶ Information provided by CSNSW April 2019.

⁴⁵⁷ The data described in this section was provided through a data request to Corrective Services on the 15/01/2018 (reference: D17/320562)

⁴⁵⁸ Australian Law Reform Commission, *Pathways to Justice: An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Final Report No 133, December 2017) 160.

⁴⁵⁹ Australian Law Reform Commission, *Pathways to Justice: An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Final Report No 133, December 2017) 160.

⁴⁶⁰ Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 7.1

⁴⁶¹ Corrective Services (NSW), 'Inmate Telephones' (Custodial Operations Policy and Procedures 8.2, 24 October 2018) 12.

⁴⁶² ACT Inspector of Correctional Services, 'The Care and Management of Remandees at the Alexander Maconochie Centre 2018' (Report of a Review of a Correctional Service, February 2019) 82, [5.1.10].

⁴⁶³ Data provided by CSNSW Corrections Research Evaluation and Statistics on 16 January 2019 (CRES Ref: D18/906873).

receiving paperwork for appeals and bail applications. The WAC have also suggested that further work be undertaken on the impact of police bail on remand numbers and the options and mechanisms linked to bail for women at the point of arrest.⁴⁶⁴

It was suggested that a bail coordinator role would be useful to ensure women on remand are assisted to apply for bail, or meet their bail conditions and be discharged as soon as possible. A court-based bail support program was trialled NSW in 2016 to reduce the rate of bail refusal and the size of the remand population. An evaluation found there was limited evidence that intervention improved capacity to receive bail at first appearance or reduce time on remand.⁴⁶⁵ In Victoria, the Magistrates Court developed a successful case-work intervention to identify prisoners on remand who are eligible for securing bail.⁴⁶⁶ An evaluation was undertaken after six months which found there was an increased number of women on remand being granted bail and being released from custody. A reduction in the frequency and severity of re-offending was also found for those participating in the program.⁴⁶⁷ CSNSW is currently examining ways to address issues surrounding bail and the length of time women spend on remand.⁴⁶⁸

CSNSW operates Miruma, which is a residential diversionary program in Cessnock for women offenders who have mental health problems and drug and alcohol issues. Miruma can hold up to 11 women, some of whom are on remand, and are released into the program as part of their bail conditions. One of the major aims of Miruma is to provide case management to women, and help them to develop 'life skills' such as health care, nutrition and financial budgeting. The women are also given referrals for community therapeutic, rehabilitation, social welfare, housing and education services.⁴⁶⁹

In NSW, there are also community-based diversionary programs that offer drop-in support and case management outreach. The Miranda Project is a new diversionary approach to crime prevention for women with complex needs who are at risk of breaking the law or re-offending. It is an initiative of the CSNSW WAC and a project of the Community Restorative Centre.

464 WAC submission 13 June 2019.

465 At a court level, a trial intervention program that created a Bail Assessment Officer (BAO) was developed in mid-2016 to reduce the rate of bail refusal and the size of the remand population. The role of the [BAO] Officers is to provide the Court with information that may support bail being granted for those that would have received bail but for lack of information. The NSW Bureau of Crime Statistics and Research evaluated the program and found that there was limited evidence that the BAO intervention provided individuals with improved capacity to receive bail at first court appearance, bail refused days or time spent on remand. However, there were some issues with the development and coordination of the intervention which meant that a rigorous assessment of program effectiveness was not possible.

See Neil Donnelly and Simon Corben, 'Evaluation of the Bail Assessment Officer (BAO) Intervention' (Crime and Justice Statistics Bulletin no. 209, BOCSAR, January 2018)1,2.

466 The CISP Remand Outreach Pilot (CROP) includes multi-disciplinary contact and intensive support and case management. It provides people with a multi-disciplinary team-based support to the assessment and referral to treatment of clients and case management up to four months for medium- and high-risk clients. Clients also receive referrals and linkages to support services including drug and alcohol treatment, acquired brain injury services, accommodation services, disability support, mental health care and services for Koori clients.

467 'Bail Support (CISP)', *Magistrates' Court of Victoria* (Web Page) <<https://mcv.vic.gov.au/find-support/bail-support-cisp>>.Victorian Ombudsman, 'Investigation into the Rehabilitation and Reintegration of Prisoners in Australia' (September 2015) 132, [831] < <https://www.ombudsman.vic.gov.au/getattachment/5188692a-35b6-411f-907e-3e7704f45e17>>.

468 Information provided by CSNSW 4 November 2019.

469 'Miruma', NSW Government: Communities and Justice (Web Page) <<https://www.correctiveservices.justice.nsw.gov.au/Pages/CorrectiveServices/programs/women-offenders/miruma.aspx>>..

9.3 Recommendations

Recommendation 30: The Inspector recommends that CSNSW increase the number of telephones and AVL suites at centres with remand inmates to facilitate timely access to legal representatives to minimise transports and movements of women.

Recommendation 31: The Inspector recommends that CSNSW ensure all libraries are regularly updated with legal resources and library computers provide access to the legal portal.

Recommendation 32: The Inspector recommends that DCJ conduct research into why women are granted bail after spending short periods in custody, and CSNSW develop a consistent policy in relation to assisting inmates with sending and receiving paperwork for appeals and bail applications.

Recommendation 33: The Inspector recommends that CSNSW consider the creation of a bail and resettlement coordinator position at Women's remand centres to assist women to apply for bail, meet their bail requirements and arrange post-release accommodation and support services

10 Maintaining family relationships

Women on remand identified contact with their families as one of their major concerns whilst incarcerated.⁴⁷⁰ The importance of maintaining and strengthening family and other relationships for women in custody is well recognised.⁴⁷¹ Research indicates relationships are even more important for women than for men.⁴⁷²

10.1 Women on remand as mothers

CSNSW data indicates the majority of women on remand (63%) had at least one child. One in six of these women reported that these children were living with them just prior to entering custody.⁴⁷³ As many women on remand are mothers, there is a need to consider these women's contact with their children whilst in prison.⁴⁷⁴

Women are likely to spend short periods of time on remand, with many released without a custodial sentence or after serving a short sentence. The impact of incarceration can have a detrimental effect on the women, their families, and ties to the community, causing disruption and making resettlement difficult.⁴⁷⁵ Children in the care of women in custody may need to be placed with other family members or in the out-of-home care system (foster care or residential care settings).⁴⁷⁶ A significant proportion of incarcerated women in NSW were primary caregivers to their children prior to entering prison and the move into prison can bring a sense of dislocation and loss to their family and children.⁴⁷⁷ CSNSW should identify the issues for women on remand in relation to the care of their children.⁴⁷⁸

JH&FMHN's *Network Patient Health Survey Report* found that women in custody were less likely than men in custody to have their children living with their other parent (62% for women, compared to 84% for men) and were far more likely to have their children living with another family member (30.7% for women, compared to 11.9% for men) or in foster care (8.4% for women, compared to 2.6% for men).⁴⁷⁹ Aboriginal women were less likely to have their children living with another parent (38.3%) compared to 58.8 per cent of non-Aboriginal women.⁴⁸⁰ Taken together, these results suggest that incarcerated women have less support from their co-parents to care for their children than their male counterparts.

470 Interviews with inmates 2017.

471 Lord Farmer, 'The Importance of Strengthening Female Offenders' Family and other Relationships to Prevent Reoffending and Reduce Intergenerational Crime' Ministry of Justice (Final Report from The Farmer Review for Women, Ministry of Justice (UK), June 2019) 4.

472 Stephanie Covington, 'The Relational Theory of Women's Psychological Development: Implications for the Criminal Justice System' in Ruth T. Zaplin (ed), *Female Offenders: Critical Perspectives and Effective Interventions* (Jones and Bartlett Publishers, 2nd ed, 2007) 135-164.

473 Corrective Services data received date 18/01/2018

474 UN Office on Drugs and Crime, *Handbook on Women and Imprisonment* (Criminal Justice Handbook Series, 2nd ed, 2014) 18.

475 CSNSW Womens Advisory Council submission dated 13 June 2019; Lord Farmer, 'The Importance of Strengthening Female Offenders' Family and other Relationships to Prevent Reoffending and Reduce Intergenerational Crime' Ministry of Justice (Final Report from The Farmer Review for Women, Ministry of Justice (UK), June 2019) 5.

476 Simon Quilty et al, 'Children of Inmates: A Growing Public Health Problem' (2004) 28(4) *Australian and New Zealand Journal of Public Health* 339, 343.

477 Mary Stathopoulos and Antonia Quadara, *Women as Offenders, Women as Victims: the Role of Corrections in Supporting Women with Histories of Sexual Abuse* (Report, Corrective Services NSW, August 2014); Rosemary Sheehan, Gill McIvor and Chris Trotter, *What Works with Women Offenders* (Routledge, London, 2013) 218.

478 CSNSW Womens Advisory Council submission dated 13 June 2019.

479 Justice Health & Forensic Mental Health Network, *2015 Network Patient Health Survey Report* (Report, May 2017) 30.

480 Justice Health & Forensic Mental Health Network, *2015 Network Patient Health Survey: Aboriginal People's Health Report* (Report, November 2017) 13.

Children of incarcerated mothers can often come from socioeconomic backgrounds of adversity and marginality, and their wellbeing is further compromised by parental incarceration.⁴⁸¹ 'The impact of maternal imprisonment on children due to the trauma of separation, social isolation, shame, and lack of support for their needs increases the risk' children will come into contact with the criminal justice system themselves.⁴⁸² There is also evidence that women who have been incarcerated experience high levels of stress around parenting following their release from prison and can even be hesitant to access parenting support in the community, from fear of judgment or punitive responses.⁴⁸³

Given that the number of women on remand in NSW is growing, and that most women who enter jail are mothers, there is a need to ensure that children are able to maintain contact with their mothers.⁴⁸⁴ Aboriginal women are disproportionately more likely than their non-Aboriginal counterparts to be incarcerated and more likely to be mothers and primary care givers to children.⁴⁸⁵ Aboriginal female inmates are also more likely to have experienced family violence and sexual abuse and to have entered the child protection system as children.⁴⁸⁶

Due to the negative effect of maternal incarceration on children, 'all correctional centres that hold women should have adequate facilities for babies and infants' and 'children and infants should be allowed to reside with their mother and primary care giver in a correctional centre if it is in the best interests of the child to do so'.⁴⁸⁷ However, the only centre that provides accommodation services for women and children is the Mothers and Children's Unit at Emu Plains Correctional Centre. CSNSW is considering ways to expand the Mothers and Children Program.⁴⁸⁸

10.2 Contact with children through phone calls and audio-visual technology

Telephones are one of the main ways for inmates to communicate with family outside the prison system. Telephones are placed in communal areas and are able to be used by inmates during their time out-of-cell. Phone calls are time-limited and inmates decide among themselves the order in which they will use the phone. Where there are not enough telephones to allow equal access among inmates to make phone calls, the telephones become a commodity. This has the potential to encourage negative behaviour.⁴⁸⁹ The Inspection Standards set out a ratio of one phone to 20 inmates as a level appropriate to allow sufficient access.⁴⁹⁰

481 Simon Quilty et al, 'Children of inmates: A Growing Public Health Problem', (2004) 28(4) *Australian and New Zealand Journal of Public Health* 339, 343.

482 Lord Farmer, 'The Importance of Strengthening Female Offenders' Family and other Relationships to Prevent Reoffending and Reduce Intergenerational Crime' Ministry of Justice (Final Report from The Farmer Review for Women, Ministry of Justice (UK), June 2019) 7. Research found that children in out of home care (OOHC) who presented at the New South Wales Children's Court had a different and negative experience of the justice system than those who did not have a history of out of home care. Children with a history of OOHC were over-represented amongst those presenting at the court and were more likely than those without this background to experience custodial remand. This was understood as 'care-criminalisation' - the result of disadvantage stemming from the care environment, which fostered offending behaviour. Kath McFarlane, 'Care-Criminalisation: The Involvement of Children in Out-Of-Home Care in the New South Wales Criminal Justice System' (2018) 51(3) *Australian & New Zealand Journal of Criminology* 412.

483 Monique D. Tremblay and Jessica E. Sutherland, 'The Effectiveness of Parenting Programs for Incarcerated Mothers: A Systematic Review' (2017) 26 *Journal of Child and Family Studies* 3247, 3265.

484 Data received from Corrections Research, Evaluation & Statistics, CSNSW on 16 January 2019 (CRES Ref: D18/906873).

485 Caitlin M. Dowell, David B. Preen and Leonie Segal, 'Quantifying Maternal Incarceration: a Whole-Population Linked Data Study of Western Australian Children Born 1985 to 2011' (2017) 41(2) *Australian and New Zealand Journal of Public Health* 151, 153, 156. Simon Quilty et al, 'Children of inmates: A Growing Public Health Problem', (2004) 28(4) *Australian and New Zealand Journal of Public Health* 339, 343.

486 Australian Law Reform Commission, *Pathways to Justice: An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Final Report No 133, December 2017) 349.

487 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 70.

488 Information provided by CSNSW 4 November 2019.

489 Inspector of Custodial Services (NSW), *Full House: The Growth of the Inmate Population in NSW* (Report, April 2015) 60.

490 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 106.

One of the main concerns raised on inspection was that women on remand did not always have enough money to pay for telephone calls. Women on remand, who did not have access to jobs and lacked family support, received \$15 per week. This could result in inadequate money to make telephone calls to children and family.

Clause 120 of the Regulation provides for telephone calls of remand inmates. It is noted that the cost of a telephone call made by an inmate (including the telephone component of the cost of sending a fax) is to be met by the inmate. One of the exceptions to this clause is the first three local calls made in any week by an unconvicted inmate or civil inmate.⁴⁹¹ This is also supported in CSNSW policy.⁴⁹² Remand women's entitlement to three free calls is also mentioned within the CSNSW Women's Handbook.⁴⁹³ However, when women on remand are transferred away from family to regional centres they are no longer eligible for free calls as they are not local calls. If CSNSW continues to place women away from their families in regional centres, the cost of long distance phone calls should be covered.

AVL 'visits' could provide a cost-effective way to contact children. CSNSW policy provides that:

'CSNSW understands the importance for inmates of maintaining links to their families and communities whilst in custody. AVL studios may be used to assist inmates in maintaining these links where distance, disability, lack of transport and/or funds or other factors inhibit physical contact with family and community.'⁴⁹⁴

AVL studios may be used to help inmates maintain links to family and community in cases where barriers to face to face contact exist. If approved, family visitors can attend an externally located AVL studio. These are located at various local courts or the Community Restorative Centre at pre-organised times for AVL visits.⁴⁹⁵ Women can have up to four adults and four children at any Family Video Contact (FVC).⁴⁹⁶

In the CSNSW strategy for the program and service provision to women offenders described above, it is noted that 'increased audio-visual technology in the contact between women in custody and their families and children' would show 'good care' of women in custody and their families.⁴⁹⁷ The use of AVL to contact family is in accordance with Rule 26 of the Bangkok Rules, where it is noted that:

'Women prisoners' contact with their families, including their children, their children's guardians and legal representatives shall be encouraged and facilitated by all reasonable means. Where possible, measures shall be taken to counterbalance disadvantages faced by women detained in institutions located far from their homes.'

It is noted that all correctional centre professional studios are limited to a maximum of five one-hour FVC appointments per week. Each inmate is limited to one FVC per month. The use of FVC is in addition to a normal visit and is not to be used as a substitute.⁴⁹⁸ At the current time, the provision of FVC is small, consisting of 146 visits for all inmates across NSW in 2018.⁴⁹⁹

The former Inspector raised the issue of family video conferencing in *Full House: The growth of the inmate population in NSW* in 2015. The report found that the availability of family video contact was not widely

491 *Crimes (Administration of Sentences) Regulation 2014* cl 120(2)(b).

492 Corrective Services (NSW), 'Inmate Telephones' (Custodial Operations Policy and Procedures 8.2, 24 October 2018) 1.

493 Corrective Services (NSW), *Women's Handbook* (3rd ed, 2015) 16.

494 Corrective Services (NSW), 'Family Video Contact' (Custodial Operations Policy and Procedures 8.10, 24 April 2018) 1.

495 Corrective Services (NSW), 'Annexure 8.32 Family Video Contact Application Form' (Version 1.1, February 2016).

496 Corrective Services (NSW), *Women's Handbook* (3rd ed, 2015) 13-4.

497 Corrective Services (NSW), *Recognising Gender Difference – A Strategy for the Program and Service Provision to Women Offenders* (May 2014) 4.

498 Corrective Services (NSW), 'Family Video Contact' (Custodial Operations Policy and Procedures 8.10, 24 April 2018) 4.

499 This information was gained through meeting received from CSNSW Just Connect unit, Corrections Strategy and Policy.

known to inmates or staff. Consequently, it was recommended that CSNSW review and fully implement the family video conferencing policy.⁵⁰⁰

At Dillwynia, family visits via AVL are facilitated, but not used regularly, despite being advertised.⁵⁰¹ CSNSW should strive to enhance the use of AVL family visits by inmates to maintain family contact.

10.3 Contact with children through visits

The Regulation provides for visits for unconvicted inmates as soon as practicable after reception into a correctional centre and afterwards at least twice weekly.⁵⁰²

Significantly, the Regulation provides that regard to the proximity of the correctional centre to the inmate's family members should be had when determining the correctional centre in which an inmate is to be placed.⁵⁰³ A report into best practice in women's prisons concluded that when this cannot be fulfilled, prisons should be located as close as possible to urban centres so that inmate's families and children can access the prison via public transport, and that inmates (and potentially, their children in residence) have access to education and local resources.⁵⁰⁴

CSNSW classification policy emphasises the need to 'put the interests of the children' at the highest priority by trying to ensure continuity in the relationship between the mother and child.⁵⁰⁵ The importance of frequent contact between inmates and family has been acknowledged by CSNSW and JH&FMHN, with both highlighting that meaningful engagement with family is a contributing factor to reducing the rate of reoffending.⁵⁰⁶ In their policy about Managing Child Visitors, CSNSW emphasises the importance of promoting contact visits for children and their inmate parents/carers. Specifically, they note:

'It is important that children maintain positive contact with adults that are a significant parent or carer. Child visitors should not be disadvantaged due to the behaviour of their adult parent or carer. Many correctional centres make arrangements to ensure a child has contact visits when the inmate or accompanying adult is subject to non-contact visits. Allowing children to have a contact visit with their inmate parent or carer is not intended to weaken sanctions imposed for the good order and security of a correctional centre, but intended to put the focus on the best interests of the child. Governors are encouraged to exercise their discretion to allow children to have a contact visit with their inmate parent/carers, if appropriate. In such circumstances, only the inmate and child will have contact, any accompanying adult would not have contact with the inmate unless deemed necessary by the governor. These guidelines are intended to 'put the focus on the best interests of the child.'⁵⁰⁷

In discussion with inmates and staff, there was no evidence that this was a consideration in placement of remand inmates.⁵⁰⁸ This means in practice many women on remand are accommodated away from their family and children.

500 Inspector of Custodial Services (NSW), *Full House: The Growth of the Inmate Population in NSW* (Report, April 2015) 16.

501 Interview with staff 2017.

502 *Crimes (Administration of Sentences) Regulation 2014* cl 76(1).

503 *Crimes (Administration of Sentences) Regulation 2014* cl 20(1)(j).

504 Lorana Bartels and Antonette Gaffney, 'Good Practice in Women's Prisons: A Literature Review' (Technical and Background Paper No. 41, Australian Institute of Criminology Reports, 2011) 13.

505 Corrective Services (NSW), *Female Placement Guide* (Offender Classification & Case Management: Policy & Procedures Manual, December 2013) 8.2.

506 Kelly-Anne Stewart, 'Female Inmates in NSW: Needs and Issues'. (Draft Discussion Paper No. 17/17867, Corrective Services NSW, July 2017) 5; Justice Health & Forensic Mental Health Network, *2015 Network Patient Health Survey Report* (Report, May 2017) 31.

507 Corrective Services (NSW), *Managing Child Visitors*, (Custodial Operations Policy and Procedures 10.11, 2017) 5, [1.1].

508 This has been recognised in a report released by the Women's Justice Network (formerly WIPAN) that identified the barriers to successful visits. The low number of women's prisons means that there are 'small pockets' of women on remand located across NSW in male CSNSW facilities in sparse geographical proximity. Kelly-Anne Stewart, 'Female Inmates in NSW: Needs and Issues'. (Draft Discussion Paper No. 17/17867, Corrective Services NSW, July 2017) 3.

Research shows that the distance between female inmates and their family members can directly impact on visits received. In the 2015 JH&FMHN Network Patient Health Survey Report, it was noted that 41.8 per cent of women interviewed (including both sentenced and remand) had not received visits in the four weeks prior to the interview, even though visits were permitted. Aboriginal women were less likely to have received visits during the period, compared to non-Aboriginal women (59.4% compared to 36.4%). Further investigation showed that the number of visits was negatively associated with the time visitors took to travel to and from the prison. That is, participants who received fewer visits required visitors to travel significantly longer distances than those who had received two or more visits in the last four weeks.⁵⁰⁹ Of the 1,800 female remand receptions in 2017-18, only 5,910 visits were recorded over the entire 12 month period. This meant that on average women received only 3.2 visits from family and friends over the 12 months (compared to the 5.4 visits recorded by their male counterparts).⁵¹⁰ Research shows that prisoners who receive visits from a family member are 39 per cent less likely to re-offend than those who do not.⁵¹¹

Some centres made arrangements to overcome these barriers. CSNSW staff at Wellington and Grafton gave accounts of accommodating families who were travelling long distances to visit by arranging all-day visits. At Wellington, families could apply for financial support and accommodation to visit inmates, but this appeared to be restricted to sentenced inmates.⁵¹² It was unclear on inspection whether this was the same application for financial assistance for families of inmates that could be made through a funded partnership with the Community Restorative Centre, for eligible applicants for travel and accommodation while visiting an inmate in a NSW correctional centre.⁵¹³

One of the major obstacles described in facilitating visits between female remand inmates and their children are the high number of transfers inmates make between correctional centres. The Mandela Rules provide that 'every inmate shall have the right to inform at once his family of his imprisonment or his transfer to another institution'.⁵¹⁴ CSNSW policy provides that it is recommended inmates be given 48 hours notice and an opportunity to contact family and other contacts prior to their transfer.⁵¹⁵ Unfortunately, this is not carried out in practice. Women on remand at Silverwater are not provided with any warning of an impending transfer, but are advised on the day of transfer. A custodial officer shared their view that this practice was developed to mitigate potential security risk where inmates may advise persons on the 'outside' of their upcoming transfer and organise an escape. A woman on remand's family and children are not advised until the woman can make contact with them from the new centre.

The inspection team heard that if a transfer happens on a visit day, the visit is missed and the family who has presented to visits is notified that the inmate has been transferred out of the centre. If correctional staff are aware of the transfer and that the inmate had a visitor coming in that day they may call the visitor to

509 Justice Health & Forensic Mental Health Network, *2015 Network Patient Health Survey Report* (Report, May 2017) 31.

510 Data provided by Corrections Research, Evaluation & Statistics, CSNSW on 16 January 2019 (CRES Ref: D18/906873).

511 Lord Farmer, 'The Importance of Strengthening Female Offenders' Family and other Relationships to Prevent Reoffending and Reduce Intergenerational Crime' Ministry of Justice (Final Report from The Farmer Review for Women, Ministry of Justice (UK), June 2019) 17.

512 In the Induction Information Booklet for Inmates Wellington Correctional Centre (p5) it is noted that eligible families of inmates can apply for *Travel and Accommodation Assistance*. This is restricted to: the inmate they want to visit serving at least a 6 month sentence; they are immediate family members; they are receiving a commonwealth benefit and can provide proof of such; they have not yet received travel and or accommodation assistance to visit you within the previous 3 months; and their journey is more than 200 kilometers one way.

513 Corrective Services (NSW), 'Application for Financial Assistance for Families of Inmates' (Custodial Operations Policy and Procedures 9.2, 25 October 2018) 5-6.

514 44(3) of the United Nations High Commissioner for Human Rights 'Standard Minimum Rules for the Treatment of Inmates', adopted at by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.

515 Corrective Services (NSW), *Female Placement Guide* (Offender Classification & Case Management: Policy & Procedures Manual, Version 1.1, December 2013)
'The CMT, Manager/Deputy Manager, Classification & Placement is to consider the following when considering placement for a female inmate:-
Remandee - Are to be classified WRBP and will be placed by the Inmate Transfers Unit.'
Corrective Services NSW *Transfer of Inmates and Escorts – General*, Offender Classification & Case Management Policy & Procedures Manual (July 2015), 17.

advise them not to come to the centre. The inspection team was advised by one woman on remand who had three young children from the Sydney area that she had been in Silverwater for approximately one week and was due for a visit from her children the following day but that this was cancelled when she was transferred to a regional centre. The inspection team heard that if a woman is transferred to Dillwynia and already had a visit booked at another centre; Dillwynia will honour the original visit booking.

At the time of the Silverwater inspection, women could receive visits from their children (usually babies and pre-schoolers who are below school-age) on Wednesday mornings. Children's carers, including families or Family and Community Services (FaCS), accompanied children to the centre. Family visits occurred on weekends and during school holidays.

At Grafton, Wellington and Dillwynia, women on remand could only receive visits from their children at regular visiting times (usually on the weekend). The exception to this is if children are in care; FaCS could bring in children one day during the week at Grafton and Dillwynia. Weekday visits were not available to women whose children were in other care arrangements, such as with relatives.

Playground equipment was observed at some centres; however, it was not always utilised during visits. A review of visits areas should occur to ensure all women's centres have access to appropriate equipment for children's visits. Another means through which parents could maintain contact with children were through organised 'activity days'. The organisation Shine for Kids hosted mother and children activity days that occurred at Wellington two to three times per year and regularly at Silverwater.

10.4 Parenting Programs

As some women spend their entire prison sentence on remand, there is a strong justification for ensuring that mothers in the system engage in parenting programs whilst on remand. The importance of parenting programs has been recognised by CSNSW. Improved participation rates in parenting programs specifically designed for women is a key indicator to show the strategy for working with women offenders is successful.

MAAD is the main program that CSNSW offers to support the parenting skills of inmates. In an internal evaluation of the MAAD program, it was found that self-reported outcomes of participating inmates showed positive change in the ability to parent, to communicate with their child and to recognise and feel confident about the needs of their child. However, the findings of this report were regarded as inconclusive, because a lack of exposure between inmates and their children meant that an objective observation of changes in parenting style and capability was not possible.⁵¹⁶

The inspection team credit Wellington with providing the best access to parenting programs. In addition to MAAD, Wellington also has a program called Feed the Families, which is about nutrition, recipes and shopping, and the 'Triple P' parenting program. Other correctional centres may benefit from taking on Wellington's model of linking in with external providers to ensure parenting programs are delivered to female inmates.⁵¹⁷

10.5 Mothers and Childrens' Program

It is recognised that criminal status does not necessarily preclude a female inmate from being a capable parent or carer of dependent children. As early as 1985, the *NSW Task Force on Women in Prison* noted that 'neither a criminal record nor the use of illegal drugs is synonymous with inability to parent.'⁵¹⁸

A primary part of the Women's Strategy is CSNSW's aim to maintain the relationship between female offenders and their children. The strategy identifies four main points around female offenders and their children, referring specifically to the provision of programs that support women to parent their children and residential options for children within prison.

⁵¹⁶ Victoria Perry, Cathrine Fowler and Kyleigh Heggie, 'Evaluation of the Mothering at a Distance Program' (Barton, ACT: Commonwealth of Australia, 2009) i-ii.

⁵¹⁷ Barnardos delivers programs at Wellington.

⁵¹⁸ NSW Task Force on Women in Prison, (1985) NSW Parliament, Sydney.

According to the Mothers and Children's program policy, CSNSW is aware that children who have mothers in custody can experience behavioural and cognitive difficulties associated with experiences of trauma and enforced separation. The policy notes that the maintenance of healthy relationships with family, kin and community is well known as being significant in supporting offenders in addressing their offending behaviour and reducing re-offending.⁵¹⁹

CSNSW has committed to ensuring that children of mothers in custody are not further disadvantaged and can grow in a safe environment reflecting contemporary community standards for child rearing and development. In this, CSNSW recognises that the continuity of care between a mother and child is crucial to the child's cognitive emotional and social development.⁵²⁰

The Mothers and Childrens' program was established in December 1996. There is an *Occasional Resident Program* and *Full Time Residence Program* operational at Emu Plains Correctional Centre (the Jacaranda Cottages) and a smaller program for sentenced women reaching the end of their sentence at Parramatta Transitional Centre.

According to the Mothers and Childrens' program policy, the program runs on the principle of the best interests of the children according to physical and psychological care.⁵²¹ These include the stability of placement, minimisation and management of risk, maintenance of family and significant relationships, continuity of care and timely decision-making in achieving permanent arrangements for the child. The inspection team were impressed with the way that the needs of children were prioritised and a safe environment was made for the children.⁵²²

As part of the program, women are offered contact with support services (such as an in-house psychologist), and community groups, designed to provide guidance and support and increase parenting skills, knowledge, develop pro-social skills and behaviour management. Within the units, there are kitchens, where mothers can cook for their children. Emu Plains covers the costs associated with additional fresh food. The units are designed to replicate domestic housing, rather than a custodial cell design.⁵²³ The inspection team were informed by staff that the program works well.

10.5.1 Eligibility, Application and Pathways into the Program

Staff and women at Silverwater and Dillwynia shared their concern that women on remand were not eligible to apply to the Mothers and Childrens' Program. From the eligibility criteria described in policy, it appears that only sentenced inmates are able to apply to be part of the program.⁵²⁴ In practice, the program does accept women on remand, albeit with several limitations. Applications will be considered from women on

519 Mothers and Children's policy document received on visit to program on the 23/03/2018.

520 Mothers and Children's policy document received on visit to program on the 23/03/2018.

521 Mothers and Children's policy document received on visit to program on the 23/03/2018.

522 This is in line with Inspector of Custodial Services (NSW), Inspection standards 70.1, 70.2 and 70.5

523 This is in line with Inspector of Custodial Services Standards number 70.4.

524 There are several eligibility criteria for the Full-Time Residential Program:

- Offender must have been the primary carer of the child prior to imprisonment or have parental responsibility (as deemed by Family or Children's Court orders.) For children in 'out of home' care, Family and Community Services have indicated that they want to restore the child to the care of the offender.
- An absence of child protection history that indicates the offender is likely to present significant risk of harm to the child/ren.
- The child must be pre-school age, six years and younger.
- The offender must be classified as category 1 or category 2 and eligible for placement at Emu Plains Correctional Centre or the Parramatta Transitional Centre. They can apply at any stage of their sentence (or remand, if pregnant).
- The offender must be stable with regard to their mental health and use of alcohol and other drugs.

In cases, where a female inmate does not meet the criteria for the Mothers' and Children's Program, and exceptional circumstances exist that indicate it may be in the best interests of their child to reside with their incarcerated primary carer, the coordinator of the program will prepare a submission (in consultation with FaCS). This submission will then be tabled at the subsequent Mothers and Children's Program Committee, where recommendations will be made. These recommendations are then forwarded on to the Assistant Commissioner Offender Services and Programs, who may choose to approve that applicant.

remand who are classified as minimum security (UCAT2), with a pregnancy in the third trimester. This is due to the minimum security status of Emu Plains. The program does not accept applications for women on remand with pre-school aged children.

Women on remand are not eligible to participate in the Occasional Residence Program, which includes non-primary carers, who have a significant status to the child, such as grandmothers.⁵²⁵ This provides children up to and including 12 year olds, the chance to live with their mother or primary carer on weekends, and school holidays. This program also occurs at Jacaranda Cottages at Emu Plains.

CSNSW policy notes that handouts detailing the Mothers and Childrens' Program, eligibility for the program and how to apply, must be provided to all women during the induction/reception process. 'If an inmate wishes to apply, an electronic referral is made to the Mothers and Childrens' Program'.⁵²⁶

CSNSW advise that only a very small number of women each year are not approved for placement at the NSW Mothers and Childrens' Program due to conduct or risk identified by CSNSW.⁵²⁷ The primary reason women, remand and sentenced, are not eligible to participate in the Mothers and Childrens' Program is because their classification is too high or they have a previous escape attempt recorded and/or FaCS assume care.

At the time of our visit in mid-2018, the program included 12 women who between them had 11 children living fulltime at the centre and eight children in occasional residence at the centre. Three of the program participants were on remand when they arrived at Jacaranda Cottages prior to the birth of their babies. These women gave birth while they were on remand. Of the twelve women that were participating in the program, eight delivered babies while they were housed at Jacaranda Cottages.

There are several exit points for women in the Mothers and Childrens' program at Emu Plains. One of these is the Parramatta Transitional Centre (PTC). The PTC offers the Mothers and Childrens' program, but in a 'transitional setting'.

JH&FMHN are in the process of putting together new strategies to help care for inmates who give birth whilst in custody, but cannot keep their babies. These include 'care packages' (including books, magazines and products, etc.) for when they return to the correctional centre. They are also devising ways that mothers can still contribute to the baby's health and wellbeing, despite the baby not being in their care. JH&FMHN provide facilities for new mothers to provide breast milk to foster parents/carers of the baby.

At Silverwater, the inspection team heard from one woman who gave birth while in custody. She stayed in hospital for four days before being returned to the correctional centre. She had good family support, who cared for her son and brought him to visit each week. Despite this support, she felt it was difficult to give birth in prison and women needed more counselling and psychology services to deal with the separation from their children.

The ICS Inspection Standards suggest that if women must be separated from their children, two structures should be put in place: a separation management plan should be developed with the mother and the alternative care giver and the mother should be offered appropriate counselling.⁵²⁸ Silverwater tries to keep women who have recently given birth at the centre through a medical hold.

525 Corrective Services NSW, *Mothers' and Childrens' Program* (Offender Classification & Case Management: Policy & Procedures Manual, 2013) 26.14.

526 Corrective Services NSW, *Policy and Procedures for Reception, Screening, Induction and Orientation of Inmates in CSNSW* (Offender Services & Programs, 20 June 2017) 34, [9.6.5].

527 Correspondence with Manager of the Mothers and Childrens' Program.

528 Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standards 70.6-7

The CSNSW Mothers and Childrens' program differs slightly to similar programs in other jurisdictions. NSW is the only state in which children can access extended stays for children up to 12 years old. In NSW, women on remand can only apply if they are pregnant in custody, whereas in Victoria, women on remand are able to apply to participate in the Mothers and Childrens' program for any children who are under school age. In NSW children can stay in the program until they reach school age. In other Australian jurisdictions, there tends to be a shorter length of stay and often a younger age limit for which children can reside at the centre. In Western Australia, children must exit residency into alternate care once they are four years old. In New Zealand children can reside in the program until they are two years old. In UK settings, the maximum amount of time a child can spend residing with their mother is 18 months.⁵²⁹ In Queensland, children may reside with their mothers until they commence primary school.⁵³⁰

The Mothers and Childrens' Program provides an essential service within the NSW correctional system. However, due to the minimum security setting it lacks capacity for women on remand to apply for the program for their pre-school aged children. It was suggested that a 'sister' program could be established at a centre that meets the higher security requirements needed to hold women on remand, such as Dillwynia.⁵³¹ Women who are based in regional areas may also benefit from having access to a similar program at a place closer to their home. This could assist the women to continue links with their community and help children maintain links with other family members, such as grandparents. CSNSW should review the eligibility criteria and consider expanding the program to a medium security centre where it could better cater for the needs of remand women. An increase in funding to the program would also enable the units to be refurbished and the outdoor children's playground equipment to be updated.⁵³² In September 2019 CSNSW announced that from late 2020 the Emu Plains Correctional Centre will be repurposed to focus on mothers and babies.⁵³³

10.5.2 Caring and Working: Aboriginal Mothers and Childrens Pilot Program

CSNSW has secured funding under the Commonwealth Government's Indigenous Advancement Strategy to establish a two-year pilot program to provide customised support, education and employment readiness services to remand and sentenced Aboriginal mothers. The pilot program is in response to the 2016 Council of Australian Governments (COAG) *Prison to Work Report* that highlighted the need to improve employment pathways for Aboriginal mothers.⁵³⁴

The objectives of the Caring and Working: Aboriginal Mothers and Children Pilot Program are to:

- support a stronger family environment for mothers and children through building caring and child development capabilities
- support Aboriginal women offenders into employment, implementing caring arrangements and secure suitable, long-term accommodation post release and
- enhance employment and work readiness skills.

All remand and sentenced Aboriginal and Torres Strait Islander women are eligible for the pilot program if they are pregnant or have children aged 12 years and under. Funding for the pilot program commenced in July 2018.⁵³⁵

529 Aron Shlonsky et al, 'Literature Review of Prison-based Mothers and Children Programs: Final Report' (Final Report Prepared for The Victorian Department of Justice and Regulation, University of Melbourne, Save the Children Australia and Peabody Research Institute, 2016) 19-20.

530 *Corrective Services Act 2006* (Qld) s 30(1).

531 Interviews with staff 2017 and 2018.

532 In a meeting with the CSNSW Aboriginal Strategy and Policy Unit, the office heard about plans to refurbish the playground as part of a larger funding plan.

533 Letter CSNSW to ICS 24 September 2019.

534 See Council of Australian Governments, 'Prison to Work Report' (Report, 2016) 29-31 <<https://www.coag.gov.au/sites/default/files/reports/prison-to-work-report.pdf>>.

535 *Corrective Services (NSW), Caring and Working: Aboriginal Mothers and Children Pilot Program* (2018).

10.7 Recommendations

Recommendation 34: The Inspector recommends that CSNSW ensure there are sufficient telephones in women's accommodation units to facilitate contact with family and children.

Recommendation 35: The Inspector recommends that CSNSW increase the use of AVL for family visits to maintain family support for women.

Recommendation 36: The Inspector recommends that CSNSW identify the issues for women on remand in relation to the care of their children and review the eligibility criteria for the Mothers and Children program and consider expanding the program.

Recommendation 37: The Inspector recommends that CSNSW ensure family visiting days are held during the week to facilitate contact between women and their pre-school aged children.

Recommendation 38: The Inspector recommends that a review of visits areas occur to ensure all women's centres have appropriate play equipment for children's visits.

11 Processes involved in releasing women on remand

CSNSW refers to best practice in coordinating the release of women from prison in their 2014 strategy for the program and service provision to women offenders. Two of their desired outcomes apply to women on remand:

1. Engaging with other government and non-government agencies to enhance successful re-integration of women on their release from the criminal justice system.
2. Providing timely advice to courts and other sentencing authorities so that women offenders have increased access to existing diversionary and pre-release programs.⁵³⁶

Sometimes it is more difficult to assist women on remand who are being released from custody than their sentenced counterparts. This is because it is easier to plan for the release of a sentenced inmate as their release date is known. Remand inmates can be released directly from a court on bail, because they receive a non-custodial sentence, their charges are not proceeded with or they are found not guilty. This may result in a woman being released without identification, medication or possessions, all which remain at the correctional centre. Overall, the transition of women on remand out of prison, particularly vulnerable women who have no support and no housing, is far from ideal.

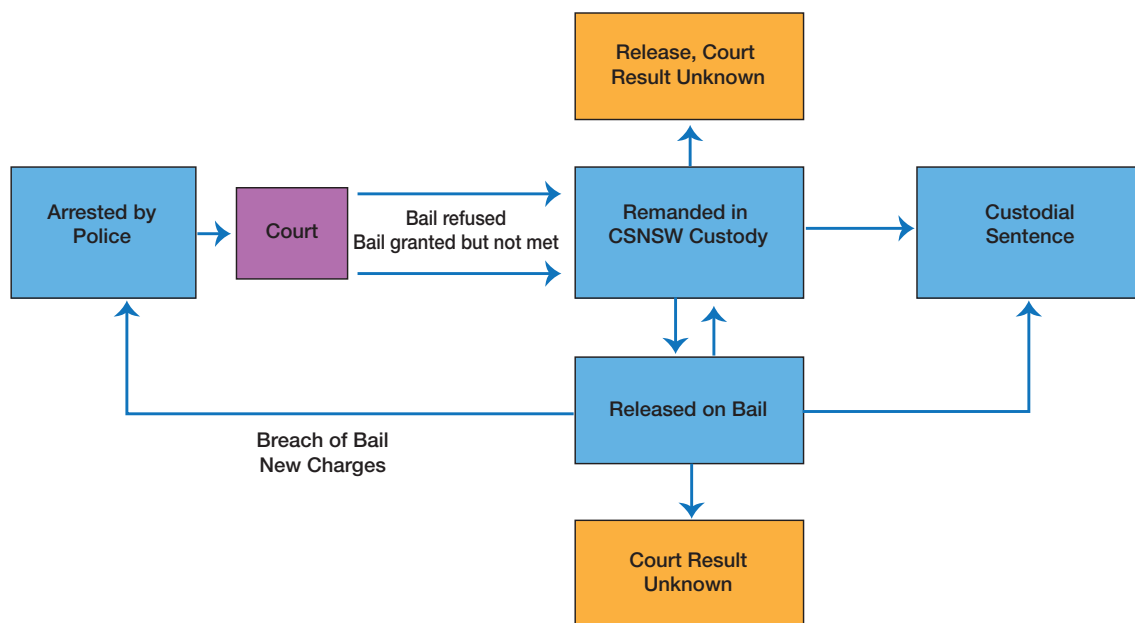


Figure 34 Flow chart from CSNSW Research Bulletin No 34 October 2016 (p3) showing the flow of remand inmates throughout the criminal justice system. CSNSW does not receive court result information from remand inmates who are released from court without receiving a custodial sentence.

In Victoria, the Remand Release Assistance Program (RRAP) is available to remand prisoners who may be discharged directly from court. It provides individuals with information about support processes that can help them in the event of discharge directly from court. These people are provided with information about:

- Centrelink payments and services, including the crisis payment
- crisis accommodation
- health services, including accessing medication

⁵³⁶ Corrective Services NSW, *Recognising Gender Difference – A Strategy for the Program and Service Provision to Women Offenders* (May 2014) 4.

- drug and alcohol harm minimisation
- processes for collecting personal property and money from the prison
- information about the Court Integrated Services Program (CISP) and CREDIT/Bail support programs.⁵³⁷

Whilst simple, this program provides individuals with some guidance on life post-release. NSW may benefit from developing a similar program. This type of program could be the responsibility of a bail and resettlement coordinator.

11.1 Finding an address for women on remand exiting prison

On several different occasions, staff advised the inspection team that one of the biggest challenges they experience is finding housing for women inmates, including those on remand. Compared to their male counterparts, Australian women are at increased risk of falling into homelessness post-release.⁵³⁸ This is not an unusual phenomenon and has been found in many jurisdictions.⁵³⁹ One reason for this is that unlike many of their male counterparts, women going to prison may not have close family and connections to maintain their housing and look after their family whilst they are in prison.⁵⁴⁰ Additionally, many women have precarious accommodation prior to becoming incarcerated, meaning they may not have housing to return to post-release.⁵⁴¹

Women seeking public housing are not able to submit an application until they have been released from prison. They then are placed on a wait list. At the current time, the best that can be done is for women to connect with the 'Link2Home' service, which provides women with two nights of hotel accommodation.⁵⁴² The inspection team were informed by staff that the lack of housing was particularly troubling for women who are victims or perpetrators of domestic violence, who often cannot return to their family homes.

Several staff members across centres shared their view that the lack of safe housing available to women exiting prison appears to be a contributor to women being returned to custody. This statement has been supported by research showing the complex connection between homelessness and incarceration. Research shows that 33 per cent of Australian prisoners are homeless during the four weeks before they enter prison and an even higher percentage (54%) are expected to exit into homelessness upon release.⁵⁴³ Those who are released into homelessness are twice as likely to end up back in prison within nine months.⁵⁴⁴

Local research has found that women not only had greater difficulty securing suitable post-release accommodation. They were also more likely than male offenders to return to prison within nine months of release. The differences between genders were based on women tending to be more socially disadvantaged than men when leaving prison, rather than longer sentences or more serious offending.⁵⁴⁵

537 'Transition Programs', *Corrections, Prison and Parole (Vic)*(Web page) <<https://www.corrections.vic.gov.au/release/transition-programs>>.

538 Eileen Baldry et al, 'Ex-Inmates, Homelessness and the State in Australia' (2006) 39(1) *The Australian and New Zealand Journal of Criminology* 1.

539 See Jean Corston, *The Corston Report: A Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System* (UK Home Office, 2007) 23, [2.28].

540 Eileen Baldry et al, 'Ex-Inmates, Homelessness and the State in Australia' (2006) 39(1) *The Australian and New Zealand Journal of Criminology* 20.

541 Eileen Baldry et al, 'Ex-Inmates, Homelessness and the State in Australia' (2006) 39(1) *The Australian and New Zealand Journal of Criminology* 20, 27.

542 'Are you homeless?', *NSW Government: Communities and Justice* (Web page) <<https://www.facs.nsw.gov.au/housing/help/ways/are-you-homeless>>.

543 Australian Institute of Health and Welfare, *The Health of Australia's Prisoners 2018* (Report, May 2019) 22, 24 <<https://www.aihw.gov.au/reports/prisoners/health-australia-prisoners-2018/contents/table-of-contents>>.

544 Eileen Baldry et al, 'Ex-Inmates, Homelessness and the State in Australia' (2006) 39(1) *The Australian and New Zealand Journal of Criminology* 20.

545 Eileen Baldry et al, 'Ex-Inmates, Homelessness and the State in Australia' (2006) 39(1) *The Australian and New Zealand Journal of Criminology* 20.

Research has also found that Aboriginal women leaving prison in Sydney find it particularly hard to access housing and support in the community, and tend to return to prison faster (and more often) than other inmates. This is exacerbated further if they have dependent children.⁵⁴⁶

A lack of housing post-release has been associated with feelings that one cannot reintegrate into society.⁵⁴⁷ Research has also found that those who have periods of homelessness interspersed between prison sentences can experience repeated homelessness and incarceration.⁵⁴⁸ It is clear that to some extent, access to housing can assist ex-inmates to reintegrate back into the community and be less likely to re-offend. Research has demonstrated that releasing prison populations into homelessness can have dire consequences. Local and international research has found an association between being homeless upon release and increased risk of re-offending.⁵⁴⁹

The inspection team are cognisant that the task of finding housing for women in NSW is challenging.⁵⁵⁰ There is limited housing available for women exiting prison.⁵⁵¹ Moreover, most of the accommodation is short term.⁵⁵²

Although women make up only 7 per cent of the NSW prison population, research suggests that they tend to be overrepresented in their access to specialist homelessness services post-release.⁵⁵³ Data showed that in NSW 2,715 women attended homelessness services after exiting prison in 2017. Over a third of these women were Aboriginal.⁵⁵⁴ The pathway into housing is said to be particularly difficult for Aboriginal women and single women with children.⁵⁵⁵

There is currently one accommodation-based service available to women on remand. The Rosa Coordinated Care Network offers short to medium-term accommodation for women leaving prison in the Shoalhaven district. Along with accommodation, women are provided with collaborative and intensive case management. They are able to offer this service to those who are on remand, already on parole or exiting custody.⁵⁵⁶

546 Eileen Baldry, 'Home Safety: Aboriginal Women Post-prison and Their Children' (2009) 7(15) *Aboriginal Law Bulletin* 14, 14.

547 Louis Schetzer, 'Facing the Outside World – the Voices of Those Who Exit Prison into Homelessness' (Public Interest Advocacy Centre Ltd, 19 March 2017) <<https://www.piac.asn.au/2017/05/19/12265/>>.

548 Eileen Baldry et al, *Ex-Prisoners and Accommodation: What Bearing do Different Forms of Housing have on Social Reintegration?* (Final Report No. 46, Australian Housing and Urban Research Institute, August 2003) 29.

549 Jean Corston, *The Corston Report: A Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System* (UK Home Office, 2007); Eileen Baldry et al, 'Ex-Inmates, Homelessness and the State in Australia' (2006) 39(1) *The Australian and New Zealand Journal of Criminology* 20.

550 Anglicare conducted a 'Rental Affordability Snapshot 2018' finding a lack of affordable and appropriate housing for people on low incomes across Australia. They found that in Sydney there were no affordable and suitable properties for any household type, with the exception of a couple where both are earning minimum wage, and for them, there was just 4% of properties available. < <http://www.anglicare.asn.au/docs/default-source/default-document-library/final---rental-affordability-snapshotb811d9309d6962baacc1ff0000899bca.pdf?sfvrsn=4>>. Housing NSW records the waiting times for social housing as at 30 June 2017. There were 51 453 currently waiting on the housing register and only 4496 of these were deemed 'priority'. Most housing of all types within metropolitan areas had an estimated waiting time of five to 10 years or more <<https://www.facs.nsw.gov.au/housing/help/applying-assistance/expected-waiting-times>>.

551 Tony Gilmour, *Pathways Home: NSW Community housing's role delivering better outcomes for people exiting corrective services (final paper)* (Housing Action Network Consultancy for NSW Federation of Housing Associations, February 2018) <<https://static1.squarespace.com/static/56a56b4a05f8e21e9555eb4e/t/5b3cad9970a6ad4a13778a7e/1530703265762/NSW+housing+ex-prisoners.pdf>>.

552 Community Restorative Centre, 'Annual Report 2017-2018' (2018) 22.

553 Australian Institute of Health and Welfare, *Specialist Homelessness Services Annual Report 2017-2018* (released 13 February 2019) Client's exiting custodial arrangements <<https://www.aihw.gov.au/reports/homelessness-services/specialist-homelessness-services-2017-18/report-editions>>.

554 Table builder in data cube, Australian Bureau of Statistics, *Specialist Housing Situation Public 2017 with no drillthrough*, accessed 15 November 2018.

555 Eileen Baldry et al, 'Australian Prisoners' Post-release Housing' (2003) 15(2) *Current Issues in Criminal Justice* 155, 162.

556 'Rosa Coordinated Care Network', NSW Government: Communities and Justice (Web page) <<https://www.facs.nsw.gov.au/housing/help/ways/services/rosa-coordinated-community-care>>.

11.2 Providing mental and physical health care on transition out of prison

JH&FMHN staff were of the view that it is not uncommon for women to have improvement in their general and mental health while in custody. This may be because women have not been compliant with medication or accessed health care regularly while in the community. Facilitating appropriate transfer of care to the community upon release from custody is key for maintaining women's health and safety in the vulnerable post-release period.

The ICS Standards provide for discharge planning for people with mental health issues or treatment needs, noting 'discharge planning systems must be in place to ensure that inmates with a serious mental illness preparing for release have a care plan developed and documented to facilitate pathways or through care to community health services'.⁵⁵⁷ The standards also provide that where an inmate who enters or is released from a correctional centre is under medical or psychiatric treatment, the correctional centre health service should make arrangements with an appropriate agency for the continuation of such treatment after release, where appropriate.⁵⁵⁸

JH&FMHN's *Release Planning and Transfer of Care Policy* outlines processes for planned and unplanned releases for high-risk patients. Patients identified as high-risk are to exit through the health centre and individual correctional centres may develop local procedures to facilitate this. For planned releases such as the completion of a custodial sentence or granting of parole, discharge planning includes providing a comprehensive Release Summary to the inmate's community health care and facilitating appointments upon release.⁵⁵⁹ Each relevant clinical stream is responsible for coordinating and planning on-going care post release and for continuity of care in OST.⁵⁶⁰

Release from custody for women on remand is harder to plan for, due to the unpredictability of court outcomes. JH&FMHN policy requires that, for the unplanned release of high-risk patients, the Integrated Care Service is provided with a Release Summary comprising all information about the patient's contact with JH&FMHN services during their time in custody. The Integrated Care Service team is to then make contact with the patient and link them with a community health provider. Policy provides for registered nurses in health centres to follow up with patients via phone once released regarding any ongoing health appointments. For mentally unwell people released at short notice, JH&FMHN staff must contact the relevant external community health care providers.⁵⁶¹

Inmates are provided with seven days worth of medication and a copy of their prescription when they are discharged. However, the unpredictable release dates for women on remand and the number discharged from court, mean that this level of planning is not always possible. When JH&FMHN are aware that a woman has a court date from which they may be released, seven days of medication will be prepared as per JH&FMHN policy.⁵⁶²

⁵⁵⁷ Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 89.6.

⁵⁵⁸ Inspector of Custodial Services (NSW), *Inspection Standards: For Adult Custodial Services in New South Wales* (August 2014) standard 89.8.

⁵⁵⁹ Justice Health and Forensic Mental Health Network, 'Release Planning and Transfer of Care Policy: Adult External Providers' (Policy No. 1.141, 5 September 2016) 3, 4.

⁵⁶⁰ Justice Health and Forensic Mental Health Network, 'Release Planning and Transfer of Care Policy: Adult External Providers' (Policy No. 1.141, 5 September 2016) 3.

⁵⁶¹ Justice Health and Forensic Mental Health Network, 'Release Planning and Transfer of Care Policy: Adult External Providers' (Policy No. 1.141, 5 September 2016) 5.

⁵⁶² Justice Health and Forensic Mental Health Network, 'Release Planning and Transfer of Care Policy: Adult External Providers' (Policy No. 1.141, 5 September 2016) 4.

Some units were better able to conduct specialised release planning for their inmates. At the MSU at Silverwater, psychologists spend a lot of time contacting external agencies to provide support when inmates are released. This discharge planning commences when these inmates are received into the unit. However psychologists often had to do this planning at the expense of their other treatment work. Some psychological services did follow women on remand into the community. At Silverwater, women who access the sexual assault counsellors from Grevillea Cottage in prison can continue to access these services at Westmead Hospital post-release.

11.3 Release planning for women with cognitive disability

CSNSW recognises the complex and intersecting needs of people with cognitive impairment and intellectual disability.⁵⁶³ State-wide Disability Services (SDS) is a subdivision of CSNSW which addresses the additional support needs of offenders with disabilities, both in custody or in the community. Part of their role is to assist with case management and pre-release planning of offenders with an intellectual disability, which includes facilitating access to the NDIS and other services, such as housing.⁵⁶⁴ Inmates with cognitive disability are allocated a support person through the National Disability Insurance Scheme (NDIS) whose job it is to identify a non-government organisation to support the person post-release.

⁵⁶³ Australian research has shown the complexity of experience of people with cognitive impairments in the prison system. They often have multiple and complex disadvantage and therefore may require targeted and specialised support and care. For example, research has found Aboriginal people in prison are particularly likely to have cognitive impairment, with concomitant mental illness, and low social and emotional wellbeing. See: Stephane M. Shepherd et al, 'Aboriginal Prisoners and Cognitive Impairment: the Impact of Dual Disadvantage on Social and Emotional Wellbeing' (2017) 61(4) *Journal of Intellectual Disability Research* 385; Forensicare Victoria, 'Aboriginal prisoners with cognitive impairment – is this the highest risk group?' <<http://www.forensicare.vic.gov.au/researcheducation-2/research-projects/forensic-mental-health-research/aboriginal-prisoners-with-cognitive-impairment/>>; Stephane Shepherd et al, 'Aboriginal Prisoners with Cognitive Impairment: Is this the Highest Risk Group?' (2017) (Trends & Issues in Crime and Criminal Justice No. 536, Australian Institute of Criminology, October 2017).

⁵⁶⁴ 'Services for Inmates with a Disability', NSW Government: Communities and Justice (Web page) <<https://www.correctiveservices.justice.nsw.gov.au/Pages/CorrectiveServices/programs/statewide-disability-services/statewide-disability-services.aspx>>; Corrective Services (NSW), *Policy for Case Management in Correctional Centres* (Offender Services & Programs, 8 December 2017) 9.

12 Diversionary Programs: A strategy to reduce the number of women on remand

Research shows that many women cycle in and out of remand over time. Whilst women's length of stay on remand can be short, 'the social as well as the financial costs of these short-term remands can be very high'.⁵⁶⁵ Additionally, whilst women do tend to have shorter sentences than men, short sentences can still be disruptive to women's lives. 'Short' sentences can still be long enough for women to lose their housing, family ties (including care of children), treatment and employment and have prolonged negative effects on a woman's capacity to re-establish their lives on release.⁵⁶⁶ The potentially damaging effect of short sentences was described in the recent ALRC report as 'a cycle of ongoing disruption – caused partly by repeated low-level offending and short terms of incarceration – can exacerbate existing disadvantage and make it extremely difficult for a female offender to reintegrate into her community'.⁵⁶⁷ The ALRC report also emphasised the need to divert Aboriginal and Torres Strait Islander offenders serving short sentences to community-based sentences, where possible.⁵⁶⁸ Both internationally and nationally, there has been a push to reduce the use of short sentences in favour of diversionary programs, treatment programs or community sentencing options.⁵⁶⁹ BOCSAR recently released a report comparing the re-offending rates of individuals who received short sentences (under two years) and those who received alternatives, such as an intensive correction order (ICO; supervision orders with rehabilitation programs). They found that there was an 11 to 31 per cent reduction in the odds of reoffending associated with receiving an ICO compared to those who received short sentences.⁵⁷⁰

565 Office of the Inspector of Custodial Services (WA), *Western Australia's rapidly increasing remand population* (Government of Western Australia, October 2015) iv.

566 UN Office on Drugs and Crime, *Handbook on Women and Imprisonment* (Criminal Justice Handbook Series, 2nd ed, 2014) 110.

567 Australian Law Reform Commission, *Pathways to Justice: An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Final Report No 133, December 2017) 351.

568 Australian Law Reform Commission, *Pathways to Justice: An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Final Report No 133, December 2017) 283.

569 Australian Law Reform Commission, *Pathways to Justice: An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Final Report No 133, December 2017). In the UK, the 'Revolving Door' agency released the 'Short sentences are short-sighted' campaign, which identifies that a substantial portion of the public and Ministers of Parliament agree that short sentences are inefficient, disruptive and potentially harmful. For more information visit <http://www.revolving-doors.org.uk/changing-policy/short-sentences-are-short-sighted>.

570 Joanna JJ Wang and Suzanne Poynton, 'Intensive Correction Orders Versus Short Prison Sentence: A Comparison of Re-Offending' (Crime and Justice Bulletin No. 207, NSW Bureau of Crime Statistics and Research, October 2017) 1.



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