



Inspector of
Custodial Services

Inspection Standards

For adult custodial services in New South Wales





Inspector of
Custodial Services

Produced by Inspector of Custodial Services

Level 3, 50 Phillip St
Sydney NSW 2000
P: 02 8061 9331
May 2020

© State of New South Wales through Inspector of Custodial Services May 2020. This work may be freely reproduced for personal, educational and government purposes. Permission must be received from the Department for all other uses.

Alternative formats of this information are available.

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

Inspection Standards

For adult custodial services in New South Wales

Introduction.....	5
Abbreviations.....	10
Custody	12
Reception and admission	12
Remand (unconvicted) inmates.....	16
Inmate classification.....	22
Sentence administration and release arrangements.....	27
Induction	29
Custodial infrastructure	30
Dynamic security.....	40
Procedural security	43
Segregation, protective custody and separation.....	49
Special high-security management regimes.....	51
Complaints and grievances	54
Legal resources	56
Disciplinary offences	57
Punishment.....	58
Use of force, weapons and restraints.....	59
Emergency management	63
Transport of inmates	66
Care and Wellbeing	72
The treatment of inmates	72
Women inmates with infants and children	74
Clothing and bedding	75
Hygiene and environmental health	77
Physical health care	79
Mental Health Care	90
Food and nutrition	93
Management and treatment of substance use.....	96
Religious and spiritual needs	100
Recreation	102
Inmate wages and money management.....	104
Inmate purchases	105

Property	106
External contacts and communications	107
Rehabilitation.....	114
Individual case management.....	114
Inmate programs	116
Education.....	118
Employment.....	125
Preparation for release.....	129
Resources and Systems.....	132
Correctional services and people	132
Correctional centre policy, planning and management.....	137
The correctional centre and community relations	140
Environmental sustainability.....	143
Records management.....	145
Index	146

Introduction

Imprisonment is the most severe criminal justice sanction that may be imposed in Australia. An order for the imprisonment of an individual requires that they be placed in the custody of a legally constituted authority and, unless otherwise authorised, confined in a correctional centre. Under the *Crimes (Sentencing Procedure) Act 1999* (NSW) a correctional centre sentence serves multiple purposes: to punish an offender; to deter the offender and others from further offending; to protect society by incapacitating the offender; and to reform or rehabilitate the offender.

The punishment of imprisonment should deprive the offender of their freedom and no more. Inmates are to be managed and contained in a safe, secure and humane manner. An offender's punishment is determined by the sentencing court according to principles enacted in legislation. Where a sentence of imprisonment is imposed, the severity of the punishment is evident in the length of the sentence. Imprisonment does not imply, entail or empower any other punishment, humiliation, or cruel or unusual treatment of a person in a correctional centre other than the deprivation of freedom itself. Correctional centres should not adopt punishment as an operational purpose. A sentence of imprisonment imposes upon the authority administering the sentence a duty of care to ensure the safety and wellbeing of a person in custody and take a risk management approach to prevent the person from harming themselves or others.

Each inmate must be managed at the lowest level of security necessary to ensure safety of the community, staff and other inmates. The longer term protection of society requires that inmates be treated with decency and humanity, and that there be a focus on preparing inmates for release to ensure, so far as practicable, that they are able and motivated to lead law-abiding and self-supporting lives upon release.

Correctional centres are essentially closed institutions into which few members of the community venture. The complex and difficult task of managing inmates in this environment is given to staff, who under certain circumstances are empowered to use force to maintain order. Consequently, there is an elevated need for accountability and transparency in the way that correctional centres and inmates are managed. This helps increase public confidence and trust that correctional centres are being run properly. This is a major function of independent custodial inspections.

Formal announced and unannounced inspections and reporting to Parliament by an independent inspection body represents an important contribution to giving members of the community and their parliamentary representatives confidence in the care and custody of inmates and how correctional centres are being managed in their collective name.

Inspections serve the public interest by seeking to: ensure that the objectives of imprisonment are achieved and raise the quality of correctional services so they become more professional, evidence-based, effective and humane. All of this is directed at improving outcomes for inmates and ultimately the community. It is necessary for inspections to exercise independent judgement on the nature of the experience of imprisonment as well as the material conditions of imprisonment as they impact on both staff and inmates. Inspections should also highlight good practice, where it occurs, as equally important to the ability to identify and report on deficiencies and areas for improvement. The Inspection Standards establish the inspection benchmarks for more effective, more accountable, and more humane correctional services.

Principles of independent inspection

The Inspection Standards are based in the principles of independent inspection, accountability, prevention, purposeful and rehabilitative imprisonment, and the protection of human rights.

Independence

International human rights instruments call for the regular inspection of correctional and detention centres by 'a competent authority distinct from the authority directly in charge of the administration of the place of detention or imprisonment.'¹ This recognises the need to ensure the integrity and credibility of the inspection process and its outcomes.

Accountability

There is a considerable power imbalance between correctional centre staff and inmates and the potential for abuse is always present. Consequently, there is a heightened requirement for accountability and transparency in the way that correctional centres and inmates are managed to prevent abuse and to protect human rights – this is the primary function of independent custodial inspection.

Prevention

Accountability processes are often initiated after an incident or on completion of an inquiry, by which time damage may have been done to inmates, staff, families and facilities. The history of such events in NSW suggests that the momentum for change generated by a significant incident and its associated inquiry dissipates over time, until the next incident. Thus inspection is very much concerned with prevention and should operate well upstream from other regulatory agencies, such as the Ombudsman and Independent Commission Against Corruption.

Purposeful and rehabilitative imprisonment

The notion of rehabilitative imprisonment is firmly grounded in the belief that people can change. Imprisonment should consequently provide opportunities and support for rehabilitation through reflection, learning, behavioural change and skill improvement. Imprisonment should seek to provide a wide range of constructive activity for inmates that will keep them meaningfully occupied.

While imprisonment is a last resort mechanism for protecting society from crime, most inmates will be released back to the community. The longer term protection of society requires a focus on inmate rehabilitation and preparation for release to ensure, so far as practicable, that released inmates are both able and motivated to lead a law-abiding and self-supporting life.

Human rights

Inmates' fundamental human rights are not forfeited because of their imprisonment. The United Nations General Assembly has stated that inmates retain all human rights 'except for those lawful limitations that are demonstrably necessitated by the fact of incarceration'.²

¹ 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 71.1.

² 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) p4.

Modern correctional centres are institutions of civil society and inmates do not cease to be its members, regardless of the seriousness of the crime they may have committed. Consequently, inmates must always 'be treated with humanity and with respect for the inherent dignity of the human person.'³

The observance of human rights is integral to the effective and safe management of correctional centres. A human rights-based approach is sound correctional practice, which good correctional staff have long followed, even if not under that banner.

Healthy prisons

Inspection under the Inspection Standards is aligned with the concept of a healthy prison, which has the following four elements:

- Safety: inmates, even the most vulnerable, are held safely.
- Respect: inmates are treated with respect for their human dignity.
- Purposeful activity: inmates are able, and expected, to engage in activity that is likely to benefit them.
- Resettlement: inmates are prepared for release into the community, and helped to reduce the likelihood of their re-offending.

How the Standards were prepared

The original NSW Inspection Standards drew upon a range of international and domestic treaties, covenants, instruments, standards and research. These included the UN Standard Minimum Rules for the Treatment of Inmates (SMR) 1955, European Prison Rules and the Standards of the European Committee for the Prevention of Torture. They also drew upon the UK Prison Service's "Decency Agenda" and Her Majesty's Inspector of Prisons' Healthy Prisons test and Expectations and relevant research, including that of the Institute of Criminology, University of Cambridge into the development and application of the Measurement of the Quality of Prison Life and the Staff Quality of Life.

The Inspection Standards were also informed by the national correctional reporting framework, reports of the Ombudsman, the Independent Commission Against Corruption and the Coroner, relevant NSW legislation, regulations and the Standard Guidelines for Corrections in Australia (R-SGCA) 2012. In particular, it owed much to the Western Australian Inspector of Custodial Services' Code of Inspection Standards, on which it is based.

The revised standards have incorporated the Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) 2015 and the Guiding Principles for Corrections in Australia 2018; replacing the SMR and the R-SGCA respectively. Relevant legislation has also been included in the supporting material.

³ International Covenant on Civil and Political Rights, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) art 10(1).

Guiding Principles for Corrections in Australia 2018

In 2018 all state and territory Ministers for Corrective Services in Australia approved the Guiding Principles for Corrections in Australia. The guidelines were developed following a review of the Standard Guidelines for Corrections in Australia (2012).

The Guiding Principles support Australian correctional services to achieve best practice in the following outcomes:

- Governance
- Respect
- Safety and security
- Health and wellbeing
- Rehabilitation and reintegration

In this revision of the Guiding Principles, there has been a focus on contemporary and emerging themes, trends and challenges facing corrections in Australia including:

- an increase in the numbers of inmates managed in both community and custodial settings
- the continued and increased overrepresentation of Aboriginal people within the criminal justice system
- the management of radicalised and violent extremist inmates
- a greater attention on reducing domestic and family violence
- the specific needs of particular inmate cohorts including young adult offenders, women, aged and frail, lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) people, those with mental health issues and/or disability, and remand inmates
- the impacts of social conditions (such as housing, health, education, employment)
- post sentence supervision and detention orders
- bail reviews and legislative reforms
- the ratification of the UN Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)

The Optional Protocol to the Convention against Torture (OPCAT)

In December 2017, Australia ratified OPCAT which aims to prevent torture and cruel, inhuman or degrading treatment or punishment. Under OPCAT, State Parties agree to establish an independent National Preventive Mechanism (NPM) to conduct inspections of all places of detention and closed environments. The Inspector of Custodial Services meets the NPM requirements for independence and public reporting, as this is provided for in their enabling legislation. The revised Inspection Standards were prepared with the OPCAT's preventative approach to oversight in mind.

Whilst still drawing significantly from the Western Australian Inspector of Custodial Services' Code of Inspection Standards, the revised NSW Inspection Standards also owe much to the ACT Inspector of Correctional Services Standards for Adult Correctional Services 2019, the Office of the Custodial Inspector Tasmania Inspection Standards for Adult Custodial Centres 2018 and the New Zealand Office of the Inspectorate Te Tari Tirohia Inspection Standards 2019. The publication of the revised NSW Inspection Standards ensures the consistency and transparency of inspections for both custodial staff and the community. It is thus part of a

quality regime which fosters the continuous improvement of custodial services in NSW.

The Inspection Standards are also aligned with the values of the office of the Inspector of Custodial Services, those being:

- **Integrity:** we act ethically and honestly in fulfilling our functions.
- **Independence and impartiality:** we increase public awareness of the custodial system through objective assessments.
- **Respect:** empathy and respect for the experience of people in custody and staff is at the centre of our approach to inspections.
- **Diversity:** we harness the knowledge of people from diverse backgrounds.
- **Quality:** we are committed to continuous improvement of ourselves and the agencies we inspect.

Corrective Services NSW (CSNSW) and Justice Health and Forensic Mental Health Network (JH&FMHN) have been consulted during the development of the Inspection Standards. However, the Inspection Standards remain the Inspector's code. It is the view of the Inspector that to develop joint standards, so that correctional centres could be both managed and inspected against mutually agreed standards would be to reduce inspections to an audit function and would negate the value of independent inspection and the exercising of independent judgement.

Inspector of Custodial Services
May 2020

Abbreviations

- ALIA Australian Library and Information Association Minimum Standard Guidelines for Library Services to Prisoners 2015
- AMA 2012 Australian Medical Association Position Statement on Health and the Criminal Justice System 2012
- AMA 2013 Australian Medical Association Medical Ethics in Custodial Settings 2013
- ACA American Correctional Association Standards for Adult Correctional Institutions 2003
- ABA American Bar Association Standards for Criminal Justice on the Treatment of Prisoners Third Edition 2010-2011
- ASPE Australian Standard: Planning for emergencies in facilities 2010
- BPP Body of Principles for the Protection of Persons Under Any Form of Detention or Imprisonment 1988
- BPT Basic Principles for the Treatment of Prisoners 1990
- BR United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules) 2010
- C(AS)A Crimes (Administration of Sentences) Act 1999 (NSW)
- C(AS)R Crimes (Administration of Sentences) Regulation 2014 (NSW)
- CAT Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1987
- CEDAW Convention on the Elimination of Discrimination Against Women 1979
- CPT Committee for the Prevention of Torture – The Standards 2006
- CRC Convention on the Rights of the Child 1989
- CSNSW Corrective Services New South Wales
- EPR European Prison Rules 2006
- GP Guiding Principles for Corrections in Australia 2018
- HRC Human Rights Committee Concluding Observations of the Human Rights Committee on the Second and Third U.S. Reports to the Committee 2006
- ICCPR International Covenant on Civil and Political Rights 1976
- ICPS International Centre for Prison Studies Human Rights Approach to Prison Management Second Edition 2009

- ICSECR International Covenant on Economic, Social and Cultural Rights 1976
- ICERD International Convention on the Elimination of All Forms of Racial Discrimination 1969
- JH&FMHN Justice Health and Forensic Mental Health Network
- NHAHP NSW Health Aboriginal Health Plan 2013-2023
- OPCAT Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
- RCIADIC Recommendations from the Royal Commission into Aboriginal Deaths in Custody 1991
- SGPFANZ Standard Guidelines for Prison Facilities in Australia and New Zealand 1990
- NMR Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) 2015
- TGPP UNOPS Technical Guidance for Prison Planning 2016
- UDHR Universal Declaration of Human Rights 1948
- UNDRIP United Nations Declaration on the Rights of Indigenous Peoples 2007
- WHO World Health Organization
- WHO 2007 World Health Organization, A WHO Guide to the Essentials in Prison Health 2007
- WHO 1986 World Health Organization, The Ottawa Charter for Health Promotion 1986
- YP The Yogyakarta Principles 2007

Note: References to Correctional Centres for the purpose of this document extends to Court Cell Complexes. However, there are some standards that will not apply to Court Cell Complexes due to the nature of their operation and the inmate cohort. This is acknowledged.

‘Aboriginal’ when used in this document is inclusive of Aboriginal and Torres Strait Islander people.

‘Health staff’ when used in this document is inclusive of health staff who work for Justice Health & the Forensic Mental Health Network, the GEO Group, St Vincent’s Correctional Health Parklea, and any future private health services provider.

Custody

Reception and admission

The reception and admission process should provide an orderly and safe transition to correctional centre custody for new or transferred inmates.

1

The admission and reception of any inmate must trigger the gathering of all relevant previous information and the generation of new information necessary to effectively manage the individual needs and risks of each inmate.

- 1.1 Each correctional centre that receives and admits an inmate should have access to all relevant risk assessment and management information on that person, to ensure that centre staff can make informed and appropriate arrangements for the management of the inmate.
- 1.2 Each correctional centre must ensure that all information relating to an individual inmate is treated with strict regard to confidentiality.
- 1.3 A process should be initiated for checking to see if there are any outstanding fines or warrants.

Supporting Documentation

GP 1.1.1, 1.5.1, 1.5.5, 3.1.1

NMR 7, 8, 9

EPR 15.1, 16

C(AS)R 4, 255

2

The reception and admission of each inmate should be designed to ease their adjustment to the correctional centre, treating them with decency, and ensuring their individual safety and wellbeing.

- 2.1 The reception and admission process should not be degrading to inmates who should be treated with decency and respect.
- 2.2 Each inmate's privacy should be safeguarded during the admission and reception process, particularly with regard to any information likely to be of a confidential nature.
- 2.3 Each inmate's experience of being received into a correctional centre should be (to the greatest possible extent) positive and such that it reduces the anxiety of admission.
- 2.4 Reception and admission staff should be trained to deal with newly received inmates who may be anxious, distressed or uncooperative. There should be entry-level training for reception and admission processes and shift handover arrangements in reception facilities.
- 2.5 The vulnerability of inmates must be ascertained and appropriately safeguarded. This is particularly important for their first days in a correctional centre, but should also involve an assessment of longer-term safety and wellbeing through subsequent classification review.
- 2.6 The formal reception process must provide timely key information to inmates that enables them to understand their immediate rights and obligations under legislation and correctional centre rules.
- 2.7 If an inmate is illiterate, information should be conveyed orally. If an inmate does not speak English, an interpreter should be used.
- 2.8 Inmates should be advised about when they will receive an induction to the correctional centre.
- 2.9 Inmates should receive a structured and comprehensive induction to the correctional centre and its services
- 2.10 Newly admitted inmates, especially young inmates, (other than inmates transferred into minimum security from another correctional centre) should be accommodated separately from the general population during the admission and induction process.

Supporting Documentation

GP 1.5.1, 2.2.1, 2.2.2, 2.3.3, 2.3.7, 3.4.1

EPR 15.2, 16(c, d), 30.1, 52

NMR 1, 54

C(AS)R 5, 33(3)(a), 255

BR 2(1)

BPT 1

BPP 1

3

All inmates should undergo an initial health assessment in order to identify treatment needs and provide appropriate intervention for any pressing medical (including drug, alcohol or mental health) concerns. Of particular concern must be the detection of any self-harm or suicidal ideation.

- 3.1 Health screening must be undertaken by an appropriately qualified health professional.
- 3.2 All inmates with any indications of possible identified mental illness should be referred to Custodial Mental Health for assessment, referral and recommendations for suitable placement. These inmates must remain in the reception area until seen by required health services and should not be placed elsewhere.
- 3.3 Aboriginal inmates with any indications of possible identified mental illness must be reviewed by Mental Health Aboriginal workers.
- 3.4 Where possible, inmates with disability should be identified upon admission to facilitate access to support, health and mental health services.
- 3.5 Where the health professional conducting the assessment forms an opinion that the inmate's life or wellbeing are at risk, that opinion must be communicated to the appropriate correctional staff as soon as possible. Inmates identified as at risk of self-harm or suicide on reception are housed in a safe environment and reviewed daily. Inmates should be treated with respect and their privacy safeguarded during the health assessment process. Inmates have a responsibility to disclose known health issues.
- 3.6 An interpreter should be used with inmates who experience language barriers or who are deaf to ensure a full understanding and exchange of information by both the inmate and the health professional.
- 3.7 Inmates should be made aware of any illness or medical condition that is detected during the screening process and/or any pre-existing medical condition.
- 3.8 If a health screening is not possible immediately, then appropriate management action must be taken to ensure the safety of the inmate until the inmate's health status/vulnerability is known.
- 3.9 The inmate should be given information on how to make an appointment/self-referral process and the availability of Mental Health telephone services.

Supporting Documentation

GP 1.5.1, 2.1.2, 2.2.4, 2.3.7, 3.1.7, 3.3.4, 4.1.8, 4.1.11, 4.1.15

EPR 16(a), 42.1

BR 6

C(AS)A 236C

NMR 5(2), 30

ABA 23-25

4

All inmates newly admitted to a correctional centre should be given the opportunity to make arrangements to resolve any family matters and issues relating to property or business operations. Where necessary, inmates should have immediate access to services to facilitate such arrangements.

- 4.1 All inmates should be offered the opportunity to inform their families of their imprisonment as soon as practicable after their admission to a correctional centre.
- 4.2 For Aboriginal inmates from regional communities special regard should be given to any difficulty they may have contacting their family.
- 4.3 For inmates who do not normally reside in Australia, a third party, such a consular authority may be used to inform their family.
- 4.4 Inmates should be provided with opportunities to make arrangements for the welfare of their children, next of kin or other dependents as soon as practicable after admission.

Supporting Documentation

GP 2.2.3, 2.3.5

EPR 15.3

Remand (unconvicted) inmates

'Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons'.⁴

'Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law'.⁵

'In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing'.⁶

Remand inmates should therefore be assisted to prepare for their trial, meet any bail conditions that would enable their release on bail, maintain contact with relatives and friends, maintain their community accommodation and employment, and get help with pressing personal problems. Their conditions of imprisonment should not be less than is provided for sentenced inmates, including being entitled to access general health services and participate in work, education, recreational activities, and religious observance.

Remand inmates should be kept separated from sentenced inmates unless they waive the right to such separation, and in the opinion of the correctional centre it is safe for them to do so. Remand inmates should be given opportunities for work and development but should not be 'required' to work or undertake programs addressing their offending. Nonetheless, a period of remand imprisonment provides an opportunity that should not be missed for inmates to review their personal situation and the correctional centre should facilitate and assist this process. Consequently, within the bounds of the allocation of scarce resources and the duty of care owed to inmates, it makes sense to offer awareness and treatment programs to inmates, particularly for inmates with drug or alcohol problems.

Finally, the administering authority's duty of care for the management of these inmates must be based upon an assessment of all of the risks associated with managing each individual inmate. Full account should be taken of the seriousness of the charges that have been made against them and any previous history of offending or other known risk factors.

⁴ 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)

⁵ International Covenant on Civil and Political Rights, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) art 14(2)

⁶ International Covenant on Civil and Political Rights, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) art 14(3)

5

The regime for remand or unconvicted inmates should reflect the fact that they have been charged, but not convicted, of a criminal offence.

- 5.1 Remand or unconvicted inmates are to be kept separate from other classes of inmates as far as is practicable.
- 5.2 Remand inmates are presumed to be innocent, and are not to be required to work or undertake programs addressing offending. However, work, education and programs should be made available.
- 5.3 Remand inmates should be allowed to undertake reasonable activity to maintain external interests such as education or employment.

Supporting Documentation

GP 2.3.9, 3.3.3, 5.1.13, 5.2.11

CCPR 10(2)(a)

NMR 11(b), 111, 112, 116

EPR 95.3, 100.1

C(AS)A 78A

C(AS)R 33

6

Remand inmates should be held in readiness for their next court appearance and assisted to prepare for that appearance.

- 6.1 Remand inmates (and inmates who have appealed) must be given adequate access to correctional centre facilities for the preparation of a defence, and be assisted to communicate with a legal counsel of their own choosing.
- 6.2 Remand inmates and their legal representatives should be able to have private and unmonitored telephone conversations and meetings, as frequently as necessary.
- 6.3 Inmates should be able to access current legal resources.
- 6.4 Remand inmates should be able to wear their own clothing when appearing in court, and should be provided with the means to launder such clothing.
- 6.5 Arrangements should be in place to ensure that inmates attending court are provided with meals at normal times, or if this is not possible, a meal before they attend court.
- 6.6 Correctional centres should facilitate video court appearances where practicable and where to do so does not prejudice justice.
- 6.7 Any significant changes in inmates' circumstances, for example suitable accommodation or completing remand programs, should be communicated to courts, releasing authorities and other relevant stakeholders through the inmate's pre-sentence report where sentence outcomes may be impacted.

Supporting Documentation

NMR 115, 120

EPR 97.1, 97.2, 98.1, 98.2

C(AS)R 57(2)

GP 2.3.5

7

Remanded inmates who have bail should be released from custody, as soon as practicable.

- 7.1 Any bail conditions that are attached to the remand custody order should be actively and regularly reviewed to ensure that unconvicted inmates are not held in correctional centre unless it is absolutely necessary.
- 7.2 Any inmate who is released to bail from court should have their legal documents, cash and property returned immediately. Inmates should never be in the position of being released at the end of a day at court without access to accommodation and some money for food.

Supporting Documentation
RCIADIC 89-91

8

Inmates remanded in custody should be expected to have a high need for welfare services as a consequence of their transition into custody.

- 8.1 Remand inmates, where practicable to do so, should be able to receive an unlimited number of visits.
- 8.2 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.
- 8.3 Remand inmates should be immediately asked if this is their first time in custody and they should be offered information about the induction program and how they can obtain further information about their case.
- 8.4 Special first night and first (few) days regimes should be in place to ensure remand inmates' safety and wellbeing.

Supporting Documentation

GP 2.3.9, 4.2.7

EPR 99

C(AS)R76(1)

9

The management and care of remand inmates should acknowledge and minimise the particular stresses and uncertainties that confront remand inmates, and these factors should be borne in mind by staff responsible for their management.

Remand periods may be long and uncertain due to court delays, and remand inmates may become anxious or angry, which may affect their behaviour.

- 9.1 Remand inmates should be managed as a separate group from sentenced inmates, unless they indicate in writing that they have no objection. They should have as little contact with sentenced inmates as possible.
- 9.2 Where sentenced inmates are placed among remand inmates (for example to undertake certain skilled work) they must be regularly assessed to ensure that bullying is not occurring.
- 9.3 Remand inmates' conditions of imprisonment should not be less than is provided for sentenced inmates. This includes entitlements to access general health and welfare services, work, education, recreational activities, religious observance and other relevant activities and services.
- 9.4 Remand inmates should have security assessments completed wherever practicable, in order to facilitate their management and accommodation at the lowest level of security consistent with the protection of staff and the community.
- 9.5 Remand inmates should be offered opportunities for addressing drug and alcohol issues and where appropriate, cognitive skills development programs.
- 9.6 Remand inmates should be case managed and the conditions of their continued custody be subjected to regular review.

Supporting Documentation

GP 1.5.1, 3.1.3, 4.1.11, 4.2.7, 5.1.8

NMR 4(2), 11(b)

EPR 101

Inmate classification & placement

Inmates are distinct individuals who each pose different types and levels of risk to the community, other inmates, staff or themselves. A transparent, objective, and accurate assessment of security risks with regular reviews is essential to ensure safe custody of each inmate.

As a general principle, inmates should be held at the lowest level of security appropriate to their individual circumstance. Consistent with the observation of human rights and in support of a rehabilitative custodial regime, inmates should be assigned to correctional centres as close as possible to their family, significant others, or community of interest.

10 CSNSW must have in place an accurate and transparent classification system that enables inmates to be individually assessed and placed into the lowest classification level commensurate with safety.

- 10.1 Inmates should be managed within a system that provides for graduated levels of restriction and security according to the risks posed by the inmate and, as far as practicable, the location of the community of interest of the inmate.
- 10.2 Inmate classification and placement should be based on an objective assessment of an inmate's security risk and the rehabilitation and reintegration needs of specific inmate cohorts.
- 10.3 Young, first time offending, short-term inmates should be accommodated separately from other inmates.
- 10.4 The classification system should have regard to gender and Aboriginality.
- 10.5 Inmates should be made aware of the classification system and criteria in a way they can understand. This should also include the consequences of escape or attempted escape and the details of the process for appeal against a classification decision.
- 10.6 All risk assessment instruments should be regularly reviewed to ensure that the risk assessment process remains relevant and appropriate, and that it is not discriminating against particular groups of inmates.
- 10.7 An inmate's classification should be reviewed as part of a wider case management review annually. Inmates should have input into such reviews. Unless there are specific unacceptable risks, each inmate should be classified minimum security and placed at a minimum security correctional centre, transitional centre or pre-release centre prior to release.
- 10.8 Inmates should be given reasons for any classification decision.
- 10.9 Classification and placement regimes should not impede inmate

access to legal representatives.

Supporting Documentation

GP 2.1.8, 3.1.1, 1.5.1, 3.3.1, 3.3.4, 3.1.2, 5.2.5

NMR 11(d), 93, 94

EPR 18.10, 51.3, 51.4, 51.5, 52.1

BR 40-41

C(AS)R 11-13, 15-16, pt 3 div 1, 33

11

The segregation and protective custody of inmates must only be undertaken strictly in accordance with legislative provisions.

- 11.1 Segregated and protective custody directions must be in writing. As soon as practicable after the directions are given, the inmate must be advised of their rights to a review of the direction.
- 11.2 Segregation and protective custody may be used only as an interim measure and should never be used for an extended period or as a punishment.
- 11.3 Inmates in segregated or protective custody should never be denied access to medical attention or any existing schedule of medication.

Supporting Documentation

GP 2.3.5

CPT 56

C(AS)A 10-11

NMR 45, 46

ABA 23-27

12

Prior to allocating inmates to share a cell, a formal risk assessment must be completed, which includes consultation with the inmates concerned.

- 12.1 Multiple occupancy accommodation should only be provided for inmates with appropriate risk and need profiles who have been assessed as suitable to associate with one another.
- 12.2 Where dormitories are used, they shall be occupied by inmates carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision at night, in keeping with the nature of the correctional centre.

Supporting Documentation

GP 1.5.1, 3.3.2, 5.1.2

NMR 12

EPR 18.5, 18.6, 18.7

13

Inmates should be held at a correctional centre as close as possible to their family and their community of interest.

- 13.1 There should be sufficient correctional centre infrastructure in each region to accommodate the inmates of the region, providing for different levels of security in proportion to the risk profile of the regional inmate population.
- 13.2 Correctional centre infrastructure should meet state-wide requirements for specialist custodial purposes, such as for specialist forensic mental health services. If inmates are placed at correctional centres outside their home region it should be for the minimum time necessary.
- 13.3 Particular consideration should be given to the placement of Aboriginal inmates who retain a strong attachment to their country. Where placement off-country is unavoidable, there should be compensatory measures such as video telephone calls to family.
- 13.4 Foreign national inmates should be placed at correctional centres that best provide for access to interpreters and consular services.
- 13.5 The management and placement of women inmates should reflect their generally lower security needs, but their higher needs for health and welfare services and for contact with their children.

Supporting Documentation

GP 5.1.5, 3.3.4, 3.3.4

EPR 17.1

RCIADIC 168

BR 4, 41

C(AS)R 10(1)(J), 6

Sentence administration and release arrangements

International human rights instruments stipulate that ‘no one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law’.⁷ Correctional centres are responsible for ensuring that all persons received into a correctional centre are done so in accordance with a legally valid order and that inmates are not held beyond their legal release date.

Where parole or other early release period is available, correctional centres must assist inmates to achieve release at their earliest eligibility date for release.

14 Correctional centres must ensure that sentences are fully enforced and that inmates are released at the earliest time, consistent with the law.

- 14.1 Correctional centres must have effective processes to ensure there is a legal order for each inmate who is admitted to the correctional centre and that the inmate is released on the correct day.
- 14.2 Inmates must never be held beyond the date of their release date, except as provided for in section 8(2)(b) of the *Crimes (Administration of Sentences) Act 1999*.
- 14.3 When inmates are released, correctional centres are to provide a safe and effective means of getting home. For foreign national inmates facing deportation or removal, arrangements should be made with the Commonwealth Government.
- 14.4 In the case of inmates (including Aboriginal inmates) from remote communities that are not serviced by public transport, individualised arrangements must be made to ensure that the inmate is not stranded without any means of getting home.
- 14.5 The release date, including any parole consideration date, for each inmate must be accurately calculated and communicated to the inmate. Inmates should be able to verify the accuracy of their sentence calculation.
- 14.6 Correctional centres should have in place procedures for inmates about to be released to check their property and accounts before release and where appropriate, submit a written complaint. Procedures should also ensure pre-release interviews and briefings, where appropriate, on parole, bond, or bail conditions.
- 14.7 Where an inmate is considered to represent an unacceptable risk of serious re-offending and the Supreme Court of NSW orders a Continuing Detention Order (CDO) they must continue to be managed in accordance with the legislation.

⁷ International Covenant on Civil and Political Rights, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) art 9(1)

Supporting Documentation

GP 2.1.9, 2.3.10

EPR 14, 30.3, 33.1, 33.3

C(AS)A 8

C(AS)R 172

15

Remand inmates must be informed of the details of their remand imprisonment and the dates of forthcoming court appearances, when these become known.

- 15.1 Each inmate should be advised/have confirmed the reason and length of their custody and their next court appearance.
- 15.2 If an inmate is received on a remand warrant that has bail conditions, correctional centre staff should provide timely assistance to the inmate to support release to bail at the earliest time.

Supporting Documentation

EPR 30.3

GP 21.9

NMR 119(1)

Induction

Correctional centres are complex and may be bewildering when first encountered, so inmates should be assisted to understand the correctional centre layout and regime. Induction is a communication process: information is collected from the inmate and imparted to them.

16

Correctional centres should conduct formal induction programs which provide all inmates with an orientation to the correctional centre, its operations and the services so as to facilitate informed choices within the discretion allowed to inmates.

- 16.1 Induction processes should provide information in a manner that is readily understood by each inmate. This may require using interpreters, oral, written and visual media and a tour of the correctional centre.
- 16.2 The induction process should commence within a day of the inmate being admitted to the centre.
- 16.3 Induction should include details of the physical layout of the correctional centre and the structure of any incentive schemes. It should provide information regarding the activities, employment, training, education, programs, and arrangements for family visits and the use of telephones. It should provide information regarding supports for inmates' families. Induction processes should also outline the process of referral and requests for services and information in the centre.
- 16.4 Induction processes should include information sessions on the right of inmates to communicate confidentially with Official Visitors, the Ombudsman NSW, the Independent Commission Against Corruption, and Health Care Complaints Commission and outline the CSNSW complaints process.
- 16.5 Notices and schedules of events and activities should be prominently displayed in inmate areas such as accommodation units, to provide updated orientation information.

Supporting Documentation

GP 2.3.7, 4.2.7

EPR 30.1

Custodial infrastructure

Custodial infrastructure should contribute to achieving a balance between community protection and the safety, health and wellbeing of inmates, staff and visitors. Correctional centres must never be dilapidated, degrading or inhumane. Site layout, movements and building design should support a full range of service delivery and maximise opportunities for positive human interaction.

The physical environment of correctional centres can be as important as the correctional centre regime in determining the correctional centre experience of inmates and staff. While personal safety and the maintenance of control are primary considerations in correctional centre design, poor correctional centre design serve to reinforce the isolation, sensory deprivation, powerlessness and alienation of inmates. Modern penological regimes are built upon interactive relations and correctional centre design should facilitate these interactions.

Correctional centre design should support staff in the execution of their duties and not exacerbate stress over concerns for safety, security and wellbeing. Overcrowding can have significant detrimental effects on the standard of living, regime and safety within a correctional centre. An overcrowded correctional centre may entail cramped and unhygienic accommodation, a constant lack of privacy, reduced out of cell activities, demand outstripping the capacity of staff and facilities, overburdened health care services, increased tension and potentially increased levels of violence.

17 Secure correctional centres should have perimeter barriers capable of deterring and withstanding a breach from inside and outside.

- 17.1 A range of effective security systems and procedures should be established to complement the perimeter barrier system.
- 17.2 Perimeter security arrangements must deter, detect and secure inmates from escape as well as minimise the introduction of contraband.

Supporting Documentation
EPR 51.1

18

Minimum security correctional centres, transitional centres and pre-release centres that do not have perimeter barriers, or where these are open for part of the day, should have in place clear zoning and signs that indicate the limits of inmate and outsider access.

- 18.1 Where low or minimum security fences and gates are constructed around minimum security correctional centres, these should be supplemented by robust procedural and dynamic security measures.

Supporting Documentation

EPR 51.1, 51.2

TGPP

19

Internal buildings and static security measures should have regard for inmate, staff and visitor safety while 'normalising' the correctional centre environment, as far as practicable.

- 19.1 Reliance upon physical internal barriers should be minimised in favour of zoning by landscaping, building exteriors and prescribing particular areas for certain groups of inmates.
- 19.2 Officer posts must have mutually supporting sight lines and coverage of inmate movement routes.
- 19.3 All internal unsupervised inmate areas should be free of obvious ligature points.
- 19.4 Good lines of sight should be incorporated into correctional centre design while retaining a human scale to all areas. Surveillance cameras in maximum and medium security correctional centres should be used to supplement staff supervision; they complement, but do not replace, awareness. The use of surveillance technologies must not be at the expense of staff awareness.
- 19.5 Cell doors should be fitted with an access hatch that allows communication and even the control of an inmate in certain defined circumstances, without opening the cell door.
- 19.6 Shared spaces should provide for levels of privacy, subject to safety.
- 19.7 Multiple occupancy accommodation should only be provided for inmates with appropriate risk and need profiles and who have agreed to such placements.

Supporting Documentation

GP 3.3.2
EPR 52.3
TGPP

20

Building design and layout should be appropriate to function and to the background and profile of the inmates to be held.

- 20.1 Within the limitations of cost effectiveness, accommodation arrangements should provide for small group housing units in preference to large multi-story cell blocks. Such smaller arrangements provide a more human scale to buildings and reduce the anonymity and social isolation that comes from housing large groups of inmates together.
- 20.2 Preference should be for semi-autonomous units of up to 100 inmates, comprising small group living areas of around ten inmates or less, as small communities are better able to promote cooperation and responsible choices by inmates.
- 20.3 Living and accommodation units should be master planned to facilitate incentive management schemes appropriate to the inmate profile, and include self-care living, where practicable.
- 20.4 8.75 sqm is considered a satisfactory size for an individual cell, and 12.75 sqm for a two person cell.
- 20.5 Dormitories should have a maximum of 25 inmates.
- 20.6 Whether or not space is adequate depends upon if it is being shared, how many hours a day inmates are locked inside, whether they have in-cell access to shower and toilet and ambient temperatures.
- 20.7 Cell design should be consistent with recognised fire and safety standards.
- 20.8 Cells (except those in minimum security buildings) must be free of ligature points and their design should provide for inmate privacy, adequate fresh airflow, natural light, thermal comfort and serviceable emergency communications.
- 20.9 Multiple occupancy cells should provide adequate unencumbered space and privacy when toilets or ablutions are used.
- 20.10 Common rooms should provide sufficient seating and writing surfaces. They should include adequate facilities, for example telephones, to ensure these do not become objects of competition for access or control.
- 20.11 Reasonable accommodation and adjustments should meet the needs of inmates with physical, mental or other disability. For example wheelchair access, ramps and handrails.

Supporting Documentation

GP 3.2.2

EPR 18.6

RCIADIC 165,173

NMR 5(2), 13

TGPP p.93

CPT 44

SGPFANZ p.31

21

The number of inmates should not exceed a correctional centre's design capacity. Where this is temporarily unavoidable, compensatory processes should be implemented to mitigate disadvantage and risk to both staff and inmates. 'Doubling up' should not be portrayed as increased design capacity.

Overcrowded correctional centres are toxic; they are at greater risk of being degrading or unsafe.

- 21.1 Where the number of inmates sharing a cell or accommodation unit exceeds the design capacity, correctional centre management must consider reducing the number of hours locked in cells, enhancing the availability of activities or implement other compensatory measures to mitigate the effects of the reduced amenity.
- 21.2 Overcrowding should not disrupt inmates' access to the correctional centre's regime or services.
- 21.3 Where the number of inmates exceeds the design capacity of the correctional centre, the General Manager should receive regular reports on 'climate' and performance, and other necessary information regarding access to services, programs and recreational activities.
- 21.4 More staff should be employed if necessary to ensure the regime and services are not disrupted or diluted.

Supporting Documentation

EPR 18.1, 18.4

GP 1.4.4

22

Correctional centres should establish a maximum population cap to avoid excessive levels of overcrowding.

- 22.1 The number of inmates should not be so large that individual treatment is impaired.

Supporting Documentation

EPR 18.1, 18.4

TGPP

23

Correctional centres should incorporate a 'healthy buildings' approach to climate control, amenity, lighting and outlook.

In Australia, air conditioning has been widely used to try to achieve a year-round temperature of 23 degrees in work places. However, there is evidence that occupants of naturally ventilated buildings are generally comfortable in temperatures that more closely reflect the patterns of the outdoor climate. Such buildings have the added advantage that they use less energy and emit fewer greenhouse gases.

- 23.1 There should be an adequate ventilation system ensuring circulated fresh air to all occupied areas of the correctional centre.
- 23.2 There should be an effective climate control system allowing temperature and humidity to be mechanically raised or lowered to acceptable comfort levels. A temperature range should be set (that reflects winter and summer seasonal temperature variations) in consultation with inmates and staff.
- 23.3 There should be design provision for some degree of inmate control over their immediate cell environment.
- 23.4 Windows in all cells must permit sufficient natural light to facilitate inmates reading and writing.

Supporting Documentation

EPR 18.1, 18.2(a)

NMR 13, 14

TGPP

24

Correctional centre buildings and the layout of the correctional centre should be culturally appropriate for the inmate population.

- 24.1 Correctional centre infrastructure should respond to all cultures which are represented in the inmate population.
- 24.2 In correctional centres where there are large numbers of Aboriginal inmates, Elders and members of appropriate local community groups should be consulted in centre design and construction to ensure, as far as is possible, a culturally appropriate environment and facilities.
- 24.3 The design and construction of external spaces should be undertaken in full consultation with appropriate Aboriginal groups and inmates. Correctional centre management should ensure on-going consultation with inmates regarding the use of such places.
- 24.4 Correctional centre infrastructure should have regard to the diversity of Aboriginal cultures and the resulting need for a range of places and facilities appropriate to the needs of different Aboriginal groups for association or separation.

Supporting Documentation

UNDRIP 2007
RCIADIC 173
TGPP

25

Female correctional centres should accommodate women's specific needs and provide for accommodation and contact with children.

- 25.1 The design of women-only correctional centre facilities should be based upon wide consultation with women inmates and community groups and documented research.
- 25.2 The level of security should take into account the generally lower levels of risk posed by women inmates, but their higher privacy and health care needs.
- 25.3 Women-only correctional centres must provide sufficient appropriate accommodation and facilities for the in-correctional centre care of pregnant women, infants and children.
- 25.4 Feminine hygiene products should be readily available to women inmates and never require a request to a male officer.

Supporting Documentation

BR 5, 6(2), 41(a, d)
GP3.1.9
TGPP
NMR 28

26

Where male and female inmates are to be accommodated in the same correctional centre, correctional centre design should facilitate comprehensive regime participation for both male and female inmates, while providing for appropriate levels of privacy through the use of separate living unit precincts.

- 26.1 Women inmates must be able to avoid being exposed to constant view or being harassed by male inmates.
- 26.2 Women inmates should be held at the lowest level of security commensurate with their individual risk, rather than placing all women together under one high security regime.
- 26.3 Correctional centres that accommodate female inmates as well as male inmates must provide sufficient appropriate accommodation and facilities for the care of pregnant women, infants and children within the correctional centre.
- 26.4 Accommodation, facilities, programs and activities for female inmates should not be of a lesser standard than that which is afforded to male inmates.

Supporting Documentation

GP 2.1.4, 3.1.9

NMR 28

EPR 18.8

C(AS)R 34

BR 41

27

Correctional centre buildings and layout should facilitate the full involvement in correctional centre regimes of geriatric and disabled inmates (including those with physical, sensory, cognitive and psychiatric disability).

- 27.1 Access to all areas and services should be achievable for inmates with disability and geriatric inmates.
- 27.2 Environmental design must take into consideration mental health problems and/or disability that may heighten sensory sensitivity to, and effects of, environmental surroundings.
- 27.3 Inmates with mobility impairment may need to be housed in accessible cells built to Australian Premises Standards.

Supporting Documentation

Disability (Access to Premises-Buildings) Standards 2010

NMR 5(2)

TGPP

28

The design of special accommodation for inmates that are deemed to be at risk of suicide and require a temporary separate management regime should incorporate therapeutic environmental principles that include regard for a good level of amenity and activity, natural light, high levels of staff/inmate interaction and appropriate monitoring facilities.

- 28.1 Inmates who are distressed and at risk of self-harm or suicide should not be placed in a punishment-type cell or specialised maximum security unit that deprives the inmate of reasonable amenities and interaction with others. Should this occur as a result of no other alternative being available it must be only for the shortest possible time.
- 28.2 Such placements must be in accordance with approved procedures and each instance thoroughly documented.

Supporting Documentation

NSW Coroner S.A. Simpson 2006

GP 3.3.4, 3.1.6, 3.1.7

NMR 13

TGPP

29

Correctional centre infrastructure should be built and maintained to recognised building standards.

- 29.1 All correctional centre infrastructure should conform to the Building Code of Australia requirements.
- 29.2 An adequately funded Planned Maintenance System, that includes building inspections, should be in place and updated regularly.

Supporting Documentation
Building Code of Australia

Dynamic security

Physical and procedural security measures should always be complemented by sound dynamic security. Dynamic security is arguably the most important element of an effective, humane and safe custodial environment. It is derived from regular positive interaction between inmates and professional, well-trained staff. Sound dynamic security better enables incident prevention through the early detection of possible security or safety threats and by ensuring inmates are actively engaged in the correctional centre regime. Dynamic security acknowledges the primacy of staff awareness, rather than just inmate visibility.

30 Correctional centre regimes should be designed to facilitate extensive opportunities for communication between staff and inmates.

- 30.1 Staff should be visible and approachable. Inmates should not have to constantly negotiate physical barriers to speak to staff.
- 30.2 The impact of electronic doors on cells, unit and buildings on staff-inmate interaction should be considered in correctional centre design.
- 30.3 It should be a responsibility of correctional centre staff that interact directly with inmates to develop their knowledge of inmate activities and behaviours and to apply this knowledge professionally for the safety and security of the correctional centre.
- 30.4 However, all correctional centre staff must ensure that information of a personal or confidential nature that has no bearing upon security or safety is treated with absolute regard for the right of inmates to privacy and confidentiality.
- 30.5 Staffing issues should not be permitted to cause lockdowns or restrict daily activities, reducing hours out of cell and undermining dynamic security. Where this cannot be avoided, rolling lockdowns should be instituted.

Supporting Documentation

GP 3.2.1, 3.2.3

EPR 51.2

C(AS)R 255

31

Correctional centres should implement clearly defined correctional centre rules and codes of conduct for staff, inmates and all visitors.

- 31.1 The behaviour required of all staff, volunteers, inmates, personal visitors and others who enter the correctional centre should be made clear in written codes of conduct. For staff these should be acknowledged in writing and recorded. Codes of conduct for inmates should be explained and made clear during orientation and induction.
- 31.2 All rules should be prominently displayed in appropriate areas of the correctional centre.

Supporting Documentation

EPR 30.1

GP 3.4.1, 2.4.1

32

Good behaviour and conduct should be rewarded through a fair and equitable privilege incentive scheme.

- 32.1 Inmates should be informed of all available privileges and how to access them. They should also be informed of behaviour that may result in a loss of privilege.
- 32.2 All inmates should have equal and sufficient opportunity to participate in the incentive scheme and achieve the highest level of privileges.
- 32.3 The incentive scheme must be consistent with legislative provisions dealing with offences and punishment.

Supporting Documentation

NMR 95

33

Each correctional centre must implement an effective anti-bullying strategy.

- 33.1 Every correctional centre must actively implement and promote a policy of intolerance of bullying, harassing or intimidating behaviour.
- 33.2 Correctional centre management should implement measures to prevent and effectively respond to any reports of bullying. Correctional centre staff must be trained to detect, prevent and effectively respond to bullying behaviour.
- 33.3 Perpetrators of bullying should be targeted and appropriately managed or disciplinary action taken.

Supporting Documentation

GP 3.1.3

ICERD 7

Procedural security

Correctional centres must have clearly defined procedures for preventing, and responding to breaches of correctional centre security. Procedural security measures must be applied with respect for the dignity of those involved. All correctional staff should be trained and supervised in these procedures.

34 Effective systems should be implemented to control access to the correctional centre, including the identification of persons entering the correctional centre.

- 34.1 In all correctional centres there should be processes and procedures to control entry, manage movements and exits.
- 34.2 Family visitors to correctional centres should never be subjected to humiliating or degrading treatment. There must be clear policy and procedures on the use of force on visitors and referrals to the police.
- 34.3 Processes should not interfere arbitrarily with family contact.

Supporting Documentation
GP 2.1.10

35 There should be an effective system for counting inmates, ensuring accountability for all inmates including those working or engaged in education outside of the correctional centre.

- 35.1 The number and style of such counts should not be oppressive, consistent with security.

36

Security procedures and searches should be implemented systematically and be subjected to regular review.

- 36.1 A security-testing program should be in place. Accurate records must be kept of security tests and the results be available to relevant staff.

Supporting Documentation

GP 3.2.4

C(AS)A 253J

37

Correctional centres should have effective mechanisms in place to prevent and detect the supply of illicit drugs and other contraband.

- 37.1 Where dogs or technological devices are used to detect the presence of illicit drugs on visitors and a positive indication is made, that visitor or visitors should be privately interviewed, requested to make a written statement and advised of any consequential action.
- 37.2 Strategies for the gathering and dissemination of intelligence regarding the presence of illicit drugs or the misuse of prescription drugs should be implemented and subject to on-going review.
- 37.3 Systems that are used to test inmates for the presence of drugs and other illicit substances should be used strictly in ways that comply with regulations to ensure the integrity of the testing procedure and results. Any testing should be carried out respectfully, subject to oversight and record keeping.
- 37.4 There should be clearly defined penalties for drug use or for refusing to undertake a test.

Supporting Documentation

GP 1.1.8, 3.2.7

C(AS)A 57

C(AS)R 159(3)

38

An incident prevention and response capability must be in place that is commensurate with assessed risk.

Correctional centres are at high risk of incidents outside the normal regime operations. This means that incident contingency plans should be developed and staff allocated and trained for foreseeable incident responses.

- 38.1 Correctional centres must have an effective incident response plan and capabilities that address immediate safety and longer term assistance and support for staff and inmates.
- 38.2 All staff should be trained in incident response procedures and on the use of related equipment.
- 38.3 Each correctional centre should have an emergency plan that includes evacuation plans.
- 38.4 Each correctional centre should have approved fire prevention system and alarms.
- 38.5 Emergency equipment and systems should be easily accessible, tested regularly and replaced where necessary.
- 38.6 All necessary measures should be taken (including the removal of ligature points) to reduce and prevent accidents, self-harm or unnatural deaths.

Supporting Documentation

GP 3.1.5, 3.2.1

ACA 1C 02, 1C 07, 1C 15

ASPE

39

Where a death occurs, the immediate vicinity should be secured as a crime scene, and a competent authority should be notified.

- 39.1 All actions must comply with the requirements of the *Crimes (Administration of Sentences) Act 1999* and *Crimes (Administration of Sentences) Regulation 2014* and the *Coroners Act 2009*.

Supporting Documentation
C(AS)A 74

40

Search practices should be developed that include both targeted and random searches.

- 40.1 Searching, screening and testing of staff entering a correctional centre should be based upon clear guidelines that are made known to staff in advance.
- 40.2 Admission of visitors to a correctional centre is contingent upon visitors being searched.
- 40.3 The searching of children must be undertaken with particular sensitivity and should only occur where there is reasonable suspicion that contraband may be present.
- 40.4 Searches should be conducted with due respect for the individual's rights, dignity and comfort, as well as the principles of proportionality, legality and necessity.
- 40.5 Individuals must be clearly informed about search procedures.
- 40.6 Effective signs and notices should be prominently displayed to advise people entering the correctional centre of the various prohibitions and punishments.
- 40.7 Effective search procedures must be in place to check the entry and exit of vehicles and materials.
- 40.8 A systematic approach should be implemented to the searching of cells or inmates. These should be conducted by staff members of the same gender, wherever practicable.
- 40.9 Strip searches should be undertaken only if absolutely necessary. Correctional centre administrators shall be encouraged to develop and use appropriate alternatives to intrusive searches.
- 40.10 Strip searches should only ever be carried by staff members of the same gender. Strip searches of transgender or intersex inmates should be carried out by officers of the gender preferred by the inmate.
- 40.11 Health staff must never be used for security/custodial searches as this compromises the therapeutic relationship between inmates and health staff.
- 40.12 JH&FMHN should advise on an appropriate management regime of those inmates suspected of internally secreting contraband.
- 40.13 Body cavity searches should never be undertaken by correctional centre staff or health staff, nor for evidentiary purposes.
- 40.14 Correctional centre management must actively monitor the application of search procedures.
- 40.15 For the purpose of accountability, the correctional centre administration shall keep appropriate records of searches, as well

as the reason for the searches, the identities of those who conducted them and any results of the searches.

Supporting Documentation

GP 2.3.12

EPR 54.1, 54.3, 54.4, 54.5,

BR 19, 21

C(AS)R 46(3),(5).

NMR 1, 50, 51, 52, 60

BPT 1

41

Effective, ethical systems should be established to ensure the appropriate gathering, recording, management and dissemination of intelligence information.

- 41.1 Correctional centre management has an obligation to identify, minimise and manage all forms of risk. At a minimum this should be achieved through:
- the vigilance of staff coordinated through a security manager;
 - the operation of an workplace health and safety (WHS) committee that includes adequate rostered time for assessments and other WHS activities; and
 - periodic reviews of security and safety.
- 41.2 Staff should be required to pass onto an identified intelligence coordinator, reports regarding telephone monitoring, and any information that has been provided in-confidence and analysis gained from dynamic interactions.
- 41.3 All closed security correctional centres should have in place professional intelligence staff to collect and collate relevant intelligence in a timely manner.
- 41.4 Governors and the senior officer in charge of CSNSW's intelligence organisation should regularly review the volume and quality of staff intelligence reports and ensure appropriate quality and ethical controls are in place, especially in relation to the use of information from inmates.
- 41.5 Correctional centre Governors and the senior officer in charge of the CSNSW's intelligence organisation must implement adequate procedures to protect the community from unwanted communication or harassment from inmates.

Supporting Documentation

GP 1.1.8, 2.1.2, 1.1.7, 3.2.1

Segregation, protective custody and separation

Inmates are placed in segregated custody for the safety of others or for the security and good order of a correctional centre. Inmates are also placed in protective custody either as an agency initiative or on request from the inmate. In addition, some inmates may be separated for reasons related to classification, programs or monitoring.

There is a risk that segregated or protective custody inmates may be treated significantly less well than inmates on a standard correctional centre regime. They may have reduced access to programs and services

Protective custody regimes are a reality in most correctional centres. A strategy of keeping the number of such inmates in balance with other inmates, along with vigilant staff employing effective dynamic security can be effective in reducing the demand for protective custody.

All correctional centres that manage some of the most difficult inmates must develop a range of measures to change the predatory nature of the correctional centre yard. In addition, the conditions and treatment of inmates placed in segregated and protective custody must not be capable of being construed as punishment.

42

The management of segregated and protected custody inmates must ensure their immediate safety and should be directed in the longer-term to returning them safely back into a normal correctional centre regime.

- 42.1 The management of inmates in segregated and protective custody must conform with the *Crimes (Administration of Sentences) Act 1999*.
- 42.2 Inmates must not be subjected to intimidation, abuse, or acts of malice by other inmates.
- 42.3 Segregated and protective custody inmates should have equitable access to the range of activities, education, employment, incentive schemes, and visiting entitlements that are available to other inmates. Segregated and protective custody inmates must have daily access to the open air and be able to exercise.
- 42.4 Segregated and protective custody inmates should be reviewed daily to ensure health care needs are met in a timely manner.
- 42.5 Correctional centre management must be vigilant to ensure that the visitors of protective custody inmates are not subjected to abuse during visits or while waiting for a visit.
- 42.6 Segregated and protective custody inmates must be made aware of the review process and should have their status regularly reviewed.

Supporting Documentation

GP 3.3.5, 3.3.7, 5.1.13

RCIADIC 181

C(AS)A pt 2 div 2

NMR 46

Special high security management regimes

Maximum or medium security inmates should generally be managed within the mainstream correctional centre population. This ‘dispersal’ of high risk inmates prevents the concentration of such inmates in one correctional centre and thereby reduces risk. Where such inmates become too entrenched or develop in-correctional centre inappropriate support networks, it may be necessary to move them on to another specialised correctional centre for a period, thereby disrupting such inmates’ sense of stability or power.

However, there are some inmates who may require more security and closer management than can be provided within normal maximum-security correctional centre regimes. In NSW these inmates are classified as “AA” or “A1” for men and Category 5 for women, under Part 3 Div 1 *Crimes (Administration of Sentences) Regulations 2014*. For such inmates there are special high security management regimes available. Importantly, these high security regimes should not be unnecessarily afflictive nor should they assault basic human dignity. To the maximum extent practicable, inmates in these regimes should be managed safely, be provided with constructive activities, and be prepared for their release via a return to normal management regimes.

43

Special high security regimes are to be reserved for those inmates who are unable to be safely managed in mainstream maximum security regimes.

- 43.1 Strict placement criteria must be developed and applied to special high-security units that restrict placements to those inmates assessed as presenting a clearly defined extreme danger as per legislation.
- 43.2 The criteria, complaint process and appeal mechanism relating to an inmate’s placement in a special high security regime should be transparent to ensure procedural fairness and community confidence.
- 43.3 There should be policies and procedures, known to staff and inmates, on the pathway out of a special high security regime.
- 43.4 Accommodation in a special high security management facility must not be used as a management solution for the placement of inmates with mental health problems.
- 43.5 The architecture of facilities for special high security regimes should not be capable of being construed as cruel or unusual punishment.
- 43.6 Correctional centres must work to prevent radicalisation and violent extremism from being organized or supported by any inmate.

GP 3.1.4, 3.1.13, 3.2.8, 3.3.4, 3.3.8, 4.29

44

Special high security regimes must also provide a constructive, dynamic and non-alienating environment that actively engages with inmates.

- 44.1 Isolation and restrictive movement controls must not be used for extended periods beyond specific punishments.
- 44.2 Care must be taken with inmates in special high security management regimes to ensure their mental health and wellbeing through the provision of a suitable range of constructive activities, work, education and visits.

Supporting Documentation

HRC 2006 32

GP 3.1.4

NMR 4(2)

45

Special high security regimes must ensure that inmates are treated with decency and dignity within as comprehensive range of activities as practicable.

- 45.1 Special high security regimes must have strict policies and procedures to ensure that inmates are still treated with decency and respect.
- 45.2 Inmates should be provided with opportunities for work and other constructive activities such as education and recreation.
- 45.3 Where appropriate, special programs, linked to the nature of the offences, should be delivered. Such special programs must be evidence based and externally evaluated.

Supporting Documentation

GP 1.1.4, 3.1.4

C(AS)A 6

NMR 1

BPT 1

46

Special high security regimes must address inmates' individual needs, including mental health and sentence management needs.

- 46.1 Each inmate must have an individual case plan that is reviewed annually. The case plan must be provided to inmate, detailing the conditions and behavioural requirements for inmates to exit the facility and regime.
- 46.2 Special high security regimes must prioritise safety and the prevention of suicide and self-harm.

Supporting Documentation
GP 3.3.9, 3.1.4, 3.1.13
C(AS)R 24

47

Special high security regimes must provide multidisciplinary case management through regular reviews by fully trained professional staff.

- 47.1 Special high security regimes must have effective monitoring with enhanced levels of internal and external scrutiny.
- 47.2 Special high security regimes must minimise the period of time that inmates spend in segregation.
- 47.3 The staff of special high security regimes must have specific training. Staff should be rotated at appropriate intervals to manage stress and security issues.
- 47.4 Education and information regarding the prohibition against torture should be fully included in the training of staff.
- 47.5 Special high security regimes must provide opportunities for inmates who present an extreme or unacceptable risk to disengage from violent extremism and reintegrate into the community.

Supporting Documentation
GP 3.3.8, 3.3.9, 3.2.9
CAT 10(1)

Complaints and grievances

Correctional centre regimes must be open and accountable and provide genuine opportunities for inmates to voice concerns and make complaints.

48

Inmates must have an opportunity to make requests, lodge complaints and where these are not satisfactorily resolved, in a timely manner, be able to take matters to an independent competent authority, without being victimised.

- 48.1 An objective of good correctional centre management should be, as far as possible, to prevent serious complaints arising in the first place. This is best achieved through adhering to a set of fair and clear procedures that govern all aspects of correctional centre life and which are consistently applied.
- 48.2 These procedures should include a description of how inmates are able to make requests and complaints, and how to escalate those complaints inside the correctional administration, and externally to an independent competent authority.
- 48.3 The correctional centre should ensure accurate records are kept of complaints or grievances and response times for remedy.
- 48.4 Each correctional centre should establish a staff-inmate forum at which inmates can draw attention to issues of concern before they become the source of complaints.
- 48.5 As many complaints will concern staff, it is essential that inmates be assured that they will not be victimised or disadvantaged by making complaints locally or by seeking remedy through an independent competent authority.
- 48.6 There should also be a simple but confidential process (such as by free mail or free telephone) whereby inmates may make a complaint or representation to an external competent authority that has a mandate to respond to such complaints or representations. These authorities should include the Independent Commission Against Corruption, the Ombudsman NSW and the Health Care Complaints Commission.
- 48.7 Allegations of torture or other cruel, inhumane or degrading treatment or punishment of inmates shall be dealt with immediately and shall result in a prompt and impartial investigation conducted by an independent authority.

Supporting Documentation

GP 1.3.3, 1.4.3, 3.4.1, 2.4.4

NMR 57

EPR 70.1, 70.3, 70.4

49

Many non-literate inmates avoid situations and processes where there is a chance that their illiteracy might be exposed. Consequently, complaints processes must not be solely dependent upon written forms.

- 49.1 Correctional centres must have grievance processes that are user-friendly to inmates with low-levels of literacy, from culturally or linguistically diverse backgrounds or for inmates with disability that impact on their ability to make a complaint.
- 49.2 Correctional centres must also recognise that some Aboriginal inmates may be more accustomed to using group discussion to resolve disputes and issues of concern.

Supporting Documentation
RCIADIC 183
GP 1.3.3

50

There should be regular visits by independent Official Visitors who should be accessible to all inmates.

- 50.1 Independent Official Visitors should be representative of the wider community.
- 50.2 Official Visitors should regularly visit correctional centres (at least monthly) and notice of their attendance at the correctional centre should be posted in advance,
- 50.3 Official Visitors should have access to inmates to listen in confidence to issues and complaints that are raised.
- 50.4 Official Visitors should report their findings back to Governors or appropriate higher authorities (subject to observing any confidences) including the Inspector, for action where necessary.
- 50.5 Senior management are to receive and log any issues reported to them by an Official Visitor for action where necessary.
- 50.6 The purpose of visits by Official Visitors should be understood by staff and inmates and established protocols followed.

Supporting Documentation
GP 1.3.1, 1.3.2, 1.4.3
C(AS)A 228
C(AS)R 166-7

Legal resources

51

All inmates who are involved in civil or criminal legal proceedings should be afforded access to legal resources to assist them prepare their cases.

- 51.1 Inmates who have legal matters pending should be able to have confidential meetings and communications with their lawyers, consistent with security requirements.
- 51.2 Inmates should have access to a library of law resources at all times during the normal correctional centre day. Such resources should be regularly updated.

Supporting Documentation

GP 2.3.5

ALIA 7.8-7.10

Disciplinary offences

Disciplinary offences are those that constitute breaches of correctional centre discipline. They are primarily administrative in nature (rather than criminal) and therefore do not require intervention by external investigatory or judicial agencies. Internal disciplinary procedures must be transparent, consistent, fair and have respect for natural justice. An inmate may only be punished for a disciplinary offence following a properly constituted adjudication process.

52

Correctional centres should deal with the discipline of inmates openly, consistently, expeditiously and fairly within a disciplinary code established under legislation. Any correctional centre offences created under legislation should be made available to all inmates and all punishments should be made known to inmates.

- 52.1 Reports or charges relating to an alleged breach of any correctional centre offence should be presented promptly in writing to the designated authority and the inmate.
- 52.2 No inmate shall be tried unless informed of the alleged offence and given a proper opportunity of presenting a defence.
- 52.3 Where necessary an inmate should be allowed to use an interpreter when making a defence. Aboriginal inmates should be allowed to obtain advice and assistance to present a defence which will have a cultural dimension. Inmates with intellectual disability must have a support person available for all disciplinary procedures in custody.
- 52.4 Adjudication processes should be fair and should incorporate the elements of natural justice.
- 52.5 Punishment must be commensurate with the seriousness of the offence.
- 52.6 The seriousness of an offence must be determined by taking into account:
 - the statutory penalty for the offence;
 - the circumstances of the commission of the offence, including the vulnerability of any victim of the offence; and
 - all aggravating and mitigating factors.
- 52.7 A detained or imprisoned person must have the right to be heard before disciplinary action is taken and must have the right to bring such action to a higher authority for review.

Supporting Documentation

GP 3.4.2, 2.3.7, 3.4.3, 3.4.4

NMR 39(2), 41

EPR 57.2, 58, 59, 60.2, 61

Punishment

An inmate may only be punished for a disciplinary offence following a properly constituted adjudication process.

53

Secondary punishment (additional to the sentence of imprisonment) should be commensurate with the offence or rule breach. The use of solitary confinement or segregation must be strictly regulated.

- 53.1 Any punishment imposed must be prescribed in law, and be just and proportionate to the offence.
- 53.2 No inmate may be employed in any disciplinary capacity.
- 53.3 An inmate should not be punished except in accordance with laws, regulations or rules relating to inmates' behaviour.
- 53.4 An inmate who is under punishment should be provided with information concerning the duration and nature of the punishment.
- 53.5 Prolonged solitary confinement, corporal punishment, punishment by placement in a dark cell, reduction of diet, sensory deprivation and all cruel, inhumane or degrading punishments must not be used.
- 53.6 Every inmate who is placed in segregated custody as a punishment should be visited daily by a medical officer or nurse. The medical officer should advise the correctional centre officers in charge if they consider the termination or alteration of the segregation is necessary on grounds of physical or mental health or disability.
- 53.7 Every inmate who is placed in segregated custody must be able to exercise in the open air for at least one hour every day. In this regard, the space made available should be large enough to enable the inmate to have meaningful exercise.
- 53.8 Punishment by confinement or disciplinary segregation shall not be applied to pregnant women, women with infants and breastfeeding mothers in correctional centres.

Supporting Documentation

GP 2.3.2, 3.3.6, 3.4.5

NMR 23, 36, 37, 39, 40, 43(1), 46

EPR 43.2, 60.1, 60.2, 60.3, 62

BR 22

Use of force, weapons and restraints

A correctional centre officer may, where necessary, use reasonable force to compel an inmate to obey a lawful order given by the correctional centre officer. The use of force, weapons and restraints are options of last resort for the control of imminent threats to safety. Such action must only be taken where genuine efforts to control a situation through non-physical interventions have failed.

54

Force should only be used as a last resort for the minimum period where other means have proved unsuccessful and where not to act would threaten safety, security or the good order of the correctional centre.

- 54.1 Comprehensive policy and procedures must be in place to define when force may be used and also to ensure that the use of force is monitored, reported, investigated and evaluated in a timely manner. These documents must assign clear responsibilities for all aspects of the use of force and subsequent action. Staff must be held accountable for the use of force.
- 54.2 Before force is used, steps should be taken, where practicable in the circumstances to do so, to issue the orders necessary to restore or ensure good order and security within the correctional centre and to give warning of the consequences of failure to comply with these orders.
- 54.3 Where such force is used, the correctional centre officer should report the fact to the manager of the correctional centre and provide the inmate with the option of a physical examination.
- 54.4 Staff must receive regular training and close supervision to ensure use of force practice is consistent with legislation, policy and procedures. This includes training on the maintenance and use of recording equipment.
- 54.5 Correctional centre staff must be trained to take constructive action to defuse aggressive and abusive behaviour, and to only use physical force as a last resort to prevent physical harm.
- 54.6 Where force is used it should be the least amount of force necessary to restrain an inmate or make the situation safe.
- 54.7 Any planned use of force should be digitally recorded by trained staff to ensure an evidentiary record. Centre audio-visual equipment must be capable of providing high quality continuous footage to meet the standard of evidence in criminal proceedings.
- 54.8 All staff involved in use of force incidents should be debriefed by a senior officer and by counselling professionals, if required.
- 54.9 Use of force reporting, reviewing and evaluation should be linked to centre risk management and WHS systems. This will require data

collection and analysis.

- 54.10 A central record of all use force incident should be maintained.
- 54.11 Except in special circumstances, firearms should never be carried by staff coming into direct contact with inmates.

Supporting Documentation

GP 3.1.14, 3.1.15

NMR 82

EPR 64.1, 64.2, 65, 66

C(AS)R 131, 133, 292

55

The issue of weapons or restraints to general duty correctional centre officers should only occur in exceptional circumstances

- 55.1 All weapons and instruments of restraint are to be used in a timely, appropriate and legal manner for the minimum time necessary and in strict accordance with legislation, policy and procedures.
- 55.2 Instruments of restraint shall never be used on women during labour, childbirth or immediately after childbirth. Correctional centre administration should seek access to, and provide training in the use of, control techniques that would obviate the need for the imposition of instruments of restraint or reduce their intrusiveness.

Supporting Documentation

GP 3.1.15

NMR 47, 48, 49

EPR 60.6, 68.2, 68.3

BR 24

C(AS)R 132

56

Special emergency-type units that are supplied with weapons for use in high-risk situations shall be governed by strict guidelines regarding their use.

- 56.1 Any weapons or instruments of restraint are to be used in a timely, appropriate and legal manner for the minimum time necessary. Instruments of restraint should be:
- used only where the restraint of an inmate is strictly necessary to maintain the security of the inmate or prevent injury to any person;
 - of the least restrictive type appropriate;
 - applied for the minimum time necessary to control the inmate; and
 - removed during medical tests and procedures, provided this meets security and management requirements.
- 56.2 Whenever the lawful use of force and weapons is unavoidable, officers must:
- exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
 - minimise damage and injury, and respect and preserve human life;
 - ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment; and
 - ensure registered next of kin are notified where a serious injury has been sustained and health attention provided. In all matters relating to weapons, including chemical agents, and firearms, there must be full compliance with relevant legislation, policy and procedures.
- 56.3 Wherever practicable, before using chemical agents checks should be made of the medical record of the intended subject and where a prior indication of medical susceptibility exists, such weapons should not be used.
- 56.4 Where chemical agents are used, a medical examination should immediately occur and consideration should be given to ensuring access to resuscitation and defibrillation equipment.
- 56.5 Policy and procedures should be in place to ensure that the currency of qualifications of staff in positions in emergency-type units is maintained and recorded.

Supporting Documentation

GP 3.1.15, 3.1.16, 2.3.13, 2.3.15, 3.1.5

NMR 48, 68

57

Firearms must never be used against persons except in self-defence or defence of others; or against the imminent threat of death or serious injury, or to prevent the perpetration of a particularly serious crime involving grave threat to life, or to apprehend a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

- 57.1 There must be a comprehensive policy and procedures governing the use of firearms, in accordance with legislation.
- 57.2 Staff responsible for the carriage and discharge of firearms must have undergone approved training in the use of that firearm. Training records should be documented.
- 57.3 All weapons and instruments of restraint should be approved by CSNSW. Correctional centre officers should only be issued with weapons that they have been trained to use.
- 57.4 Systems must be in place to ensure the security, storage, maintenance, and serviceability of weapons, ammunition, chemical agents and instruments of restraint and clearly documented accountabilities for this.
- 57.5 All weapons, including firearms and instruments of restraint should be carried, handled and used in a safe and lawful manner with clearly documented accountabilities.
- 57.6 Once an inmate has been restrained, weapons such as chemical agents or firearms should not be used.
- 57.7 Instruments of restraint such as handcuffs, chains and irons, strait jackets and chemicals should never be used as punishment.
- 57.8 Chemical agents should only be used where it is strictly necessary to maintain the security of the correctional centre or to prevent injury to any person.

Supporting Documentation

GP 3.1.5

EPR 69.3

C(AS)R 295

Emergency management

Emergency management aims to reduce the level of risk of particular events occurring, reduce the adverse effects of such events, and improve the level and perception of safety.

There are a wide range of events that may require a small scale or large scale emergency management response.

Each correctional centre should ensure that emergency management plans address the potential for natural disasters such as cyclones, flooding and bush fires, where relevant. Emergency management plans should include methods of managing inmates with sensory or physical impairment safely.

58

All correctional centres should continuously monitor operational performance for recognised predictors of disturbance to ensure secure and safe management.

- 58.1 The design of correctional centres should mitigate the risks of potential emergencies and facilitate their management.
- 58.2 All correctional centres must prepare for emergency management incidents by implementing prevention and mitigation measures aimed at decreasing or eliminating the impact on people, facilities and the environment of all foreseeable emergencies.
- 58.3 Correctional centres should have:
 - risk assessments and emergency management plans;
 - education and training programs to promote safe practice in the correctional centres;
 - emergency detection and response planning;
 - hazard/impediment identification;
 - audit and compliance for storage and handling of controlled equipment;
 - exercises and rehearsals; and
 - standby and resource deployment and maintenance.
- 58.4 There should be no obvious weaknesses or anomalies in the physical, procedural or dynamic security arrangements.
- 58.5 The actual deployment of all grades of staff should reflect the approved levels.
- 58.6 There should be sufficient purposeful activity for inmates to minimise boredom.
- 58.7 The frequency and type of incidents should be continuously analysed and identified risks mitigated.
- 58.8 Particular attention should be paid to preventing, preparing, responding and recovery from the potential for in-cell fires.

- 58.9 Staff should be trained and certified in relevant emergency procedures and details of this documented.
- 58.10 Systems must be in place to ensure accountability for the regular auditing and certification of the security and serviceability of all emergency prevention and response management equipment.

Supporting Documentation

GP 5.3.4, 3.2.1

EPR 52.2

ASPE

59

Each correctional centre must directly provide or have procured specialised services involving specialist equipment and associated professional knowledge, skills and abilities to be readily available upon an emergency incident being declared. These specialised response services must be able to control, limit or modify the emergency to reduce its consequences.

- 59.1 Each correctional centre should have up to date emergency plans and procedures, including:
- the issue of emergency warnings;
 - the mobilisation of resources in response to emergency incidents;
 - the suppression of hazards; and
 - the provision of immediate medical assistance and relief; and search and rescue.
- 59.2 Correctional centres should have access to procured specialised services involving recovery strategies and services to return correctional centre operations to a state of preparedness after emergency situations.
- 59.3 CSNSW should provide critical incident stress debriefing.
- 59.4 Recovery should involve support to individuals, groups and communities in the reconstruction of physical infrastructure and their restoration of emotional, social, economic and physical wellbeing. In this case activities would include restoration of essential services, counselling programs, temporary accommodation, long-term health care and public information.

Supporting Documentation

GP 3.1.1

60

When a correctional centre identifies an emergency management incident and requests resources which are typically beyond those deployed for routine operational purposes, the deployment of additional specialist services should be rapid.

- 60.1 Each emergency response will need to be tailored to the particular emergency incident. The correctional centre's ability to judge when to call for specialist services, the quality of communication and the time allowed to deliver the response are critical elements.
- 60.2 Emergency response staff must be appropriately and professionally trained to exercise their responsibilities in accordance with legislation. Records of training must be maintained.
- 60.3 Independent audit, review and investigation systems should be established.

Supporting Documentation

GP 1.4.6, 1.4.3, 3.1.1

Transport of inmates

The transportation of inmates occurs for many reasons. This includes the movement of inmates from courts to correctional centres, to taking inmates back and forth to medical appointments, and inter-correctional centre transfers. While the great majority of transports occur between metropolitan courts and correctional centres, a significant number involve movements between regions. Inmate transport should be safe, secure and humane.

61

The transportation of inmates must be carried out safely and humanely.

- 61.1 The cost of inmate transport should be borne by correctional administration, unless an approved arrangement exists with another agency.
- 61.2 Inmate transport journeys in short-haul transport vehicles must provide a comfort break for inmates at least every 3 hours.
- 61.3 Any special needs of the inmates for travel must be identified prior to the trip, and the vehicle/trip modified accordingly. This includes the needs of those inmates with illness, disability, injury or who are pregnant.
- 61.4 All inmates should be briefed on the journey including destination and traveltime.
- 61.5 Inmate transport should not disrupt inmate meal times. Staff at the point of departure and the point of arrival should ensure inmates are served an appropriate meal.
- 61.6 All inmates should have access to ablution facilities prior to travel and at any destination point.
- 61.7 Transport vehicles should allow sight and sound separation of categories of inmate where necessary.
- 61.8 All correctional centre transport vehicles should be equipped with adequate communication equipment to contact the correctional centre and/or destination point or operational base in an emergency.
- 61.9 All correctional centre transport drivers should be trained in vehicle emergency procedures.
- 61.10 All correctional centre transport vehicles should meet safety standards, maintain comfortable temperatures and have adequate ventilation.
- 61.11 Inmate transport should not be afflictive or subject inmates to unreasonable hardship or unnecessary exposure to public view.
- 61.12 Inmates should be monitored at all times during transit.
- 61.13 Inmates should be able to communicate with staff during transit.

- 61.14 Private property should also accompany inmates unless it is known that these will not be required.
 - 61.15 All transport vehicles and equipment must be checked for serviceability before the transport task commences. These checks must be recorded.
 - 61.16 Systems must be in place to regularly audit the uniform application of legislation, policy and procedures for inmate transport.
 - 61.17 There must be a policy and procedure for the use of force in this setting.
-

Supporting Documentation

GP 3.1.11, 3.1.12

EPR 32.1, 32.2, 33.3

62

There must be adequate preparation for the safe and humane transport of inmates over long distances.

- 62.1 Transportation of inmates should only occur if absolutely necessary.
 - 62.2 Any special needs identified must be met to minimise the impact of travel.
 - 62.3 At each destination point, inmates should undergo a travel debrief.
 - 62.4 Inmates should undergo a basic orientation process at any facility they stop at for any length of time.
 - 62.5 Food and water must be available to inmates on long journeys.
-

Supporting Documentation

WA Coroner 9/09, NSW Coroner 2490/2009

63

Minimum standards should be incorporated in vehicle design for all inmate transport vehicles.

- 63.1 Seat belts to be fitted for all passengers.
- 63.2 Passenger seats should be preferably forward, or rear facing, never sideways.
- 63.3 All seats to be moulded, and/or cushioned.
- 63.4 Cells to have one way windows fitted to afford natural light and external views with privacy from outside.
- 63.5 Seats and cells to have sufficient width and leg room to accommodate larger inmates.
- 63.6 All cells should have visual and monitoring equipment to enable officers to see inmates and allow for communication.
- 63.7 All cells to have hatches to enable food or other materials to be passed between staff and inmates in the cell and to enable handcuffs to be securely applied.
- 63.8 All cells to have a rescue exit in case of emergency.
- 63.9 Effective optical and audio monitoring and communication systems between the driving cabin and cells must be installed and fully functional.
- 63.10 Robust climate control for staff and inmates, adjustable in each zone of the vehicle must be provided.
- 63.11 Good natural ventilation readily available when climate control system not functioning.
- 63.12 There should be a capacity to broadcast music, radio or essential information to passengers.
- 63.13 A cool store should be required for staff and inmate meals requiring refrigeration.
- 63.14 Adequate storage for staff and passenger valuables, paperwork and other property must be provided.
- 63.15 Vehicle must be able to be tracked via satellite in real time and an activity trace securely recorded.
- 63.16 For a long journey a toilet break must be factored into the journey plan. Inmates on long trips should have access to clean ablutions, including hand-washing facilities.
- 63.17 Without compromising security, inmates and in particular women inmates should be afforded a reasonable amount of privacy to perform ablutions.
- 63.18 Women inmates should have ready access to sanitary products in the transport vehicle, and at any facility they are held at in transit for

any length of time.

- 63.19 Inmates should have adequate access to a hygienic source of drinking water during travel.
- 63.20 When necessary, food and water should be provided on the journey. Inmates should be confined to a transport vehicle for the minimum amount of time possible.
- 63.21 A variety of vehicles should be available for different purposes and different passengers, including inmates with physical or sensory impairment that may require special transport arrangements.

Supporting Documentation

NMR 73

EPR 32.2

WA Coroner 9/09, NSW Coroner 2490/2009

64

The transport of inmates over long distances must be undertaken in appropriate long-haul vehicles with increased levels of amenity.

Regional inmate transport in NSW may involve journeys of a longer duration with attendant heightened risks.

- 64.1 Long-haul vehicles (for journeys over three hours) should have forward (or rear) facing seats, sufficient leg room to enable stretching or basic leg exercises, and allow sufficient outlook (i.e. windows at head height).
- 64.2 Vehicles should have sufficient height to allow passengers to stand when the vehicle is stopped or to access the toilet.
- 64.3 There must be toilets accessible to all inmates that provide decency and privacy, and there must be a power system for air-conditioning when vehicle is stationary.
- 64.4 Adequate supplies of water and food must be carried for staff and inmates.
- 64.5 There must be robust contingency plans for when vehicles in which inmates are being transported break down. Such plans must provide for the welfare and safety of inmates, staff and the public, and must include reserve supplies of water and food.
- 64.6 Hand washing facilities or refresher wipes must be made available to all inmates using on-board toilets and hygiene packs must be made discreetly available to women inmates.

Supporting Documentation

WA OICS. (2007). Thematic Review of Custodial Transport
NMR 18(1)

65

Facilities that may be used for overnight stays for inmates on long journeys must provide an adequate level of accommodation and services.

- 65.1 All overnight facilities must be clean and hygienic.
- 65.2 Such facilities must be able to provide for the necessary separation of male and female inmates as well as any other separations necessary for the safety of inmates.
- 65.3 At overnight facilities, inmates must be provided with fresh nutritious food, clean water, bedding adequate to the climate, and clean linen and towels.
- 65.4 At overnight facilities, inmates must be provided with the opportunity for at least 1 hour of exercise in the fresh air.

Supporting Documentation
C(AS)A 78A
GP 2.1.4

66

High security escorts, while ensuring security and safety must also have regard to the welfare and dignity of inmates.

- 66.1 If inmates under high security escort are handcuffed and/or ankle-cuffed, proper seat restraints such as seat belts should be used to reduce injury in the event of an accident.
- 66.2 Particular care should be taken not to expose them to the general view.
- 66.3 All such journeys should be digitally recorded to provide evidence for compliance with proper procedures.

Supporting Documentation
GP 3.1.5

Care and Wellbeing

The treatment of inmates

Australia is a party to seven of the core human rights treaties. The main principle guiding the rights of inmates is provided under article 10(3) of the *International Covenant for Civil and Political Rights*, which states: 'All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person'.

Inmates are entitled to the same rights as every other person in Australia, except for those rights that may be lawfully restricted by the fact of imprisonment. The right to privacy, freedom of expression, freedom of movement and freedom of assembly may be limited as a consequence of imprisonment. However, although these rights may be restricted they are not completely withdrawn. It is important for correctional centres to actively safeguard the human rights of inmates.

67 Inmates must be treated with respect for their inherent dignity as individual human beings.

- 67.1 Staff should be consistently fair and firm in their dealings with inmates and model respectful relations at all times.
- 67.2 Inmates should receive prompt attention to legitimate concerns.

Supporting Documentation
 GP 1.1.4, 2.4.1, 2.4.2, 2.4.3, 2.4.5
 NMR 1
 EPR 1, 67.1
 RCIADIC 179
 C(AS)A 2A
 BPT 1
 BPP 1

68

Correctional centres must ensure that there is no discrimination in the treatment of inmates on the basis of race, culture, religion, gender identity, disability, nationality, sexuality or other distinguishing characteristic.

- 68.1 Each correctional centre should establish a means to regularly review the equality of opportunities and outcomes for different inmate groups. Consideration should be given for example, to ensuring that all inmate groups are equitably represented in correctional centre jobs that attract the higher levels of gratuity payments and in incentive accommodation.
- 68.2 Staff should act in ways consistent with a respect for diversity.
- 68.3 Anti-discrimination should be promoted through agency-wide strategies.
- 68.4 Gender identity disclosures are managed with sensitivity and care.

Supporting Documentation

NMR 2

EPR 1

GP 1.1.3, 2.1.5, 2.4.1

BPT 2

ICERD 5, 7

YP 9

69

Foreign national inmates should be given special consideration in order to facilitate regular family contact.

- 69.1 Inmates who are foreign nationals should be allowed reasonable facilities to communicate with the diplomatic and consular representatives, or the national or international authority whose task it is to represent their interests.
- 69.2 Correctional centres with foreign national inmates should give special consideration to the difficulties faced by many foreign national inmates in making family contact, ensuring immigration issues are clarified, and ensuring that strategies are in place to overcome any language barriers.
- 69.3 Foreign national inmates who are to be repatriated at the end of their sentence should be prepared for repatriation during release planning.

Supporting Documentation

EPR 37

GP 2.3.5

Women inmates with infants and children

When women are sent to a correctional centre they often leave behind young children. The enforced separation of mothers and babies is often detrimental to the child and the mother, and consequently all correctional centres that hold women should have adequate facilities for babies and infants.

70

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 interest of the child to do so.

- 70.1 If a correctional centre provides for children and infants to reside with their primary care giver in a correctional centre, comprehensive and well-structured policies and programs should be developed where the interests of the children are paramount.
- 70.2 All such correctional centres must conform to the standards established by competent authorities particularly in the areas of safety, health, and with regard to the number and suitability of staff, as well as competent supervision.
- 70.3 It is the correctional centre's responsibility to ensure that all staff and volunteers that come into regular contact with children must possess a current Working With Children Check.
- 70.4 The accommodation for primary care givers and their children should, wherever possible be domestic, rather than custodial.
- 70.5 While inmates are responsible for the care of their children living in the correctional centre, the correctional centre must take reasonable steps to ensure a safe environment for children.
- 70.6 If it becomes necessary for the child to leave the care of the primary care giver, a separation management plan should be developed in consultation with the mother and the alternative caregiver.
- 70.7 During and following any separation process, the mother should be offered appropriate counselling.

Supporting Documentation

GP 3.1.9

NMR 29

EPR 36.1, 36.2, 36.3

CRC

C(AS)A 26(2)(l)

Clothing and bedding

Each inmate must be issued with a set of clothing that matches climate and use. Each inmate should also have their own bed with pillows, blankets and sheets appropriate for the climate.

71

Inmates should be provided with presentable clothing suitable for the climate and adequate to keep them in good health.

- 71.1 Inmates should be provided with various sets of clothing suitable for general use, work and recreation.
- 71.2 All issued clothing (including footwear) should be clean, well maintained and durable.
- 71.3 Correctional centre issue clothing should never be degrading or humiliating.
- 71.4 At reception all inmates should be issued with sufficient supply of new underwear so that clean underwear can be worn every day.
- 71.5 Laundry arrangements should be sufficient to ensure inmates have access to a daily change of clean clothes.
- 71.6 Protective custody inmates should preferably have access to laundry facilities to enable them wash and iron their own personal clothing. Where such facilities are not practicable, the correctional centre is to ensure that such laundry is not susceptible to malicious tampering.

Supporting Documentation

GP 4.2.4

NMR 19

EPR 20.1, 20.2, 20.3

C(AS)R 58

72

When attending court and upon release, inmates should be permitted to wear non-correctional centre clothing.

- 72.1 Where an inmate has appropriate clothes stored at the correctional centre, arrangements should be made in sufficient time so that these clothes may be laundered as necessary, prior to their being worn.
- 72.2 Where an inmate does not have suitable clothes stored at the correctional centre, allowance should be made for such clothes to be brought to the correctional centre on the inmate's behalf.
- 72.3 If an inmate has no suitable clothes and is without means to obtain such clothes, the correctional centre should make arrangements, for appropriate clothes to be obtained on the inmate's behalf.

Supporting Documentation

NMR 20

EPR 20.4

73

Inmates should be provided with a bed and bedding suitable for the climate and adequate to keep them in good health.

- 73.1 All inmates should be provided with a mattress and a bed.
- 73.2 Mattresses and bedding should be clean, in good order and washed regularly.
- 73.3 Mattresses and bedding should be durable and meet health and safety requirements.
- 73.4 Mattresses and bedding should be fire retardant.
- 73.5 Mattresses should be replaced when necessary to ensure cleanliness and good health.

Supporting Documentation

GP 4.2.4, 2.1.2

EPR 21

C(AS)R 58

Hygiene and environmental health

74

Correctional centre environments must comply with good public health practices.

- 74.1 Correctional centre infrastructure must be compliant with all relevant environmental health regulations.
- 74.2 Correctional centres should be clean and free of rubbish and debris.
- 74.3 Service equipment for refrigeration, cooking and laundry must be properly maintained and regularly cleaned.
- 74.4 Correctional centres must ensure good drinking water quality and food safety, and protect inmates and staff from any environmental hazards which may pose a risk to health.
- 74.5 Appropriate precautions should be in place to minimise hazards to health such as mosquitoes, bed bugs, flies, head lice and bacteria. Vermin and pests should be controlled.
- 74.6 Inmates should have access to cover while in yards during inclement weather episodes to protect them from extreme heat.
- 74.7 Smoking is prohibited in all correctional centres. Additionally, there is to be no smoking anywhere on correctional centre property, including outside grounds.

Supporting Documentation

GP 2.1.2, 4.1.7, 4.2.1, 1.1.7

NMR 17, 22

C(AS)R 58

75

Correctional centres must provide the facilities, services and items necessary to the maintenance of environmental health and general hygiene.

- 75.1 Inmates should be provided with suitable facilities and opportunities to maintain their own hygiene. Staff should understand the sensitivity of this issue and ensure the dignity of inmates should be respected in accessing such products.
- 75.2 Health information and education materials promoting good hygiene practices should be made available to inmates.
- 75.3 Correctional centres must implement practices to ensure that sufficient day to day cleaning is conducted to maintain proper standards of hygiene.

Supporting Documentation

GP 2.1.2

NMR 17

EPR 19.3, 19.4

BR 5

C(AS)A 236A(e)

Physical health care

Guiding Principles for Corrections in Australia outcome 4.1.4 states ‘Prisoners are provided a standard of health care equal to services available in the community that meet their individual physical health, mental health and social care needs fostering continuity of care between custody and the community’.

The attainment of a “community standard” for this complex, high needs population inevitably involves a far greater disposition of resources than would be the case for a random cross-section of an equal number of people in the community across NSW. Correctional centres bring together people from various communities who are individually more in need of health services than average. Inmates are a complex, high-needs population.

The attainment of a “community standard” may only thus be realised by providing health resources allocated on the basis of need. This may be a greater need than that which is available to a similar sized community sample because a high needs population is concentrated in one place rather than being distributed randomly across the community.

Most inmates will return to their communities so imprisonment provides an opportunity to improve both individual and public health. The Australian Medical Association also highlights the importance of the health of inmates for the occupational health and safety of the staff of correctional facilities.

76

The type of health care available to all inmates should reflect the health needs of the correctional centre population.

- 76.1 The correctional centre population, in particular women and older people, have specific health needs and screening and treatment should reflect these needs.
- 76.2 Health care services provided to LGBTQI inmates should be individualised.

Supporting Documentation

EPR 39

BR 6-11

GP 4.1.11, 4.1.17, 4.1.16

77

The relationship between the health care professionals and inmates shall be governed by the same ethical and professional standards as those applicable to patients in the community.

- 77.1 Inmates have a right to accurate and sufficiently detailed information about their individual health in a language and terms they can understand.
- 77.2 Consent to medical treatment must be voluntary and may be implied, oral or written. Verbal consent should be documented in patient files.

- 77.3 Where there is any doubt about an inmate's ability to make a decision (for example if the inmate is under the influence of a drug) obtaining consent should wait. If an inmate has a guardian or a cognitive impairment, capacity to consent should be determined.
- 77.4 To enable informed decisions about their health care, inmates should be advised of all available health services, treatment options, possible side effects in language and terms that are understandable to them.
- 77.5 Refusal of treatment must be documented and the implications of not receiving health must be fully explained to the inmate in a language and in terms that they understand.
- 77.6 Inmates have the right to change their mind and withdraw consent at any point.

Supporting Documentation

WHO 2007

AMA 2013

GP 2.3.8, 4.1.1

NMR 32

78

All inmates should undergo a health examination by a qualified health professional within 24 hours after being received into a correctional facility.

- 78.1 All newly received inmates should undergo a health examination within the first 24 hours. This should be followed up with detailed clinical pathways assessment.
- 78.2 Following transfer from another correctional centre each inmate's treatment plan should be reviewed by a health professional.
- 78.3 Waitlists and appointments must be transferred to the receiving correctional centre.
- 78.4 Health files from previous custodial sentences should be obtained.
- 78.5 Urgent health needs identified at reception must be attended to immediately.
- 78.6 Individual health care plans should be prepared, implemented, monitored and regularly reviewed for each inmate requiring physical or mental health care including specialist care or treatment of a significant or ongoing nature.
- 78.7 Individual health care plans should be kept securely and are subject to proper privacy considerations.
- 78.8 Where an inmate's health needs will impact on the day-to-day management of an inmate, appropriate information should be forwarded to the relevant unit officer.
- 78.9 Detoxification policies should be available at all correctional centres.

Supporting Documentation

GP 1.5.1

NMR 27, 30

EPR 40.4, 42.1

79

Correctional centre health services should be delivered in culturally appropriate ways.

- 79.1 Aboriginal health workers should be available, particularly in correctional centres with high numbers of Aboriginal inmates.
- 79.2 All health care workers, managers and professionals should have undergone Aboriginal cultural awareness training.
- 79.3 Health care should be provided with respect for the privacy and dignity of persons receiving health care.
- 79.4 Health care must be provided in a culturally appropriate way when working with Aboriginal inmates. This means health status should include attention to physical, spiritual, cultural, emotional and social wellbeing.
- 79.5 Correctional centres should seek to establish a partnership with a local Aboriginal health service to improve the cultural appropriateness of health services.

Supporting Documentation

NHAHP

RCIADIC 152

GP 2.3.1, 4.1.3, 4.1.9, 4.1.10, 5.1.6, 5.2.4

80

All inmates should have access to a 24-hour, on-call, or stand-by primary health service that is a registered doctor or nurse

- 80.1 Where a triage policy is used to assess to the health needs of inmates, this should only be undertaken by an appropriately qualified health professional.
- 80.2 Triage policies should not operate to the disadvantage of inmates who are illiterate or who do not speak English.
- 80.3 All inmates who have a medical complaint should be seen by a health professional as promptly as circumstances permit and at intervals appropriate to the diagnosis and prognosis in each case, according to good medical practice.
- 80.4 Each inmate's treatment plan should be reviewed and regularly modified as necessary to meet changing health needs.
- 80.5 Where necessary, inmates should be provided with support and counselling to assist them to manage their health issues.
- 80.6 Standard precautions for infection control must be applied.
- 80.7 Additional precautions may be needed for patients known or suspected to be infected or colonised with disease agents that cause infections in health care settings and that may not be contained by standard precautions alone.
- 80.8 Inmates are not to be the subject of unreasonable medical or scientific research that may be injurious to their health. Reasonable research is defined as where informed consent is given by the inmate and where approval has been given by a properly constituted health research ethics committee, such as according to National Health Medical Research Council Standards.
- 80.9 A health professional should advise the officer in charge of the correctional centre whenever it is considered that an inmate's physical or mental health has been, or will be, injuriously affected by continued imprisonment or by any condition of imprisonment, including where an inmate is being held in separate confinement. The Governor of the correctional centre should immediately make a written report of such advice available to the appropriate senior officer with a view to effecting an immediate decision upon the advice that has been given.
- 80.10 If, in the course of examining an inmate, a health professional becomes aware of any signs of torture or other cruel, inhuman or degrading treatment or punishment, they should document and report such cases to the competent medical, administrative or judicial authority. Proper procedural safeguards shall be followed in order not to expose the inmate to foreseeable risk of harm.

Supporting Documentation

GP 4.1.3, 4.1.5

NMR 27, 31, 32, 33, 34

EPR 40.4, 41.1, 41.2, 43.1, 43.3, 48.1, 48.2

AMA 2013

81

Correctional centres that hold women inmates must ensure appropriate health care services are available to meet the particular health needs of women inmates.

- 81.1 A doctor of the same gender as the inmate should be available where this is preferred.
- 81.2 The accommodation of women inmates should have facilities and materials required to meet women's specific hygiene needs, including free and easily accessible sanitary products.
- 81.3 Women inmates should be educated about the benefit of pap smears. All women should have regular pap smears performed by a qualified practitioner with whom that woman is comfortable.
- 81.4 All women aged over 50 or with a family history of cancer should undergo a mammogram.
- 81.5 Pre-natal and post-natal treatment and accommodation should be made available to women inmates, where practicable.
- 81.6 Arrangements are to be made for inmates to give birth in a hospital outside the correctional centre. If a child is born in correctional centre, this fact should not be recorded on the birth certificate.
- 81.7 Correctional centres accommodating women should have 24 hour access to and liaison with appropriate hospital and community based obstetric and midwifery services.
- 81.8 Where practicable, there should be continuity of obstetric and or midwife staff providing care before, during and after birth.
- 81.9 Pregnant inmates should be offered information and counselling by qualified counsellors regarding pregnancy and termination options.
- 81.10 A sterile pack for the emergency delivery of a baby, including instructions, should be available in the correctional centre health centre.
- 81.11 Pregnant inmates should have individual care plans developed as soon as a pregnancy is confirmed and the appropriate screening completed as soon as possible

- 81.12 Pregnant inmates should be considered eligible for some form of special provision with regard to gratuities while they are unable to participate in correctional centre work.

Supporting Documentation

GP 4.1.14, 4.1.4

NMR 28

EPR 34.3

BR 5

82

Every inmate is to have access to the services of specialist medical practitioners as well as psychiatric, dental, optical and radiological diagnostic services, on medical referral.

- 82.1 Inmates should be referred to an external health provider where required treatment or services are not available within a correctional centre or are more appropriately provided by others. Referral to such services should be based upon medical opinion and community health standards and not be excessively influenced by security issues.
- 82.2 Inmates should be able to receive treatment from private health professionals, provided there are reasonable clinical grounds for granting the application, and they can meet the costs, and that the request falls within the relevant statutory requirements.
- 82.3 Dental care should be incorporated in health care plans.
- 82.4 Acute dental first aid requirements must be met as is reasonably possible.
- 82.5 Inmates on dental (or other health) waiting lists should be informed of expected waiting times and any delays.
- 82.6 Correctional centres should provide adequate access to health care appropriate to the needs of those in custody, recognising any particular needs of inmates on the basis of their sexual orientation or gender identity, particularly with regard to hormone therapy and specialist care.
- 82.7 Inmates should receive counselling by a health professional or another person suitably qualified to give that counselling, both before and after testing for HIV/AIDS and is informed of the test results.
- 82.8 Prostheses and aides required by an inmate must be made available on the recommendation of a health professional. Inmates should be advised of the correctional centre's liabilities in respect of

prostheses maintenance and replacement and of his/her own personal responsibilities for their care.

- 82.9 Prosthesis should be provided, replaced or repaired by the correctional centre where the need arises as a result of an accident or health condition and where an appropriately qualified health professional recommends the inmate's general health would otherwise be seriously impaired.
- 82.10 A special diet should be prescribed or modified by a health professional and a registered dietician consulted where required.
- 82.11 Inmates in the last stages of their life should be considered for placement in a non-custodial setting prior to death and be managed having regard to their sentence, the community, victims, the intention of the sentencing court, the inmate's family and the inmate. Terminally ill inmates must be provided with the care and treatment necessary to maintain their dignity and necessary comfort.

Supporting Documentation

GP 3.1.8, 4.1.4, 4.1.12, 5.1.4

NMR 25(2), 27

EPR 41.5, 46.1

YP 9

83

Inmates who are isolated for health reasons shall be afforded all rights and privileges that are accorded to other inmates, wherever practicable, and so long as such rights and privileges do not jeopardise the health of others.

- 83.1 If an inmate is found to have an infectious disease, the inmate should be managed by health services so as to minimise the possibility of contamination of the correctional centre.
- 83.2 The necessary infection control procedures must be implemented and the correctional centre Governor advised of any special requirements.

84

There must be a safe procedure for the distribution of medications to inmates.

- 84.1 Over-the-counter medications to manage unexpected discomfort (such as headaches, influenza symptoms, toothache) should be readily available from reasonably accessible areas. Over-the-counter medications should be issued to inmates in a manner that complies with general legal requirements and does not place any responsibility for clinical decisions on non-medical staff.
- 84.2 Where an inmate is taking prescription medications upon being received into correctional centre, and if recommended by the medical officer or registered nurse, the inmate should continue to be prescribed this medication.
- 84.3 Prescribed medication should only cease on the recommendation of an appropriately qualified health professional.
- 84.4 Drugs which have a potential for abuse or dependency should only be prescribed when there is no alternative, and according to appropriate controls.
- 84.5 Inmates with chronic and other medical conditions that require self-injection must be allowed to self-inject.
- 84.6 Inmates with disability or chronic conditions who require equipment for activities of daily living must be allowed to keep the equipment in their cells after security considerations have been considered.

Supporting Documentation

AMA 2013 1.3, 2.3

85

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.

- 85.1 Health promotion and health education must be evidence-based.
- 85.2 Health prophylactics for harm minimisation (including condoms and dental dams) should be available in a confidential, non-judgemental context.

Supporting Documentation

C(AS)R 59

GP 1.1.4, 4.2.5

AMA 2012

AMA 2013 1.4

86

A health record file must be established for each inmate at the first health assessment and all subsequent health contacts should be recorded in the file.

- 86.1 Health records must be stored in a secure place within the health centre.
- 86.2 The confidentiality of medical information must be maintained to preserve each inmate's individual right to privacy. However, medical information may be provided in certain circumstances on a 'need to know' basis: with the consent of the inmate, or in the interest of the inmate's welfare or where to maintain confidentiality may jeopardise the safety of others or the good order and security of the correctional centre.
- 86.3 Upon notification of transfer of the inmate to another correctional centre, the relevant health file should be updated and forwarded with the inmate.
- 86.4 Where necessary on release from correctional centre, each inmate should be given a summary of his/her health status, referral to the community health care provider of the inmate's choice, and a medical certificate supporting a sickness benefit application.

Supporting Documentation

GP 1.5.1, 3.2.5

NMR 26, 31

AMA 2013 1.3, 4.1, 4.2, 4.3

87

Health centre staff should be appropriately qualified.

- 87.1 Health centre staff should receive adequate regular training and development opportunities.
- 87.2 Health centre staff should receive training in specific health issues relevant to the inmate cohort.

88

Health centre staff should be consulted on all areas of the correctional centre regime relevant to inmate health.

- 88.1 Health centre staff should be consulted with regard to fitness and recreation opportunities for inmates.
- 88.2 Health centre staff should be consulted regarding the appropriateness of provisions within the kitchen and available for purchase by inmates.
- 88.3 Health centre staff and the services they provide should be integrated into the wider correctional centre rehabilitation effort.

Mental health care

Mental health problems among the correctional centre population can be complex and comprise 'a range of psychological and/or psychiatric conditions that include major personality problems, substance abuse and mental illness'.⁸ The prevalence rates for all psychiatric morbidities in the correctional centre population are markedly higher than rates in community samples.

Inmates typically come from social groups that are disadvantaged in the community in terms of health and mental health care services, with a significant proportion having histories of alcohol, drug or other substance abuse and accumulated adverse life experiences. Further, the impact of imprisonment is likely to be stressful and potentially harmful to their mental and emotional health: isolation from family and social networks; loss of privacy; loss of personal control, identity and power to act; austere surroundings; and overt or covert aggression and bullying by other inmates. In addition, for many inmates there may be a lack of work or purposeful activity, heightened levels of uncertainty (particularly for remand inmates) and concerns about the outside world.

89

Correctional centres must make appropriate and adequate provision to meet the mental health care needs of inmates

- 89.1 An assessment of mental health should be made as part of the initial health screening required for all inmates upon entry into custody, or if a more in-depth assessment is to be made, this should occur within the first 30 days of custody.
- 89.2 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. Prison diversion strategies to facilitate inmates' care from correctional settings to the community services, as appropriate, should be in place.
- 89.3 Inmates who exhibit particular behaviour but who are not suffering from any diagnosable mental illness requiring treatment in a secure hospital, should be managed within special mental health facilities within the centre
- 89.4 Inmates who are otherwise suffering from a mental illness or intellectual disability should be provided with appropriate management and support services.
- 89.5 Mentally ill inmates must never be punished for behaviour which is consequence of their illness.
- 89.6 Discharge planning systems must be in place to ensure that inmates with a serious mental illness preparing for release have a

⁸ Office of the Inspector of Custodial Services, Thematic Review of Offender Health Services, Report No. 35 (June 2006) [p 24]

- care plan developed and documented to facilitate pathways or through care to community health services.
- 89.7 Referrals to Aboriginal Mental Health worker must be arranged for all Aboriginal patients. An adequate and effective psychological counselling service should be available to inmates.
- 89.8 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.
- 89.9 Particular care should be taken to observe and provide support and counselling to remand inmates who have mental health problems.
- 89.10 All staff who have contact with inmates should receive some basic mental health awareness training, consistent with advice provided by the health care provider. There should also be regular refresher training courses.
- 89.11 All nurses should receive some basic mental health awareness training, and at least one nurse in each correctional centre should be a registered mental health nurse.
- 89.12 Any General Practitioner providing inpatient health care must receive training or have experience in mental health care.
- 89.13 Correctional centres must seek to minimise the adverse impacts of imprisonment on the mental health of inmates. This is particularly important with inmates who are experiencing suicidal or self-harming ideation.
- 89.14 Correctional centre regimes should promote good mental health through purposeful activities, contact with family, health promotion, exercise and diet.

Supporting Documentation

GP 3.2.5, 4.1.2, 4.1.12, 4.1.15, 4.2.5, 5.1.8, 5.3.4

NMR 5(2)

EPR 12.1, 12.2, 40.4, 47.1

2002 National Statement of Principles for Forensic Mental Health

90

Correctional centres must have effective processes to detect and manage inmates in crisis, particularly where they may self-harm. These processes should be multidisciplinary and should develop a therapeutic and supportive management regime for such inmates.

- 90.1 Inmates in crisis, particularly those at risk of self-harm, should be fully consulted and informed concerning any change to their management regime, including the criteria for a return to normal regime management. Consideration should be given to imposing the least restrictive regime commensurate to risk, including the use of 'buddy' arrangements with other inmates.
- 90.2 All staff who have contact with inmates should be trained in identifying self-harming ideation and suicide prevention, consistent with the advice of the health care provider.
- 90.3 Aboriginal inmates should have access to traditional healers, or Elders, where appropriate and practicable.
- 90.4 Trauma and grief counselling should be offered where appropriate, and multidisciplinary mental health crisis teams should be available at all closed security correctional centres.
- 90.5 In the event of a self-harming incident, each correctional centre must provide appropriate and readily accessible equipment for the severing of ligatures and apparatus for resuscitation.
- 90.6 In the event of a self-harming (or any other psychologically damaging) incident, appropriately skilled and trained counsellors should be made available to all affected inmates and staff, and should conduct an impact assessment with a view to ensuring that adequate supports are made available for as long as necessary.
- 90.7 Any inmate held in a special cell should be visited daily and as frequently as is necessary by a health professional to monitor physical and mental health.

Supporting Documentation

GP 5.1.10, 5.1.6, 4.1.6

EPR 43.2, 47.2

BR 16

Food and nutrition

It is a fundamental right of inmates to be provided with sufficient nutritious and varied food, at normal meal times, and to have access to drinking water at all times.

91

Food should be hygienically prepared and of sufficient quality, quantity and variety to meet inmates nutritional needs.

- 91.1 Menus should be planned to ensure that high quality, nutritional and varied meals are provided.
- 91.2 Inmates should be able to choose between food options.
- 91.3 Inmates should be provided with three meals per day at reasonable intervals.
- 91.4 Inmates should be issued with evening meals at a time which reflects community practice.
- 91.5 All inmates should have continuous access to clean drinking water.
- 91.6 Particular care and consideration must be given to ensure that inmates who are required to work outside the correctional centre or inmates in transit have access to adequate supplies of drinking water, using the guideline quantities noted above.
- 91.7 Menus should consider the availability of fresh produce, climate, inmate work requirements, and the need for special meals.
- 91.8 Menus should be developed in consultation with a qualified dietician.
- 91.9 Food should be procured, stored, prepared, produced and served in accordance with generally accepted professional health and safety standards and in compliance with legislation.
- 91.10 All persons engaged in food preparation and or handling should be trained in food hygiene matters commensurate with their work activities.
- 91.11 All persons involved in preparing and serving food wear appropriate protective clothing.
- 91.12 Custodial staff must supervise the serving of food to prevent tampering and other forms of bullying. Particular care must be taken to ensure that food for protective custody inmates is not subject to tampering.
- 91.13 There should be regular quality management audits and reviews of kitchens.

Supporting Documentation

GP 4.2.2, 4.2.1, 2.1.2, 4.2.3, 3.1.3, 1.1.7

EPR 22.1- 22.5

C(AS)R 50

NMR 22

92

Inmates with dietary requirements should be provided with appropriate food where it is established such food is necessary for medical reasons, on account of an inmate's religious beliefs, because the inmate is a vegetarian, or where the inmate has other reasonable, special needs.

- 92.1 Halal and other religious requirements for food procurement, storage, preparation, distribution and serving should be fully observed. This may involve the separate preparation and cooking of certain foods.
- 92.2 Inmates requiring particular diets such as vegetarian, religious, cultural and special diets, should be able to select from a menu which includes sufficient choice.
- 92.3 Inmates should be educated about healthy eating and its benefits.
- 92.4 Inmates should be consulted and can make comment about the quality, quantity and variety of food and have their views taken into account.
- 92.5 There should be arrangements for food to be available at non-meal times for late arrivals, court returns, etc.

Supporting Documentation

GP 4.2.3

EPR 22.1

C(AS)R 50(3), 51

93

Inmate accommodation that involves self-catering must be monitored to ensure appropriate standards of hygiene and nutrition.

- 93.1 Inmate self-catering arrangements require the correctional centre to ensure that proper standards are observed for the storage of food, the hygiene of the kitchen, and that inmates are receiving a balanced diet.
- 93.2 Food that has been purchased for later consumption must be stored safely and hygienically and not in excess of the recommended shelf life.
- 93.3 Healthy options should be available as an alternative to confectionary.

Supporting Documentation

EPR 22.3

GP 4.2.3

Management and treatment of substance use

Correctional centres, transitional centres, court custody centres and custodial transport services should have comprehensive and integrated procedures that seek to:

- prevent and detect the supply of illicit drugs;
- reduce the demand for illicit drugs; and
- minimise the harm arising from drugs through education, treatment and enforcement.

94

Correctional centres should have effective mechanisms to reduce the demand for drugs.

- 94.1 A range of evidence-based and externally evaluated drug and alcohol programs should be available for inmates, to match demand identified through the application of validated assessment instruments.
- 94.2 The efforts of correctional and health staff to reduce the demand for drugs should be integrated.

Supporting Documentation
GP 1.1.4, 4.1.11

95

Correctional centres should have effective mechanisms to treat and reduce the harm caused by drug use.

- 95.1 All inmates should have the opportunity to undertake a basic substance use education program. This should include information about the side effects of drug use and the support services that are available.
- 95.2 Substance dependent inmates should receive prompt, competent, professional help in the treatment of withdrawal.
- 95.3 Differential sanctions, based on the varying harm caused by the drugs used by inmates, should be applied and integrated with treatment.
- 95.4 Inmates needing to recover from chronic or acute drug addiction should receive effective treatment, often with medication, followed by management of the problem over time. Post withdrawal interventions and post release pathways should be in place. Poly-substance user pathways should also be assisted with pathways support.
- 95.5 Where appropriate, replacement pharmacotherapy should be available, according to strict eligibility criteria and in conjunction with a management plan that ensures an appropriate transition to a community treatment program on release. Pre and post release support should facilitate access to a range of drug and alcohol, health and welfare services.
- 95.6 Processes should be in place to ensure regular review of treatment occurs for all opioid substitution therapy inmates.
- 95.7 Inmates with substance related needs should be given access to a range of appropriate activities and regimes (including drug free incentives) that support change and challenge offending behaviour.
- 95.8 At each correctional centre partnerships should be developed with local drug rehabilitation, counselling and education organisations.

Supporting Documentation
GP 3.2.5, 4.1.3, 4.1.11, 5.4.1

96

Inmates with alcohol misuse problems should have access to appropriate treatment and support.

- 96.1 Initial health assessments should identify those who are physically dependent on alcohol and require detoxification, as well as those who, although not physically dependent, are at serious risk of harm. Intervention should be recommended commensurate with the inmates assessed level of need.
- 96.2 Intervention for those at risk of withdrawal should begin as soon as possible. The detoxification process should be clinically supervised and appropriate support should be offered to the inmate.
- 96.3 Assessment for offending behaviour programs should identify whether alcohol misuse is a significant factor in previous or current offending and intervention supplied accordingly.
- 96.4 Accredited alcohol treatment programs and interventions should be provided to inmates at risk from alcohol misuse. These should seek to address the underlying causes of an inmate's drinking behaviour.
- 96.5 Alcohol-specific support groups and individual support should be available to inmates.
- 96.6 Where alcohol misuse forms part of poly-drug misuse, inmates should be offered both structured substance misuse treatment interventions and specific alcohol interventions to offer a holistic approach.
- 96.7 Where possible, links should be made with community organisations to provide evidence-based alcohol intervention. With an inmate's consent the correctional centre should liaise with these agencies to ensure appropriate information sharing and joint planning to ensure continuity of care upon release.
- 96.8 All inmates who have engaged in alcohol treatment should undergo pre-release intervention and be supported in developing appropriate community links for continuity of treatment and support.
- 96.9 Training and support structures should be offered to staff to encourage them to reflect on their own attitudes, knowledge and behaviours concerning alcohol and enable them to work effectively with alcohol misusing inmates.

Supporting Documentation
WHO 2007
GP 4.1.11, 5.1.7
NMR 88

97

All inmates should be offered alcohol education programs to raise awareness of the potential harms and to encourage safe and responsible drinking based on informed choices.

- 97.1 Education, treatment, and intervention programs should be tailored to suit the cultural and linguistic needs of the target group.
- 97.2 Information about alcohol dependence, withdrawal and support should be made available to inmates to access.

Supporting Documentation

C(AS)R 60(2)(c)

GP 4.1.11, 5.1.6

98

Clear penalties should exist for the brewing of alcohol in a correctional centre.

- 98.1 Staff should be knowledgeable about materials, food, etc. that could potentially be misused for the brewing of alcohol.
- 98.2 Correctional centres should test for alcohol where illicit alcohol is suspected.

Supporting Documentation

C(AS)R 157

Religious and spiritual needs

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change a religion or belief, and freedom to practice religion or belief, either alone or in community with others and in public or private.

99

Inmates should have the right to manifest their religion or belief in teaching, practice, worship and observance, consistent with correctional centre security and good correctional centre management.

- 99.1 Correctional centres should have a tolerant approach to religious and spiritual diversity. If the correctional centre contains a sufficient number of inmates of the same religion, a qualified visiting representative of that religion should be able to be appointed or approved.
- 99.2 A qualified and approved religious representative should be allowed to hold regular services and to pay pastoral visits in private to inmates of the appropriate religion at the proper time, subject to the security and good order of the correctional centre.
- 99.3 Suitable multi-faith worship facilities should be available for inmates of all faiths.
- 99.4 The timing of religious services should be well advertised, and the timing of religious services should not clash with key regime activities.
- 99.5 Inmates should be able to obtain, keep and use books and objects of religious significance where this does not pose a risk to correctional centre security.
- 99.6 Approved religious books and objects are to be treated with respect. Staff should be provided with training to avoid inadvertent offence in this area.
- 99.7 Inmates should have access to religious publications, but religions should not seek to proselytise or convert inmates to a particular faith.
- 99.8 Inmates should not be permitted to assume the role of religious minister or representative.
- 99.9 Inmates should be able to celebrate major religious festivals.
- 99.10 Where practicable, recognised Aboriginal Elders or leaders should be permitted to address the emotional and spiritual needs of inmates.
- 99.11 Aboriginal spirituality should be encouraged and strengthened through the systematic observance of cultural practices including

customs relating to language, food, death, healing, storytelling, rites of passage, tribal traditions and funeral attendance.

Supporting Documentation

GP 2.1.6, 2.3.2

NMR 65, 66

EPR 29.1, 29.2, 29.3, 38.2

UDHR 18

C(AS)R 68, 69(5)

BPT 3

Recreation

Every inmate has the right to some rest and leisure from work. At minimum, inmates are to be allowed at least one hour of exercise and association in the open air each day. Importantly, recreational activities also provide many opportunities for the acquisition of skills that will assist inmates to adopt constructive lives.

100 Inmates should have reasonable access to a range of sports, recreation and cultural activities.

- 100.1 Inmates should be able to exercise in the open air for at least one hour every day, weather permitting. This standard is applicable to all inmates including those under protective or segregated custody.
- 100.2 The hours out of cells should facilitate this access to recreation (and to work, programs, services etc.). To assess this, records of lock downs should be kept. Inmates accommodated in Mental Health Support Units should have increased time out of cell to facilitate their health needs.
- 100.3 The range of recreational activities available should reflect the various health and fitness needs of the most significant correctional centre population segments.
- 100.4 Particular consideration should be given to ensure equitable access and appropriateness of recreational opportunities for female inmates in predominantly male correctional centres.
- 100.5 Time allocated for the use of recreation facilities should not conflict with other aspects of the structured day.
- 100.6 Where it is not a risk to security, minimum security classified inmates should be allowed to participate in structured recreational activities outside of the correctional centre.
- 100.7 Physical recreation and the playing of team games should be encouraged and facilitated with appropriate facilities and equipment.
- 100.8 Physical recreation should also include activities and facilities for individual inmates wishing to engage in regular exercise to maintain or improve their fitness or health and wellbeing.
- 100.9 Various passive recreation options should also be available.
- 100.10 In each recreational pursuit, inmates should be able to explore opportunities for acquiring skills and personal development. For example, gaining accreditation for refereeing, fitness training, etc.

Supporting Documentation

GP 4.2.9, 2.1.6, 2.3.2

NMR 4(2), 23, 42

EPR 27.1, 27.3, 27.4, 27.5, 27.6

C(AS)R 53

BPT 6

101

Infrastructure and equipment should support the safe participation of inmates in recreational and cultural activities.

- 101.1 Recreation areas and equipment must be maintained to ensure safety of use and to ensure misuse is not possible. Ageing equipment should be replaced.

Supporting Documentation

EPR 27.4

GP 4.2.9

Inmate wages and money management

The proper management of inmates' access to money (along with inmate purchases and private property) is of central importance to the quality-of-life of inmates.

102 An equitable gratuity system should reward inmates for work completed according to level of skill and hours worked.

- 102.1 All inmate wages should be credited to inmates' accounts on a weekly basis, and must be recorded and controlled in a transparent and effective manner.
- 102.2 The inmate wages should generally be scaled according to whether inmates are required to contribute to the costs of their care and custody.
- 102.3 The awarding of different scales or levels of inmate wages should be applied equitably, based upon skill and workload. Particular care must be taken to ensure that ethnic or cultural groups are not disproportionately represented in the lowest gratuity scales.
- 102.4 Inmates undertaking full-time education or training should be eligible for inmate wages at a range of scales or levels, including the highest level.
- 102.5 All inmates should be able to easily access accurate and up-to date records of their finances.
- 102.6 The correctional centre may also provide that a part of the earnings may be retained by the administration so as to constitute a saving fund to be handed over to the inmate on his/her release. Inmates should be encouraged to save money. This should be accompanied with budgeting education.

Supporting Documentation
EPR 26.10, 26.12, 105.4
C(AS)A 7

Inmate purchases

Correctional centre 'buy-ups' should provide a wide range of items for purchase that is based on local inmate population demand.

103 Inmates should be able to make purchases from their own money or from the accumulation of gratuities.

- 103.1 The correctional centre should provide a means for inmates to purchase approved items from a correctional centre shop.
- 103.2 There should be consistency in the list of approved items across correctional centres.
- 103.3 Inmates' access to and from a shop should be strictly monitored to ensure they are not subject to intimidation or have their purchases stolen by other inmates.
- 103.4 Inmates should have access to a reasonably wide range of products which should be comparable in price to such items as they are available in the local community. This should include a range of healthy alternatives.
- 103.5 The list of available goods should be publicised prominently, preferably in every residential wing or accommodation area. Any price changes should be consistent with community price changes.
- 103.6 Price lists must be kept up-to-date.
- 103.7 The needs of inmates should be regularly assessed and provided for in the correctional centre shop and ordering system.
- 103.8 Access to purchases should include inmates at court, segregated and protective custody inmates, new arrivals to the correctional centre and those sick in-cell or otherwise confined.
- 103.9 A wide range of suitable hobby materials should be available through the correctional centre shop or by order.
- 103.10 Inmates should be regularly consulted on the range of goods that is available for purchase.

Supporting Documentation

GP 4.2.8

EPR 26.11, 31.5

Property

Allowing inmates to retain some private property is a way of inmates maintaining a sense of themselves. However, there needs to be sensible limits placed upon the amount and type of private property that each inmate can retain in order that the security, safety and good order of the correctional centre may be maintained.

104

Inmates should be able to keep a small number of approved items as private property.

- 104.1 There should be an effective and equitable process for identifying and regulating private property in cells.
- 104.2 Inmates should not be arbitrarily deprived of property without being informed of the cause, and having some right of appeal to a higher authority.
- 104.3 Inmate property which is to be retained at the correctional centre, either in an inmate's personal possession or in storage, should be recorded, stored, transferred and controlled in an effective manner and in a way that respects the entitlement of the inmate to such property. Property that is not to be retained at the correctional centre should be disposed of by the inmate, where appropriate.
- 104.4 Correctional centres should ensure the safekeeping and accurate recording of property that is assessed as having a significant monetary value and personal items such as photographs. Inmates' in-cell property should be able to be secured.
- 104.5 Inmates should be able to arrange access to property not held in their possession.
- 104.6 On the release of an inmate, all property and any accumulated unspent money should be returned to the inmate.
- 104.7 Processes must be in place to expeditiously and fairly resolve inmate claims of damaged or lost property.

Supporting Documentation

GP 2.3.16
 NMR 67
 EPR 31.1-3, 31.7, 33.4
 C(AS)R 10, 172
 C(AS)A 59

External contacts and communications

An imprisoned person must have the right to be visited by and to correspond with members of his or her family as well as to communicate with the outside world, subject to reasonable conditions and restrictions as specified in legislation. Visitors serve an important role in assisting the successful reintegration of inmates back to the community upon release and in assisting with maintaining inmates' mental wellbeing while in the correctional centre. While such communications may be subject to surveillance for reasons of security, information obtained by these or other measures should never be used inappropriately or indiscreetly.

However, correctional centres must enforce the right of members of the community not to receive communications from an inmate. In particular, the community, including victims or witnesses, have a right not to be subjected to unsolicited or unwanted communications or harassment from inmates.

105 Telephone and mail communications between inmates and the community should be facilitated through the provision of adequate telephones and letter writing materials.

- 105.1 Inmates should be made aware of their entitlements to telephone calls, mail and AVL facilities.
- 105.2 There should be a sufficient number of telephones so that inmates are able to gain reasonable access and be able to speak for a reasonable time, without disadvantaging other inmates. A de facto standard is 1 telephone per 20 inmates.
- 105.3 Inmates should have access to telephones that permit reasonable privacy from other inmates.
- 105.4 Inmates should be permitted to send as many letters as they can afford and no restrictions should be placed on the number of letters that can be received.
- 105.5 Special arrangements should be in place to ensure foreign national inmates have sufficient access to telephone calls, mail and AVL facilities. Wherever practicable, inmates should be able to access discounted telephone charge rates.
- 105.6 Inmates' outgoing mail should be posted within 24 hours, and incoming mail should be received by the inmate within 24 hours of receipt by the correctional centre.
- 105.7 Inmates should be advised of and provided with access to a telephone interpreter service.

Supporting Documentation

NMR 58

EPR 24.1

C(AS)R pt 5 divs 6-7

106

Appropriate measures should be in place to prevent inappropriate use of telephone and mail communications without unnecessarily interfering with an inmate's privacy.

- 106.1 Correctional centres must ensure recipients of inmate communication have approved the communication.
- 106.2 If inmates' mail and telephone calls are subject to supervision, interception and recording or confiscation, they must be advised of the fact.
- 106.3 Strict regard must be paid to the observance of confidentiality of such communications and in no circumstances should correctional centre staff discuss the contents of such communications other than in accordance with proper reporting procedures.
- 106.4 Inmate mail should only be opened to check for prohibited items if there is a reasonable suspicion.

Supporting Documentation

C(AS)R 112, 119(1)

EPR 24.2

GP 5.1.4

107

Legally privileged or other correspondence addressed to properly constituted "exempt" or complaints or investigatory authorities should not be opened by correctional centre staff.

- 107.1 Correctional centres must make readily available a means (such as distinctively marked envelopes and special post boxes) for inmates to send privileged mail to appropriate authorities.

Supporting Documentation

EPR 24.2

C(AS)R 113

108

Inmates should be encouraged to maintain and develop relationships with family and friends through visits.

- 108.1 Contact between inmates and the community should be encouraged in recognition of the important role families and communities play in assisting the successful reintegration of inmates back to the community upon release and the importance of such contact to inmates' mental wellbeing while in correctional centre.
- 108.2 Inmates should be permitted a minimum of one visit each week and as many further visits as may be practicable.
- 108.3 Remand inmates should be permitted to receive unlimited visits.
- 108.4 Correctional centres should be flexible and make special arrangements for inmates to receive additional visits where a bona fide need is identified. For example, where an inmate's family must travel a long distance and can only do so infrequently or where a death or other trauma has occurred and extended family grieving may be necessary.
- 108.5 Additional visits or additional telephone calls should be included in the earned incentive and privilege scheme.
- 108.6 Inmates should not be denied access and/or visits with their children, unless the access is not in the best interests of the children. Where there is reasonable concern for the safety or wellbeing of children, consideration should be first given to increasing the level of supervision for the visit and only denying a visit where absolutely necessary.
- 108.7 Special inter-correctional centre visits should be regularly facilitated for inmate partners or children in different correctional centres or youth facilities.
- 108.8 The approval arrangements for visitors should take into consideration different family structures, particularly in relation to Aboriginal inmates.

Supporting Documentation

GP 5.2.2, 5.2.3, 3.1.10

NMR 58

EPR 24.4

C(AS)R 76

BPT 10

109

Visits should be encouraged and visitors should be treated respectfully.

- 109.1 Correctional centres should provide for the personal safety of visitors by ensuring the correctional centre environment protects their physical, psychological and emotional wellbeing.
- 109.2 Visitors should be treated with respect and in as dignified a manner as is consistent with the security and good order of the correctional centre.
- 109.3 Correctional centre management must be vigilant to ensure that the visitors of inmates in protective custody are not subjected to abuse during visits or while waiting for a visit.

110

All inmates should be permitted direct contact with their visitors where this does not interfere with correctional centre security or the safety of visitors.

- 110.1 There should be a presumption in favour of inmates receiving contact visits.
- 110.2 Non-contact visits should only be invoked where there has been a serious breach of visiting rules, or where a visitor is reasonably suspected of introducing contraband or any drug-related offence. Non-contact visits must not be used as punishment for general misconduct.
- 110.3 The use of non-contact visits should be reviewed regularly.
- 110.4 Where a visit is denied or where a visit is ordered to be a non-contact visit, the inmate concerned must be kept fully informed. Where a non-contact visit is allowed, but all non-contact visiting cubicles are fully occupied, the visitor should be offered a non-contact visit at the next available opportunity, and again the inmate should be fully informed.
- 110.5 Governors should ensure that an adequate number of contact visiting spaces and non-contact visiting cubicles are available to meet normal demand, and that visitors are not being regularly turned away.

Supporting Documentation
C(AS)R 100(2)
GP 3.2.7

111

Visitor facilities should be available adjacent to each correctional centre and consist of a comfortable waiting area, toilets, a children's play area and refreshments.

- 111.1 Family support services should be available before and after visits.
- 111.2 There should be safe storage for visitors' property.
- 111.3 Information about public transport and transport services, family support services, visiting hours and details about what visitors can expect when they arrive should be accessible to visitors at the correctional centre.
- 111.4 Where public transport is unavailable or stops some distance from the correctional centre, transport arrangements should be in place for visitors to get to and from the correctional centre.
- 111.5 Efficient planning and booking arrangements should be established to minimise visitor waiting times and to maximise the duration of the visit, subject to not disadvantaging other inmates and visitors.
- 111.6 The visit booking system should be flexible, simple and accessible.

Supporting Documentation
GP 2.1.1

112

Visiting facilities within the correctional centre should be comfortable, pro-social and safe environments that maximise ease of contact between inmates and their visitors.

- 112.1 The visits area should be subject to security monitoring by staff and such other security measures, such as camera surveillance, as is appropriate to the security level of the correctional centre. However, security arrangements during visits should not unnecessarily encroach on privacy.
- 112.2 Visitors and inmates should have access to refreshments during visits.
- 112.3 Suitable play facilities and equipment should be made available for visiting children.
- 112.4 Facilities should reflect the needs of visitors including physical accessibility, bathrooms, storage for visitor's belongings, adequate seating, and a suitable area to feed and change babies and young children.

Supporting Documentation
GP 2.1.10

113

Correctional centres must develop reasonable guidelines for the speedy consideration of inmate applications to attend the funeral of a family member. The responsibility for bearing the cost of such attendance, including the cost of escorting officers, must be made clear to each applicant.

- 113.1 Correctional centres must give recognition to the special kinship and family obligations of Aboriginal inmates which extend beyond the immediate family and give favourable consideration to requests for permission to attend funeral services and burials and other occasions of special family significance.
- 113.2 Where it is necessary to use restraints on an inmate attending a funeral, they should be as discreet as possible.

Supporting Documentation
EPR 24.7
RCIADIC 171
C(AS)A 26, 29(2)
NMR 70

114

Families to be notified of serious harm or death in custody of an inmate

- 114.1 Where an inmate is seriously injured or dies whilst in custody, correctional authorities must immediately notify the family (or other such nominated persons) and, in the event of an Aboriginal person's death, the appropriate Aboriginal Legal Service.

Supporting Documentation

GP 2.3.14

Rehabilitation

Individual case management

The case management of sentenced inmates should be based upon individual risk and need assessments and include input from the inmate and where practicable, from the inmate's family. Case management should begin immediately after sentencing and provide a planned pathway and preparation for release.

The provision of regimes that meet the case management needs of the inmates should be a primary goal for each Governor.

115

All sentenced inmates should have an individual case plan.

- 115.1 Correctional centres must ensure that validated comprehensive needs assessment instruments are professionally administered by trained assessors.
- 115.2 Where criminogenic needs are identified these should be included in case management planning that includes the provision of appropriate programs and services to meet assessed needs, subject to relevant 'what works' principles in relation to risk, need and responsivity.⁹

Supporting Documentation

C(AS)R 24-26

GP 5.1.3, 1.1.4

⁹ Donald Andrews and James Bonta, *The Psychology of Criminal Conduct* (Anderson, 6th ed, 2017)

116

The correctional centre should administer a system of individual case planning of inmates that enables the assessment, planning, development, coordination, monitoring and evaluation of options and services to meet the individual needs and risks of persons as they move through correctional centre to full or conditional release to the community.

- 116.1 Where relevant, case management systems should ensure that a relatively seamless approach to the management of offenders/inmates occurs across correctional centres and supervision in the community.
- 116.2 Appropriate case management records should be established and regularly updated and audited by senior staff.
- 116.3 All eligible sentenced inmates should have a case plan developed as soon as practicable after entering custody. This plan should provide a pathway through imprisonment to a safe release back into the community.
- 116.4 Case plans, including the security classification and placement of inmates, should be regularly reviewed allowing the inmate as well as staff to provide updated information.
- 116.5 Each case plan should contain measurable and achievable short term and long term goals and where an inmate's progress does not appear to be leading to the agreed objectives, appropriate action should be taken.
- 116.6 All progress and any changes should be recorded clearly and accurately.
- 116.7 Individual case plans should include work, education, other relevant activities as well as preparation for release.
- 116.8 While appropriate electronic records should be maintained, the focus of case management should be on interactions between inmate and case officer. Implementation of case plans should be regularly evaluated.

Supporting Documentation

GP 5.1.3, 5.1.1, 5.3.1

EPR 103.2, 103.3, 103.4, 104.2,

C(AS)R 11, 24-25

Inmate programs

Imprisonment is an opportunity for inmates to reassess their lives and to take steps to make change. Inmates should be engaged in a range of individually-relevant short programs that provide information on offending related matters and improve motivation to change criminogenic behaviours, attitudes and thinking. Inmate out-of-cell hours must support program engagement and completion.

117 Each correctional centre should provide a range of evidence-based programs, cognitive development and offence-related and resettlement programs that match inmate needs.

- 117.1 All inmates should be offered and engaged in programs, informed by risk assessment, consistent with a defined program pathway, which address the needs identified through comprehensive assessment and which is fully documented in an inmate's case plan.
- 117.2 Correctional centres should direct attention to inmate "readiness" and motivation for program engagement.
- 117.3 Remand inmates and inmates with short sentences should not be precluded from program participation.
- 117.4 Programs and services provided to address criminogenic needs should be based on best practice and have solid evidence as to their efficacy, and be applied according to relevant 'what works' principles in relation to risk, needs and responsivity.¹⁰
- 117.5 There should be internal consistency between the assessed level of risk of re-offending and inmate program engagement.
- 117.6 All programs should have a manual and be periodically externally evaluated in relation to the achievement of their objectives.
- 117.7 Where community resources are used for the assessment, treatment, counselling, education and training of inmates, CSNSW should regularly assess and monitor the service provided by such agencies to ensure that the quality is adequate and consistent.
- 117.8 Programs and services provided to inmates, especially women, Aboriginal inmates and inmates from non-English speaking backgrounds, should be established following close consultation with the appropriate community groups and experts.

¹⁰ Donald Andrews and James Bonta, *The Psychology of Criminal Conduct* (Anderson, 6th ed, 2017)

Supporting Documentation

GP 1.1.4, 5.1.6, 5.1.7, 5.1.8, 5.1.9, 5.2.1, 5.4.1

C(AS)R 60

Education

Many inmates have had impoverished educational experiences, particularly those with learning deficits in literacy and numeracy. Consequently, re-engaging with learning inside the correctional centre can be an important part of making imprisonment a more positive and transformative experience.

118 All inmates should be encouraged to participate in education and training opportunities.

- 118.1 Inmates should be informed of the full range of education and training opportunities available.
- 118.2 Inmates who are approved to be full-time students should be remunerated equivalently to inmates who are employed in full-time work.
- 118.3 The correctional centre regime should support access to education.
- 118.4 Inmates should be encouraged to participate in apprenticeships, traineeships and other formal training programs.
- 118.5 Inmates' achievements should be recognised through certificates, reports, awards and ceremonies that include family and communities, where possible. Certificates should be issued by recognised educational providers, rather than by the correctional centre.
- 118.6 Gratuities for inmates undertaking education and Vocational Education and Training (VET) should be such as to provide an incentive to inmates.

Supporting Documentation

ICESCR 13

GP 2.3.11, 5.1.11, 5.2.1

NMR 4(2), 92

RCIADIC 185-186

119

All correctional centres should provide a wide range of educational opportunities relevant to the needs and interests of inmates.

- 119.1 All inmates should be interviewed by education centre staff to ensure that their education needs are identified.
- 119.2 Education and VET should be included in inmates' case plans, with input from education and training personnel.
- 119.3 Inmates should be consulted regarding what education programs and courses are available.
- 119.4 The education curriculum should include:
 - general education courses, including adult literacy and numeracy;
 - VET;
 - creative and cultural activities;
 - higher education; and
 - lifestyle and social education.
- 119.5 Education should be marketed innovatively to engage inmates' interest.
- 119.6 Literacy and numeracy programs should be a high priority. Identified inmates should be encouraged to engage in such programs, but should never be compelled to do so.
- 119.7 All education activities should provide for literacy and numeracy development linked to the activity.
- 119.8 Social education should include practical elements that enable inmates to manage daily life within and outside the correctional centre, with a view to better facilitating a successful return to society.
- 119.9 Technical and professional education should be made generally available and higher education should be encouraged. Inmates should be assisted to meet any entry requirements.
- 119.10 Where inmates have previously completed substantial lower level courses in a relevant industry or educational field, higher levels of training or education should be offered, where practicable.

Supporting Documentation

GP 5.3.1

NMR 104

EPR 28.1, 28.2, 28.3, 28.4, 106.2, 106.3

120 Educational opportunities should be culturally appropriate to the needs and beliefs of the correctional centre population.

- 120.1 Inmates should have access to cultural activities that reflect the diversity of Aboriginal and other cultures, traditions and histories.
- 120.2 Appropriately qualified Aboriginal instructors and educators should be part of the delivery of programs that are predominantly undertaken by Aboriginal inmates.
- 120.3 All non-Aboriginal training delivery and assessment staff should be skilled in cross-cultural communication.
- 120.4 Where appropriate, education programs should be customised to suit the learning styles and learning needs of inmates, particularly Aboriginal inmates.
- 120.5 Education should be provided in a language and manner appropriate to inmates.

Supporting Documentation

GP 5.1.6

RCIADIC 184

121 Educational pathways should be developed to enable continuity of education and training across different correctional centres and at different points in a sentence.

- 121.1 If an inmate must be transferred, every effort must be made to ensure any education courses they are involved in are not interrupted.
- 121.2 Inmates serving short sentences should have access to short course programs or programs that inmates can continue post-release.
- 121.3 Programs should be scheduled in discrete units over short time frames to maximise completions.

122

As far as possible, correctional centre-based education should be integrated with the community education system to support continuation of education after release.

- 122.1 Most education offered should be recognised by the appropriate sector (school, VET, or higher education facility).
- 122.2 Correctional centres should establish links with local TAFE campuses and other relevant community education organisations to maintain currency and equivalency in program delivery.
- 122.3 Inmates with short sentences, in particular, should be linked with community educators to encourage continuity of education once released.
- 122.4 Education and VET should support through care by establishing networks and formalising links between correctional centres, internal and external training providers, community corrections, and other support providers to promote effective education and training referrals.
- 122.5 Inmates engaged in education and VET should be provided with educational and vocational counselling services that support the pursuit of work and further study on release.

Supporting Documentation

NMR 104(2)

EPR 28.7

GP 5.1.11

123

Vocational education should be linked to employment and reflect the market demands in the community.

- 123.1 Preparatory programs that improve inmate access to and achievement in VET should be provided.
- 123.2 Training that links to existing skills shortages in the community should be offered to inmates.
- 123.3 Opportunities for inmates to undertake VET qualifications should be made available.
- 123.4 VET should be integrated with inmate work carried out in correctional centre industries and other aspects of correctional centres where there is scope for competency development related to the Australian Qualifications Framework and post-release employment opportunities.

Supporting Documentation
GP 5.1.12

124

Sufficient appropriate resources should be available for inmate education and training.

- 124.1 Inmate education and training should take place in an appropriate classroom, individual study room, or suitable workshop, as appropriate to the subject matter and fit for the purpose.
- 124.2 Every effort should be made to employ teachers and trainers in courses relevant to the inmate population. Courses available should not simply reflect the skills of available officers. This may require a wide range of staffing options including contracts with specialist training organisations external to the correctional centre, the use of part-time staff, as well as full-time educators and trainers.
- 124.3 Inmates should have access to computers for legitimate study purposes.
- 124.4 External studies should be available to inmates who are assessed as eligible to attend external study. The constraints imposed by reliance upon technologies in modern distance learning will require extra support from correctional centre educators, including: arranging for printing of materials, facilitating email communications and supervision of online examinations.
- 124.5 Education resources and support materials should be customised to suit the learning styles and learning needs of inmates, particularly Aboriginal inmates, where appropriate.
- 124.6 Peer support programs should be developed as a component of formal provision of education.

Supporting Documentation

GP 5.1.6

NMR 78

EPR 89.1

125

Inmates should have reasonable access to a library of recreational, educational, cultural and information resources.

- 125.1 Correctional centre libraries should operate according to standard library practice and the Australian Library and Information Association's Australian Prison Libraries: Minimum Standard Guidelines for Library Services to Prisoners, 2015.
- 125.2 Inmates should be encouraged to make full use of the library.
- 125.3 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.
- 125.4 Library resources should also support the correctional centre's educational and training programs.
- 125.5 Library resources should include current and comprehensive legal resources including copies of the *Crimes (Administration of Sentences) Act 1999*, *Crimes (Administration of Sentences) Regulation 2014*, and other policy documents that apply to inmates.
- 125.6 Inmates should be able to access resources via inter-library loans.
- 125.7 Every correctional centre should have a library which is accessible to inmates during recreation.

Supporting Documentation

EPR 28.5

GP 2.3.6, 5.1.6, 2.3.5, 2.3.6

NMR 64

ALIA

Employment

For most inmates, work provides a constructive use of their time, an opportunity to learn new skills, and a way of earning remuneration. For the community, it provides a mechanism through which inmates may make some reparation for the harm they have done.

Consequently, it is important that correctional centres provide appropriate work opportunities for inmates. However, inmates have a right to safe and healthy working conditions that must comply with relevant legislation, such as the *Work Health and Safety Act 2011*. Inmate work should never be degrading or used as punishment.

126 Inmates should have access to a range of productive employment opportunities.

- 126.1 All sentenced inmates should be required to work or undertake education or training, subject to their physical and mental capacity.
- 126.2 The correctional centre should have sufficient employment opportunities to employ all eligible sentenced and unsentenced inmates.
- 126.3 Inmate employment should be constructive and beneficial and not be afflictive.
- 126.4 Inmates should be informed of the full range of employment opportunities available.
- 126.5 Inmates should have equal opportunity to apply for all work.
- 126.6 The mix of inmates undertaking work outside the correctional centre or other desirable work in the correctional centre should reflect the inmate mix. That is, all groups should participate equitably in the most advantageous and better paid work.
- 126.7 Employment opportunities should be free of gender or racial stereotyping.
- 126.8 Employment opportunities should reflect the needs of the population, wherever possible.

Supporting Documentation

GP 5.1.13
NMR 96, 97, 104

127 The working day for inmates should be constructive and must be of a reasonable length.

- 127.1 Full-time work should comprise at least six hours of work a day for five days a week.
 - 127.2 Correctional centre work must not be exploitative.
-

Supporting Documentation
NMR 96(2)
EPR 26.2, 26.15, 26.16

128 Occupational health and safety standards must be enforced in all correctional centre employment.

- 128.1 All inmates and staff should undergo workplace health and safety training prior to, or early in, their employment.
 - 128.2 Provision should be made to indemnify inmates against industrial injury and disease.
 - 128.3 The inmate work force should be provided with a 'Code of Conduct' that prescribes a set of guiding principles and duty of care obligations which assist them in determining acceptable workplace conduct.
 - 128.4 Industry within correctional centres should be consistent with the *National Code of Practice in Correctional Centre Industries* and *National Competition Policy*.
-

Supporting Documentation
GP 1.1.7
NMR 101
EPR 26.13, 26.14

129

Employment in correctional centres should provide opportunities to increase an inmate's employability upon release.

- 129.1 Correctional centres should provide opportunities for inmates to be employed:
- in the day-to-day operations of the correctional centre;
 - to acquire skills that will be useful upon release; and
 - to acquire skills that are in demand in the employment market.
- 129.2 Correctional centre employment should offer an opportunity to achieve national competency accreditation, wherever possible.
- 129.3 Opportunities should be provided to Aboriginal inmates who intend to return to more remote communities to acquire skills likely to be of use to that inmate in that remote setting.
- 129.4 Provision should be made for inmates to be released from work to attend approved programs and education.

Supporting Documentation

NMR 98, 99, 104

EPR 26.5

130

Inmates should be remunerated for their work according to a preset scale that recognises different levels of skill and effort.

- 130.1 There should be an equal opportunity for every inmate to acquire the skills necessary to be promoted to a higher level.
- 130.2 Special protection should be accorded to mothers for a reasonable period before and after childbirth. During such periods, working mothers should be accorded paid leave or leave with adequate benefits.

Supporting Documentation

GP 2.3.11

131

Wherever possible, inmates should be employed in work that provides specific benefit to the community.

- 131.1 Wherever possible, inmates should participate in community work outside the correctional centre where this does not pose a risk to community safety.
- 131.2 The management and supervision of community work should be commensurate with the complexity of the tasks to be undertaken and the number of inmates requiring supervision.
- 131.3 Inmates involved in work in the community should not be required to wear demeaning clothing.
- 131.4 Any monitoring device worn by inmates should be as unobtrusive as practicable, thereby allowing them to perform normal physical activity and maintain a reasonable level of privacy.
- 131.5 Where inmates are involved in community work all effort must be made to ensure that victims' needs are considered and that there is little chance of re-victimisation.

Supporting Documentation

GP 5.3.3, 5.3.2, 5.1.4, 5.1.14, 2.1.7, 3.3.10

NMR 19(1)

Preparation for release

The whole correctional centre experience should be regarded as part of a planned and staged journey toward a safe release back into the community. Inmates should be informed through the case management process about the regimes and different levels of control that accompany each security stage.

Except where to do so would unreasonably threaten the safety of the community, the last stage of every correctional centre sentence should be completed in minimum security with increased levels of trust replacing the high level of institutional control found in closed-security correctional centres.

There is a considerable body of evidence to show that the first three to six months are the most critical for re-offending. Good assistance with preparation for release can significantly reduce re-offending.

In the last few months prior to release, every inmate should have access to basic welfare, such as assistance with accommodation, employment and social security benefits.

132 While all inmates should be held in custody at the least restrictive level consistent with protecting the safety of the community, those who are in the last few months of their sentence prior to release should be placed in minimum security and preferably in pre-release centres or transitional facilities.

- 132.1 A range of fit-for-purpose pre-release and/or transitional facilities should be available in each region so that inmates' release may be made close to their home area.
- 132.2 Equitable provision for male and female inmates should be made with pre-release centres and/or transitional facilities.
- 132.3 The regimes at pre-release centres should be focused on inmates developing skills and knowledge, support structures and linkages appropriate to their safe return to the community. Particular attention should be given to Aboriginal inmates and providing culturally safe and relevant reintegration and post release services.
- 132.4 Any restrictions on movement of inmates through curfews or home detention should prioritise public safety as well as prepare inmates for return to the community and unrestricted living.

Supporting Documentation

EPR 107.2, 107.3

GP 5.2.4, 5.2.5

133

Inmates should be able to access programs and services that will assist a successful transition from custody to community.

- 133.1 Programs and services that will assist inmates upon release should be included in case plans.
- 133.2 Where appropriate, pre-release programs should include work release, day leave, weekend leave, education and family leave so that inmates are gradually reintroduced to community life.
- 133.3 Pre-release programs and services should address practical matters such as housing, employment and community support.
- 133.4 Pre-release and release arrangements, programs and services should be coordinated with community corrections and community-based support agencies, where appropriate.
- 133.5 Community support agencies/staff should have access to inmates during their sentences in order to build relationships and ensure optimal preparation for release.
- 133.6 Inmates should be provided with suitable clothes for their release or be able to have clothes cleaned that have been stored at the correctional centre for a long time.
- 133.7 Correctional centres should ensure that inmates have sufficient funds, housing and social support to sustain themselves in the immediate period following release.
- 133.8 The correctional centre must ensure inmates are provided with all appropriate documentation, including referrals, for their release.

Supporting Documentation

GP 4.1.2, 5.2.6

NMR 107, 108

EPR 6, 7, 33.7, 33.8

134

Correctional centres must ensure the transportation of inmates back to their home upon release.

- 134.1 Releasing correctional centres must ensure that prior to release, inmates have the means to safely reach their home. This may mean checking that arrangements for friends or family to collect an inmate are viable or providing a ticket for public transport, ensuring that arrangements are in place where connections or overnight stays are involved.
- 134.2 Inmates whose only transport back to their home is an infrequent or weekly service should be given favourable consideration for a release synchronised with the service departure.

Supporting Documentation
EPR 33.3

Resources and Systems

Correctional services and people

The complexities of modern penal practice require a multidisciplinary workforce that is appropriately trained, accredited, led and supported for the complex array of tasks to be performed.

135

The number and mix of staff should adequately meet the needs of the correctional centre and the correctional centre population.

- 135.1 A staffing analysis should be conducted periodically to determine staffing needs.
- 135.2 The composition of the workforce should provide a gender mix that reflects the correctional centre population, where practicable.
- 135.3 The composition of the workforce should provide an ethnicity mix that reflects the correctional centre population, where practicable.
- 135.4 The staffing profile must ensure correctional centre operations are not reliant on overtime and call-backs.
- 135.5 The staffing profile should be sufficient to ensure inmate out-of-cell hours are adequate to encourage social interaction and facilitate program participation.

Supporting Documentation

EPR 25.2, 85

RCIADIC 178

R-SGCA 5.4GP 1.2.1

NMR 74

136

Staff must be adequately trained to ensure the highest standards of professional competence, integrity and honesty in the performance of their assigned duties.

- 136.1 There should be prerequisite entry level training for new staff.
- 136.2 Correctional centre officer training should fully reflect the standards set out in the nationally approved correctional services training package.
- 136.3 All staff should have access to initial and on-going training related to their position descriptions and the functions they are required to perform.
- 136.4 Training should be documented to record competency.
- 136.5 Staff training should emphasise the fair and respectful treatment of inmates, human rights of inmates and staff and the meaning and application of the duty of care.
- 136.6 Staff who are engaged to provide services within a recognised profession should possess a relevant qualification from a recognised tertiary institution, together with, where necessary, membership or registration with a relevant professional body, association or board.
- 136.7 The correctional centre workforce should be familiar with the *Australian Guidelines for the Prevention and Control of Infection in Healthcare*, and have access to infectious diseases emergency materials.
- 136.8 Staff should undergo workplace health and safety training.
- 136.9 All training programs for staff of privately contracted service providers must be approved by the contracting authority.

Supporting Documentation

NMR 74, 75, 76

GP 1.1.4, 1.1.7, 1.2.4, 1.2.5, 1.2.6, 1.4.4

EPR 76, 77, 81.1, 81.2

137

Each correctional centre should have an effective Performance Management system.

- 137.1 All staff positions should have an accurate and current position description.
- 137.2 The duties assigned to staff should be consistent with their position descriptions and centre procedures.
- 137.3 A system-wide performance management system should be in place to support professionalism, career development, job satisfaction and institutional effectiveness.

Supporting Documentation
GP 1.2.2, 1.2.7, 1.4.4

138

Custodial services should ensure that all staff working in a custodial environment should have access to an appropriate range of supports.

- 138.1 Staff should be supported by effective leadership and supervision.
- 138.2 Correctional centre design should provide facilities for staff which reflect respect for them and for the tasks they perform.
- 138.3 Policies and procedures affecting staff should encourage the achievement of a work/life balance.
- 138.4 Staff must be provided with current and internally consistent policies, procedures and position descriptions which clearly detail their duties and accountabilities.
- 138.5 Staff should be informed of workplace developments through meetings, notices and briefings.
- 138.6 Staff should have access to the resources necessary to perform the tasks required of them.
- 138.7 Staff should be advised of the full range of available training, counselling, mentoring, and other supports available.
- 138.8 The health status of staff should be monitored by management collecting, reviewing and acting on data on overtime, sick leave and staff turnover.
- 138.9 Following critical incidents, all affected staff should be offered a range of opportunities for debriefing and assistance as is appropriate to the circumstances.
- 138.10 Staff should be appropriately authorised and receive security clearance for the tasks they are required to perform.

Supporting Documentation

WHO 2007

GP 1.2.3

NMR 74(3), 75

EPR 8

139

CSNSW should provide all employees with the opportunity to express and resolve work-related grievances in a timely manner and in accordance with the principles of natural justice.

- 139.1 CSNSW should take all reasonable steps to ensure that grievances are resolved promptly, fairly, sensitively and confidentially and that every attempt is made to resolve workplace grievances at the lowest level.
- 139.2 Employees should be informed of their rights and responsibilities in resolving grievances.

Supporting Documentation
GP 2.4.6, 1.4.3

Correctional centre policy, planning and management

Each correctional centre has a role in the whole correctional system to address specific regional needs or to provide a specialised function for a subset of the inmate population. The challenge for each correctional centre management team is to ensure that they understand the correctional centre's role and the target population well enough to ensure that regimes are appropriately calibrated and directed to achieve the outcomes sought for that population. This also requires the agency head office to ensure that its capital planning results in congruence between the security classification of the facilities it constructs and that of the inmate population they will accommodate.

Correctional centres should have Strategic and Business Plans and reporting against these should convey information about the nature and outcomes of the custodial experience for both staff and inmates. Each correctional centre should be integrated into a wider corporate learning environment to ensure lessons learned from and recommendations of inquiries, investigations and reports are, where appropriate, integrated into correctional practice.

140

Each correctional centre should have a Strategic Plan that defines the purpose, vision, values and goals of the correctional centre.

141

Each correctional centre should have a Plan that details its 12 month objectives and the service delivery resourcing to meet those objectives and its performance measures and reporting arrangements.

- 141.1 The Plan should give effect to correctional centre's Strategic Plan.
- 141.2 The Plan must reflect a detailed assessment of risk, its mitigation and management.
- 141.3 The Plan should promote accountability for outcomes.
- 141.4 The Plan should incorporate an analysis of the inmate population that includes the needs of significant inmate cohort groups. Given that the inmate population changes over time, the analysis should be updated on a regular basis.
- 141.5 Staff should be involved in the development and implementation of Business Plans.
- 141.6 All Plans should aim for flexibility so that they can provide correctional services across the diversity of the correctional centre's population.
- 141.7 Actual performance against the Plans should be regularly evaluated to facilitate updating as necessary.
- 141.8 Plans and performance details should be readily available to all staff.
- 141.9 Performance measures should measure what counts, rather than what is easy to measure.
- 141.10 Each correctional centre should develop and document a budget, together with financial management delegations and processes, in order to deploy financial resources and equipment to support the Plan.

Supporting Documentation

GP 1.4.4, 2.3.4

142

Each correctional centre should provide a regime that is specifically geared to the needs and risks of the significant inmate groups held at the correctional centre.

- 142.1 Based upon each correctional centre's inmate profile, a structured regime should make equitable provision for the significant groups of inmates held at the correctional centre. These may include male or female inmates (including some female inmates with babies), Aboriginal and non-Aboriginal inmates, remand and sentenced inmates, inmates with disability and cognitive impairment, foreign national inmates, older and younger inmates, as well as inmates in protective custody.
- 142.2 Based upon each correctional centre's inmate profile, the structured regime should address inmates' risks and needs.
- 142.3 Each correctional centre's regime should be regularly reviewed for its ability to meet the risks and needs of its inmate population, and to respond to trends that emerge in the inmate profile.
- 142.4 The correctional centre regime should not aggravate the suffering inherent in imprisonment.
- 142.5 Correctional centre regimes should approximate as closely as possible the positive aspects of life in the community.
- 142.6 As far as possible, individual correctional centres or separate sections of a correctional centre should be used to facilitate the management of different regimes for specific categories of inmates.
- 142.7 Correctional centre regimes should provide at least 10 hours a day outside cells for an adequate level of social interaction and for program participation.

Supporting Documentation

EPR 5, 25.2, 102.1, 102.2, 103.5, 104.1

C(AS)A 78A

GP 2.1.1, 2.1.3, 3.1.1, 3.2.6

NMR 3

The correctional centre and community relations

There are sound reasons why the community needs to be closely engaged with its correctional centres and populations, especially since the majority will return to the community.

First, the inmate population has a high demand for services which are beyond the ability of correctional centres, on their own, to meet in full. Consequently, community service providers (not-for-profit organisations, individuals and other representative groups and community-based service providers) should be encouraged to become directly involved in the delivery of services and to visit correctional centres.

Second, the treatment of inmates should emphasize, not their exclusion from the community, but their continuing part in it. Community-based service providers should therefore be enlisted, wherever possible, to assist staff in the task of social rehabilitation of inmates and particularly in their preparation for release and subsequent reintegration.

Third, correctional centres should actively cultivate a range of outreach services and connections, to provide opportunities for inmates to contribute to the wellbeing of the local community and the environment and make some reparation for the harm done by their offending.

Fourth, community connection to and engagement with correctional centres will ensure greater understanding of and support for the work of correctional centre staff. This can assist in responding to inaccurate reporting and to allay community concerns.

Finally, community confidence in penal practice will be encouraged through the transparency and openness of correctional centres to the communities in which they are located.

143 A wide range of community-based service providers should be regularly involved in the operation of correctional centres.

- 143.1 The encouragement and coordination of ongoing engagement with appropriate community-based service providers is the responsibility of the correctional centre Governors who should ensure that it is appropriately facilitated and managed.
- 143.2 Correctional centre Governors should particularly encourage community-based service providers who can contribute to inmates' spiritual and cultural guidance, post-release connections for employment, housing and domestic, financial and life skills development.
- 143.3 There should be a dedicated contact point within the correctional centre where providers can book and be assured of the availability of the inmate/s wishing to access their service, an escort and a safe and suitable meeting place. This contact point should also be responsible for advising providers in the event there are changes to any aspect of the confirmed booking.
- 143.4 The correctional centre should continuously assess the changing sub-group needs among inmates and ensure that minorities

receive as much community assistance and contact as is practicable and appropriate.

- 143.5 The correctional centre should maintain up to date records on all community-based service providers, including contact details and a description of their potential contribution to positive inmate development.
- 143.6 Identifying diverse reparation options should be an ongoing objective, presenting inmates with the opportunity to contribute to the welfare of the local community. Evaluation of these activities, acknowledgement of participating inmates and feedback to the community should be ongoing.

Supporting Documentation

C(AS)A 243

GP 5.2.3, 5.3.2

144

Community-based service providers should undergo an appropriate induction process.

- 144.1 The correctional centre should conduct appropriate checks and clearances for such providers.
- 144.2 The correctional centre should regularly evaluate the material presented and the results of programs and assistance offered by community-based service providers, using the views of inmate participants in their reviews.
- 144.3 The correctional centre has a responsibility to ensure that no inmate or group of inmates is prevented from accessing a service because of family, cultural or religious tensions that exist between the inmate/s and the community-based service provider. Further, the correctional centre should ensure it is aware of any family, tribal, gender or cultural barriers that would affect inmates' access to community-based services.

145

The community should be invited to know more about and have input into correctional centres, staff and their work, and in so doing, have a better understanding of the justice system.

- 145.1 A broadly representative Community Consultation Committee should be formed for each correctional centre. Such a committee should meet regularly with the correctional centre management and contribute to the correctional centre's operations and its public standing, thus enhancing the correctional centre's transparency and accountability.
- 145.2 Minutes should be kept of such meetings and Consultation Committee members should be provided with information concerning the progress of initiatives being undertaken.
- 145.3 Effective collaboration, coordination and engagement with community and relevant partner agencies should enable improved outcomes for victims of crimes.
- 145.4 The correctional centre should establish a positive relationship with other representative or advocacy bodies and communities relevant to the correctional centre population, to achieve better outcomes for inmates.
- 145.5 Cultural matters concerning Aboriginal inmates should be addressed by correctional centre management engaging with members of Aboriginal communities and representative bodies.

Supporting Documentation

RICIADIC 183

GP 1.4.1, 1.4.2, 2.4.4, 5.1.6, 5.2.4, 5.4.2, 5.4.3, 5.4.4, 5.4.5

Environmental sustainability

It is increasingly important that correctional centres become more committed contributors to Government environmental sustainability objectives. There is also great potential for passing on good environmental sustainability practices to inmates.

146 Waste generation should be kept to a minimum and handled in a safe, legal and environmentally responsible manner.

- 146.1 Where possible, waste should be recycled and reused.
- 146.2 Biodegradable waste should be composted.

147 Water should be used efficiently and overall consumption minimised.

- 147.1 Correctional centres should implement strategies to reduce water consumption and costs.
- 147.2 There should be a waste water management plan.

148 Energy should be used efficiently and overall consumption minimised.

- 148.1 Correctional centres should comply with standards of energy use and implement strategies to reduce energy costs.
- 148.2 Renewable energy resources should be investigated and applied where practicable.
- 148.3 New buildings and refurbishments should use energy-efficient construction materials and appliances.

149 Correctional centre transport arrangements should be environmentally responsible.

- 149.1 Inmate transport should only occur when absolutely necessary.
- 149.2 Fuel consumption should be minimised.
- 149.3 The correctional centre transport vehicles should have low greenhouse gas emission ratings.
- 149.4 The correctional centre transport fleet should be subject to regular environmental and efficiency assessments.

150 Procurement by each correctional centre should be in line with environmental management objectives.

- 150.1 Where possible, goods purchased by the correctional centre should be recycled.
- 150.2 Equipment purchased by the correctional centre should be energy efficient.
- 150.3 Correctional centres should increase electronic procurement.

151 All new buildings should be designed giving consideration to environmental factors, the long term impact on stakeholders, and the lifetime costs of maintaining and servicing the building.

- 151.1 New buildings should be designed to minimise energy and water consumption.

152 Correctional centres should ensure responsible and sensitive land management.

- 152.1 Correctional centre gardens that are used to grow produce for consumption or for landscaping effect should employ 'water wise' practices.

153 Correctional centres should develop staff and inmate knowledge of sustainable practices through education, training and actual practice.

- 153.1 Correctional centres should invite inmate participation in the development of environmentally sustainable practices and in environmentally sustainable employment.
- 153.2 Correctional centres should develop environmental sustainability indicators to measure and demonstrate sustainability.

Records management

It is essential that correctional centres establish comprehensive, accurate and confidential records regarding all aspects of correctional centre and inmate management. However, inmate management is primarily a people management business and consequently correctional centre staff must not become desk bound as a result of onerous and unproductive reporting requirements. Correctional centre staff must allocate adequate time to engaging with and assessing inmates through regular and frequent interaction which where appropriate, should be documented.

154 Correctional centre management must establish processes to ensure the comprehensive and accurate management of records.

- 154.1 An official record should be maintained concerning each inmate.
- 154.2 Official records should be comprehensively and accurately maintained and securely administered and archived.
- 154.3 Agreements should be entered into with other relevant agencies concerning the exchange of offending history and other information relevant to the management of inmates under its custody or supervision.
- 154.4 All documentation should be completed accurately and passed to the correct authority such as the State Parole Authority, within agreed timescales.
- 154.5 Records of staff misconduct and associated evidence should be maintained by security to support decision-making.

Supporting Documentation

GP 1.1.5, 1.4.5, 1.5.2, 1.5.3, 1.5.4, 1.5.5, 1.5.6
C(AS)R 315

Index

- Aboriginal, 8, 11, 14, 15, 26, 27, 36, 55, 57, 82, 91, 92, 100, 109, 112, 113, 116, 120, 123, 124, 127, 129, 139, 142
- Activities, 16, 21, 29, 30, 34, 37, 40, 48, 49, 51, 52, 64, 87, 91, 93, 97, 100, 102, 103, 115, 119, 120, 141
- Aged, 8, 84
- Alcohol, 14, 16, 21, 90, 96, 97, 98, 99
- Bail, 8, 16, 19, 27, 28
- Case management, 22, 53, 114, 115, 129
- Children, 15, 26, 36, 37, 47, 74, 109, 111, 112
- Classification, 13, 22, 49, 115, 137
- Clothing and bedding
 - Bedding, 71, 76
 - Clothing, 75
- Complaints and grievances
 - Complaint, 27, 51, 54, 55, 83
 - Complaints, 54
 - Grievance, 55
 - Grievances, 3, 54
- Culturally appropriate, 36, 82, 87, 120
- Disability, 8, 14, 33, 38, 55, 57, 58, 66, 73, 87, 90, 139
- Disciplinary offences, 57
- Drug, 14, 16, 21, 44, 80, 90, 96, 97, 98, 110
- Education, 8, 16, 17, 21, 29, 43, 49, 52, 63, 78, 87, 96, 97, 99, 104, 115, 116, 118, 119, 120, 121, 122, 123, 125, 127, 130, 144
- Emergency management, 63, 65
- Employment, 8, 16, 17, 29, 49, 122, 125, 126, 127, 129, 130, 140, 144
- Environmental sustainability, 143, 144
- Food and nutrition
 - Food, 93
 - Nutrition, 95
- Grievances, 136
- Health, 8, 11, 14, 16, 21, 26, 30, 36, 47, 48, 49, 61, 64, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 96, 97, 98, 102, 126, 133, 135
 - Health worker, 91
 - Hygiene and environmental health, 77
 - Mental health, 14, 26, 38, 51, 52, 53, 58, 79, 81, 83, 90, 91, 92
 - Physical health, 79
- Induction, 13, 20, 29, 41, 141
- Infrastructure, 26, 30, 36, 39, 64, 77
- Inmate wages and money management, 104
 - Wages, 104
- Legal resources, 18, 56, 124
- Library, 56, 124
- Management regime, 38, 47, 92
- Occupational health and safety, 79
- Official Visitors, 29, 55
- Programs, 16, 17, 18, 21, 29, 34, 37, 49, 52, 63, 64, 74, 96, 98, 99, 102, 114, 116, 118, 119, 120, 122, 123, 124, 127, 130, 133, 141
- Property, 15, 19, 20, 27, 67, 68, 77, 104, 106, 111
- Protective custody, 24, 49, 75, 93, 105, 110, 139
- Punishment, 5, 8, 24, 38, 41, 49, 51, 54, 58, 62, 83, 110, 125
- Purchase, 89, 105

Reception and admission
Admission, 12, 13, 14, 15
Reception, 12, 13

Records management, 145

Recreation, 102, 103

Release, 5, 6, 7, 16, 22, 27, 28, 31, 51, 73, 76, 88, 90, 91, 97, 98, 104, 106, 107, 109, 114, 115, 120, 121, 122, 127, 129, 130, 131, 140

Religious and spiritual needs, 100
Religion, 73, 100

Remand, 16, 17, 18, 20, 21, 28, 109, 116

Security, 5, 8, 13, 21, 22, 26, 30, 31, 32, 33, 36, 37, 38, 40, 43, 44, 47, 48, 49, 51, 52, 53, 56, 59, 61, 62, 63, 64, 68, 71, 85, 87, 88, 92, 100, 102, 106, 107, 110, 112, 115, 129, 135, 137, 145
Dynamic security, 31, 40
Procedural security, 31, 40, 43

Segregation, 24, 49

Sentence administration, 27

Smoking, 77

Special emergency-type units, 61

Staff, 5, 6, 7, 8, 9, 11, 12, 13, 14, 21, 22, 28, 30, 32, 34, 35, 38, 40, 41, 42, 43, 44, 45, 47, 48, 49, 51, 53, 54, 55, 59, 60, 61, 63, 65, 66, 68, 70, 74, 77, 79, 84, 87, 88, 89, 91, 92, 93, 96, 98, 108, 112, 115, 119, 120, 123, 126, 130, 132, 133, 134, 135, 137, 138, 140, 142, 144, 145

Substance abuse, 90

Training, 13, 29, 53, 59, 60, 62, 63, 65, 82, 88, 91, 100, 102, 104, 116, 118, 119, 120, 121, 123, 124, 125, 126, 133, 135, 144

Transport, 27, 66, 67, 68, 69, 70, 96, 111, 131, 143

Use of force, 59

Visitors, 30, 41, 43, 44, 47, 49, 109, 110, 111, 112

Weapons and restraints, 59
Restraint, 60, 61, 62
Weapons, 59, 60, 61, 62

Women, 8, 26, 36, 37, 51, 58, 60, 68, 70, 74, 79, 84, 116, 124
Children, 74
Pregnancy, 84

Work Health and Safety, 125



Inspector of
Custodial Services

Produced by Inspector of Custodial Services
Level 3, 50 Phillip Street
Sydney NSW 2000
P: 02 8061 9331
W: www.custodialinspector.justice.nsw.gov.au