



Inspector of  
Custodial Services

# Inspector of Custodial Services

Programs, Employment and  
Education Inspection



## Inspector of Custodial Services

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(02/2020)

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## Foreword

In 2017, I observed in my annual report that access to programs, work and education in NSW correctional centres was frequently raised with Official Visitors and a source of nearly 10% of the complaints they received from inmates during the financial year.<sup>1</sup> Consequently, I decided to conduct a thematic inspection examining the accessibility and availability of programs, work and education for inmates in NSW and the role of these initiatives in offender rehabilitation and reintegration.

A cross-section of minimum, medium and maximum security correctional centres located in both metropolitan and regional areas were identified for inspection – Outer Metropolitan Multi-Purpose Correctional Centre; South Coast Correctional Centre; Bathurst Correctional Complex; Mid North Coast Correctional Centre; Broken Hill Correctional Centre; Dawn De Loas Correctional Centre and the Special Purpose Centre. These correctional centres deliver a range of programs. However, to gain a more detailed understanding of intensive programs, it was necessary to also include the Violent Offender Therapeutic Program wing and Sex Offender Programs wing at the Metropolitan Special Programs Centre.

Reducing reoffending and supporting the reintegration of ex-inmates into the community are fundamental to ensuring community safety. Two of the 14 Premier's Priorities relate to reducing reoffending in NSW. These targets aim to reduce reoffending by adults following their release from prison by 5% and reduce the number of domestic violence offenders by 25%, both by 2023.<sup>2</sup>

Access to programs, work and education for inmates held in NSW correctional centres are important elements in achieving these goals. They offer opportunities for people to address, and develop insight into, the causes of their offending and foster skills that will help them live lawfully in the community.

Significant reforms have taken place in case management and education and program delivery since we announced the inspection. It is too early to tell whether these reforms have been successful. However, I am hopeful that the recommendations resulting from this inspection will complement the philosophy behind the new case management model and enable more inmates to engage with employment, education and programs.

Fiona Rafter

Inspector of Custodial Services

February 2020

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<sup>1</sup> Inspector of Custodial Services, *Annual Report 2016–17* (Report, 2017) 13, 20.

<sup>2</sup> Department of Premier and Cabinet (NSW), 'Ambitious Targets at the Heart of New Premier's Priorities' (Media Release, 28 June 2019) <<https://www.nsw.gov.au/your-government/the-premier/media-releases-from-the-premier/ambitious-targets-at-the-heart-of-new-premiers-priorities/>>.

## Acknowledgements

The Inspector would like to acknowledge the assistance and input of staff at the inspected correctional centres and CSNSW's Offender Management & Programs division. The Inspector also appreciates the contribution of the inmates who agreed to speak with the inspection team. The Official Visitors for the inspected correctional centres and the NSW Ombudsman also provided the inspection team with valuable information and insights. In particular, the Inspector would like to thank Dr Elizabeth McEntyre (Aboriginal State-wide Official Visitor) and Rod Bird (Official Visitor) for their respective contributions to the inspections of Mid North Coast CC and Broken Hill CC.

## Glossary of terms

<b>Aboriginal</b>	'Aboriginal' when used in this report is inclusive of Aboriginal and Torres Strait Islander people.
<b>ACSF</b>	Australian Core Skills Framework
<b>the Act</b>	<i>Crimes (Administration of Sentences) Act 1999</i>
<b>CC</b>	Correctional Centre
<b>the Compendium</b>	<i>Corrective Services NSW, Compendium of Offender Behaviour Change Programs in New South Wales</i>
<b>CSA</b>	core skills assessment
<b>CSI</b>	Corrective Services Industries
<b>CSNSW</b>	Corrective Services NSW
<b>ESC</b>	Education Services Coordinator
<b>HIPU</b>	High Intensity Program Unit
<b>HISOP</b>	High Intensity Sex Offender Program
<b>the ICS Act</b>	<i>Inspector of Custodial Services Act 2012</i>
<b>the ICS standards</b>	<i>Inspector of Custodial Services, Inspection Standards for Adult Custodial Services in New South Wales</i>
<b>IDATP</b>	Intensive Drug and Alcohol Treatment Program
<b>ILC</b>	Intensive Learning Centre
<b>EQUIPS programs</b>	Explore, Question, Understand, Investigate, Practice and Succeed programs
<b>LLN</b>	Language, Literacy and Numeracy courses
<b>LSI-R</b>	Level of Service Inventory-Revised
<b>Mandela Rules</b>	United Nations Standard Minimum Rules for the Treatment of Prisoners
<b>MISOP</b>	Moderate Intensity Sex Offender Program
<b>MSPC</b>	Metropolitan Special Programs Centre
<b>OMMPCC</b>	Outer Metropolitan Multi-Purpose Correctional Centre
<b>the Regulation</b>	<i>Crimes (Administration of Sentences) Regulation 2014</i>
<b>RNR principles</b>	Risk-Need-Responsivity principles
<b>RUSH</b>	Real Understanding of Self-Help
<b>SAPO</b>	Services and Programs Officer
<b>SORC</b>	Serious Offenders Review Council
<b>SPA</b>	State Parole Authority
<b>SRP:SO</b>	Self-Regulation Program: Sexual Offenders
<b>SRP:VO</b>	Self-Regulation Program: Violent Offenders
<b>VOTP</b>	Violent Offender Therapeutic Program
<b>WDO</b>	Work and Development Order



## Executive Summary

One of the objects of the *Crimes (Administration of Sentences) Act 1999* (the Act) is 'to provide for the rehabilitation of offenders with a view to their reintegration into the general community'.<sup>3</sup> Reducing recidivism rates through the effective rehabilitation and reintegration of offenders is an ongoing challenge. In 2017, 40.7% of people who exited prison reoffended within the next 12 months.<sup>4</sup>

Key strategies used by Corrective Services NSW (CSNSW) to rehabilitate offenders and support their reintegration into the community include the provision of programs that aim to address the causes of their offending, and employment and educational opportunities to enable offenders to gain skills that will help them obtain post-release employment and live pro-social lives.

During 2018, the inspection team inspected the following NSW correctional centres – Outer Metropolitan Multi-Purpose Correctional Centre (OMMPCC); South Coast Correctional Centre; Bathurst Correctional Complex; Mid North Coast Correctional Centre; Broken Hill Correctional Centre; Dawn De Loas Correctional Centre; and the Metropolitan Special Programs Centre (MSPC), specifically the Violent Offender Therapeutic Program (VOTP) wing and Sex Offender Programs wing, and the Special Purpose Centre,<sup>5</sup> both located in the Long Bay Correctional Complex. The inspection team identified areas of good practice and issues that inhibit the accessibility and availability of programs, employment and education for inmates.

The period over which this inspection took place was one of significant change within NSW correctional centres. These changes included infrastructure projects, the implementation of a new case management model, changes to the education delivery model, and the establishment of the High Intensity Program Units (HIPUs). The potential benefits of some of these changes had not been fully realised during the inspection period.

## Programs

CSNSW offers a range of behaviour change and wellbeing programs in NSW correctional centres. Behaviour change programs are based on the Risk-Need-Responsivity (RNR) principles and are designed to address the dynamic risk factors associated with offending, such as anti-social behaviour and substance use.<sup>6</sup> CSNSW uses the Level of Service Inventory-Revised (LSI-R) to identify these risk factors and an inmate's likelihood of reoffending.<sup>7</sup> An inmate's risk of reoffending as measured by the LSI-R is used to determine that inmate's eligibility for the majority of CSNSW behaviour change programs, except for Sex Offender Programs which require specific sex offender risk assessment tools to determine an inmate's eligibility.

The behaviour change programs considered in this report include the Explore, Question, Understand, Investigate, Practice and Succeed (EQUIPS) suite of programs (EQUIPS Foundation, EQUIPS Addiction, EQUIPS Aggression and EQUIPS Domestic Abuse); the Intensive Drug and Alcohol Treatment Program (IDATP); VOTP; Sex Offender Programs (the High Intensity Sex Offender Program; Moderate Intensity Sex Offender Program; Self-Regulation Program: Sexual Offenders and the Deniers Program); and the HIPUs.

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3 *Crimes (Administration of Sentences) Act 1999* s 2A(1)(d).

4 'Re-offending Statistics for NSW', *NSW Bureau of Crime Statistics and Research* (Web Page, 10 May 2019) <[https://www.bocsar.nsw.gov.au/Pages/bocsar\\_pages/Re-offending.aspx](https://www.bocsar.nsw.gov.au/Pages/bocsar_pages/Re-offending.aspx)>.

5 Section 15(1) of the *Inspector of Custodial Services Act 2012* provides that 'the Inspector must not disclose information in a report to Parliament if there is an overriding public interest against disclosure of the information'. Due to the nature of the Special Purpose Centre and related security concerns, the Inspector considers it to be in the public interest not to disclose any further information regarding that inspection in this report.

6 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 3–4. See also Donald Andrews and James Bonta, *The Psychology of Criminal Conduct* (Anderson, 6th ed, 2017).

7 Corrective Services NSW, *Compendium of Assessments* (September 2016) 11.

The eligibility criteria of many programs may only be satisfied by a small number of inmates at a correctional centre at any one time. The suitability of eligible inmates for programs also needs to be assessed. At the time of the inspections, some correctional centres were experiencing difficulty identifying sufficient numbers of inmates for some programs, particularly EQUIPS Domestic Abuse and the HIPUs. It is acknowledged that since the inspection, CSNSW has made a concerted effort to ensure the HIPUs have sufficient inmates to deliver programs and have increased the number of programs delivered. The Inspector recommends that CSNSW prioritise the placement of eligible and suitable inmates at relevant locations to ensure that there are enough inmates to form a program group.

It is important that eligible and suitable inmates have an opportunity to complete behaviour change programs before they reach their earliest possible release date and are considered for release on parole by the State Parole Authority. There are a number of reasons why an inmate may not complete a program prior to their earliest possible release date. Some of these reasons are beyond the control of CSNSW, such as where an inmate refuses to participate in or behaves in a way that results in their suspension from a program. However, relevant stakeholders need ensure these programs are adequately resourced to maximise timely engagement.

The inspection team was generally impressed with Offender Services and Programs staff. Many of the psychologists and Services and Programs Officers who spoke to the inspection team demonstrated professionalism and a genuine commitment to working with inmates, despite the often challenging nature of this work. However, the inspection team found that challenges in recruiting and retaining Offender Services and Programs staff, especially psychologists, are limiting the delivery of programs, particularly Sex Offender Programs. The Inspector recommends that CSNSW investigate innovative recruitment initiatives for vacant psychology positions.

The inspection team found that another significant challenge in the delivery of intensive programs – IDATP, VOTP and Sex Offender Programs – is establishing a ‘therapeutic community’ within the correctional environment. A therapeutic community involves separating program participants from other inmates and the members of the therapeutic community challenging the anti-social behaviour of other members.<sup>8</sup> The inspection team was concerned that interaction between program participants and other inmates was undermining the benefits of the therapeutic community approach for some programs. The Inspector recommends that CSNSW undertakes a review of the accommodation and placement of intensive programs. Correctional officers posted to intensive programs should be provided with relevant training about the importance of these programs in reducing recidivism and maintaining a therapeutic community.

## Employment

A Governor of a correctional centre may order a convicted inmate to carry out any such work the Governor considers suitable.<sup>9</sup> The power to require an inmate to work does not apply to remand inmates. The employment of inmates detained in NSW correctional centres is largely managed by Corrective Services Industries (CSI). The work available to inmates generally falls within the categories of service industries, commercial industries and community-based employment. CSNSW policy provides for a wage system for inmates workers, prescribing their weekly wages according to their seniority and the type of work performed.

The inspection team considered the range and number of work opportunities in NSW correctional centres to be positive and CSNSW should be commended for this. The work created by CSI for inmates contributes to the self-sufficiency of correctional centres. At a minimum, this work enables inmates to occupy their time while earning a small wage that allows them to make phone calls or purchase toiletries and other items.

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<sup>8</sup> Imogen Halstead and Suzanne Poynton, ‘The NSW Intensive Drug and Alcohol Treatment Program (IDATP) and Recidivism: An Early Look at Outcomes for Referrals’ (Crime and Justice Bulletin No 192, NSW Bureau of Crime Statistics and Research, July 2016) 2.

<sup>9</sup> *Crimes (Administration of Sentences) Act 1999* s 6(1).

For some inmates, it may also provide a pathway to formal employment when they are released into the community. Research has identified a relationship between employment and ceasing offending.<sup>10</sup> However, CSI needs to ensure the profitability of industries is balanced against the provision of work that will help inmates secure post-release employment, and that these different priorities are not in competition with each other. The Inspector recommends that CSNSW review the *CSI Policy Manual* to provide clarity on the purpose of CSI.

The inspection team observed inmates at several correctional centres who were performing work that they found to be meaningful and rewarding. Work areas like the Wildlife Care Centre and RSPCA Dog Rehabilitation Program at OMMPPCC, the Defence Community Dogs Program at Bathurst CC, and community project teams do not employ large numbers of inmates. However, they offer highly valuable work for those inmates and provide opportunities to engage with and give back to the community. The inspection team was impressed by the CSNSW staff supporting these opportunities and helping inmates develop employable skills. The Inspector encourages CSNSW to continue developing these types of opportunities for inmates.

Notwithstanding high employment rates at most correctional centres, not all inmates are able to work. An unemployment payment is made to inmates who cannot work either because there is no employment available or they are unable to work. CSNSW policy provides that unemployment wage payments may not be made to sentenced inmates who refuse available work or who are dismissed from work.<sup>11</sup> A number of inmates do not have friends or family in the community who can provide them with financial support. A lack of money for essentials can drive bullying and undesirable behaviour among inmates. The Inspector recommends that CSNSW pay all inmates an allowance to cover the cost of basic hygiene items and phone calls.

Some types of work require inmates to obtain permission to leave a correctional complex through the grant of a section 6(2) order,<sup>12</sup> or in the case of work release, a local leave permit.<sup>13</sup> The processes for obtaining a section 6(2) order or local leave permit are additional to the review and progression of an inmate's security classification and these processes can be lengthy. In addition, work release is not available at some correctional centres. The Inspector recommends that CSNSW review the process for section 6(2) orders and increase the availability of work release.

## Education

From 1 July 2017, external education providers, BSI Learning and TAFE NSW, began delivering most education services in NSW correctional centres. Foundation Skills Programs are delivered by BSI Learning trainers and consist of Digital Literacy and Language, Literacy and Numeracy (LLN) (Certificate I in Access to Vocational Pathways, Certificate I in Skills for Vocational Pathways or Certificate II in Skills for Work and Vocational Pathways). Literacy and numeracy education is also delivered by CSNSW teachers in the Intensive Learning Centres (ILCs) at South Coast, Mid North Coast, Lithgow and Wellington correctional centres. The purpose-built infrastructure at Mid North Coast CC was of a very high standard and was observed to create a positive learning environment for inmates. TAFE NSW and BSI Learning trainers deliver vocational training courses. Some inmates are also able to undertake traineeships and distance education courses.

The changes to the education delivery model aimed to increase inmate participation in education courses and the Inspector supports this objective as an important measure for addressing recidivism. However, the

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10 Eileen Baldry et al, *A Future Beyond the Wall: Improving Post-release Employment Outcomes for People Leaving Prison* (Final Report, February 2018) 13.

11 Corrective Services NSW, *CSI Policy Manual: 8.2 Inmate Wages System* (July 2018) 3, 5.

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

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

inspection found that the implementation of the new model was problematic and this led to a significant period of time where little or no education was provided in a number of correctional centres. Some of these issues have been addressed, which has resulted in increased numbers of inmates commencing and completing education courses. Other issues, such as the provision of trainers by external providers, are difficult for CSNSW to control and may take longer to resolve. In some locations, these implementation issues may require consideration of alternative delivery methods for education courses. The Inspector recommends that CSNSW evaluate the implementation of the education and training reforms.

The inspection team was concerned about the efficiency and effectiveness of the approval process for vocational training courses. There was a perception among both staff and inmates that the approval process placed a disproportionate focus on supporting correctional centre industries, at the possible expense of more general vocational training that would assist inmates secure post-release employment and address their likelihood of reoffending. The Inspector recommends that CSNSW evaluate the effectiveness of this approval process.

Staff at most of the inspected correctional centres reported difficulties in the recruitment and retention of sufficient BSI Learning trainers to deliver approved hours of Foundation Skills Programs. The inspection team was also told that correctional centres were unable to deliver some approved vocational training courses due to TAFE NSW being unable to provide a course trainer. These issues appeared, in part, to be a consequence of ongoing difficulties implementing the new model for education delivery and lengthy security clearance processes for new trainers. The Inspector recommends that CSNSW investigate the time taken to complete the security clearances of new employees with a view to streamlining this process.

Traineeships, ILCs and distance education courses can also provide valuable opportunities, albeit to a smaller number of inmates. However, these opportunities can be difficult to facilitate in a correctional environment. The Inspector recommends that CSNSW work to increase the number of inmates undertaking traineeships and distance education and graduating from ILCs.

The inspection team was concerned about the level of access inmates have to correctional centre libraries. Following the changes to the delivery of education services, no staff member has been assigned formal responsibility for maintaining these libraries and facilitating access for inmates. Often, libraries were disorganised, locked and unattended. Although the CSNSW policy regarding libraries reflects many of the 2015 *Australian Library and Information Association Minimum Standard Guidelines for Library Services to Prisoners* (ALIA standards), the Inspector recommends that CSNSW ensure that libraries are operating in accordance with these principles in practice.

## **General observations**

The inspection team made a number of observations relevant across the programs, employment and education areas.

The implementation of the HIPU program included the construction of new buildings to provide purpose-built program rooms and staff areas. This new infrastructure was generally of a high standard and a number of staff and inmates spoke positively of both the facilities and the programs.

However, infrastructure that was either not fit for purpose or difficult to access was observed at a number of correctional centres, inhibiting the delivery of program group sessions and education courses. There were also concerns that the planning of new construction had not made adequate provision for programs and education spaces. The Inspector recommends that the creation and maintenance of purpose-built program and education spaces form part of current and future estate planning.

The inspection team found that some inmates experienced difficulty balancing work with programs or education. Several correctional centres were using the structured day to facilitate the involvement of inmates in work, education and programs. However, inmates in the VOTP and Sex Offender Programs wings of MSPC were unable to undertake education or work in addition to program participation. This seemed like a lost opportunity to help these inmates prepare for release, particularly given that many were approaching or had passed their earliest possible release date.

The inspection team observed the extent to which correctional centre operations can impact inmate participation in programs, work or education. In particular, unscheduled lock-ins, the timing of inmate musters and short out-of-cell hours were noted as having a negative effect on the functioning of intensive programs. These issues were often associated with a lack of correctional centre staff. The Inspector recommends that CSNSW monitor the impact of lock-downs and staffing on program schedules.

The inspection team also observed that particular inmate cohorts struggled to access programs, employment and education. Difficulties associated with the legal status of remand inmates, the safety of inmates in protective custody, and small numbers of female inmates in predominantly male correctional centres meant many of these inmates were not participating in programs, work or education.

The Work and Development Orders (WDOs) scheme is administered by Revenue NSW. WDOs enable people experiencing difficulty paying their fines due to their personal or financial circumstances to pay off or reduce a fine by performing unpaid work, undertaking a course or receiving treatment.<sup>14</sup> There are a number of approved WDO activities that can be undertaken by inmates in NSW correctional centres and the Inspector recommends that CSNSW ensure all eligible inmates are registered for WDOs.

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<sup>14</sup> Revenue NSW, 'Can't Pay Your Debt?', *Fines and Fees* (Web Page) <<https://www.revenue.nsw.gov.au/fines-and-fees/cant-pay-your-debt>>.

## Recommendations

### The Inspector recommends:

1. Corrective Services NSW investigate innovative recruitment initiatives for vacant psychology staff positions.
2. The Intensive Drug and Alcohol Treatment Program (IDATP), the Violent Offender Therapeutic Program (VOTP) and Sex Offender Programs are sufficiently resourced to meet demand and are delivered to eligible and suitable inmates before they reach their earliest possible release date.
3. All correctional officers who may be posted in an intensive program area should be required to undertake relevant training.
4. Corrective Services NSW should review the accommodation and placement of intensive programs.
5. Corrective Services NSW should clarify the eligibility criteria for the EQUIPS Domestic Abuse program.
6. Corrective Services NSW consider identifying particular correctional centres for the delivery of EQUIPS programs and prioritise the placement of eligible inmates to these correctional centres.
7. Corrective Services NSW prioritise beds in High Intensity Program Unit locations for inmates who meet the High Intensity Program Unit eligibility criteria.
8. Corrective Services NSW should review the *CSI Policy Manual* to clarify the purpose of Corrective Services Industries in reducing recidivism.
9. Corrective Services NSW should review the procedure for the approval of section 6(2) orders with a view to making this process more efficient.
10. Corrective Services NSW should increase work release opportunities across the NSW correctional system.
11. Corrective Services NSW should provide an allowance to all inmates to cover the cost of basic hygiene items and phone calls.
12. Corrective Services NSW should review the *CSI Policy Manual: 8.2 Inmate Wages System* to ensure decision making relating to dismissal is consistent and fair.
13. Corrective Services NSW investigate the time taken to complete the security clearance process for new employees with a view to streamlining this process.
14. Corrective Services NSW evaluate the implementation of the education and training reforms with a view to identifying areas for improvement.
15. Corrective Services NSW evaluate the effectiveness of the approval process for vocational training.
16. Corrective Services NSW should ensure that eligible inmates are enrolled in the Intensive Learning Centres to increase the number of Intensive Learning Centre graduates.
17. Corrective Services NSW monitor and increase the number of part qualifications and traineeships.
18. Corrective Services NSW continue to work with the NSW Department of Industry to provide no-cost traineeships for inmates, consistent with traineeships offered in the community.



19. Corrective Services NSW work to increase the number of inmates undertaking distance education.
20. Corrective Services NSW ensure that correctional centre libraries operate according to standard library practice and the *Australian Library and Information Association Minimum Standard Guidelines for Library Services to Prisoners, 2015*.
21. The creation and maintenance of purpose-built program and education spaces should form part of current and future estate planning.
22. Corrective Services NSW monitor the impact of lock-downs and staffing on program schedules.
23. Corrective Services NSW should be resourced to deliver programs to sentenced and remand inmates and develop program delivery targets for correctional centres with remand inmates.
24. Corrective Services NSW should increase work opportunities for remand inmates.
25. Corrective Services NSW ensure that mainstream programs, employment and education delivered in NSW correctional centres are culturally competent.
26. Corrective Services NSW ensure all offenders eligible for Work and Development Orders are registered.
27. This report is made public immediately upon being tabled in NSW Parliament, in accordance with section 16(2) of the *Inspector of Custodial Services Act 2012*.

# 1. Introduction

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

The principal functions of the Inspector, as set out in section 6 of the ICS Act, are as follows:

- to inspect each custodial centre (other than juvenile justice centres and juvenile correctional centres) at least once every 5 years,
- to inspect each juvenile justice centre and juvenile correctional centre at least once every 3 years,
- to examine and review any custodial service at any time,
- to report to Parliament on each such inspection, examination or review,
- to report to Parliament on any particular issue or general matter relating to the functions of the Inspector if, in the Inspector's opinion, it is in the interest of any person or in the public interest to do so,
- to report to Parliament on any particular issue or general matter relating to the functions of the inspector if requested to do so by the Minister,
- to include in any report such advice or recommendations as the Inspector thinks appropriate (including advice or recommendations relating to the efficiency, economy and proper administration of custodial centres and custodial services),
- to oversee Official Visitor programs conducted under the *Crimes (Administration of Sentences) Act 1999* and the *Children (Detention Centres) Act 1987*,
- to advise, train and assist Official Visitors in the exercise of the functions conferred or imposed on them under those Acts,
- such other functions as may be conferred or imposed on the Inspector under this or any other Act.

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

The inspection concerning programs, employment and education in NSW correctional centres was conducted with particular reference to:

- a. the role of programs, employment and education in preparing prisoners for release and reducing reoffending
- b. the accessibility and availability of programs, employment and education for prisoners
- c. relevant standards, legislation, policies and procedures
- d. any other related matters.



## 2. Methodology

The purpose of this inspection was not to evaluate the effectiveness of the particular programs, education and employment in NSW correctional centres in reducing reoffending. Rather, the objective of this inspection was to identify any issues regarding the accessibility and availability of programs, employment and education in NSW correctional centres.

In consultation with Corrective Services NSW (CSNSW), the following correctional centres were selected for inspection:

- Outer Metropolitan Multi-Purpose Correctional Centre (OMMPCC)
- South Coast Correctional Centre (South Coast CC)
- Bathurst Correctional Complex (Bathurst CC)
- Mid North Coast Correctional Centre (Mid North Coast CC)
- Broken Hill Correctional Centre (Broken Hill CC)
- Dawn De Loas Correctional Centre (Dawn De Loas CC)
- Metropolitan Special Programs Centre (MSPC) (specifically Violent Offender Therapeutic Program unit and Sex Offender Programs unit), and
- the Special Purpose Centre.

The inspection consisted of an onsite visit to each correctional centre by an inspection team. The teams for each inspection consisted of four people and typically included the Inspector of Custodial Services, at least two Senior Inspection and Research Officers and a Research Assistant.

During each inspection, structured and semi-structured interviews were conducted with senior management and frontline staff, including the Governor, Manager of Security, Business Manager - Industries, Manager of Services and Programs, Offender Services and Programs staff, Education Services Coordinators and correctional officers. The inspection team also interviewed inmate representatives on the Inmate Development Committees of each correctional centre and sought to speak to as many other inmates as possible.

Supporting documentation and data was provided by CSNSW and the staff of each inspected correctional centre concerning both the operations of the correctional centres and the thematic focus of the inspection.

Section 15(1) of the ICS Act provides that 'the Inspector must not disclose information in a report to Parliament if there is an overriding public interest against disclosure of the information'. Due to the nature of the Special Purpose Centre and related security concerns,<sup>15</sup> the Inspector considers it to be in the public interest not to disclose any further information regarding that inspection in this report.

A version of this report was provided to CSNSW for consultation and comment. In response, CSNSW provided a submission which was considered in finalising this report. Further, in accordance with section 14(1) of the ICS Act, the Inspector provided the Minister for Counter Terrorism and Corrections with the opportunity to make a submission in relation to the draft report. In accordance with section 14(3)(b) of the ICS Act, the Minister's response was considered before the finalisation of this report for tabling.

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<sup>15</sup> *Inspector of Custodial Services Act 2012* s 15(3) provides for the public interest considerations against the disclosure of information. These considerations include information that may prejudice the security or good order of any custodial centre (s 15(3)(b)) and information that may endanger, or prejudice any system or procedure for protecting, the life, health or safety of any person who is in custody, detained or residing at a custodial centre (s 15(3)(f)).

### 3. The NSW context

#### 3.1 Recidivism in NSW

Reducing recidivism rates through the effective rehabilitation and reintegration of offenders is an ongoing challenge. Two of the 14 Premier's Priorities relate to reducing reoffending in NSW. These priorities set targets to reduce the number of domestic violence offenders by 25% and reduce reoffending by adults following their release from prison by 5%, both by 2023.<sup>16</sup>

In 2017, 40.7% of sentenced inmates released from custody reoffended within the next 12 months.<sup>17</sup> This percentage is higher for younger offenders and Aboriginal offenders. In 2017, 48.8% of sentenced inmates released from custody aged between 18 and 24 years and 52.6% of Aboriginal sentenced inmates released from custody reoffended within the next 12 months.<sup>18</sup>

Research has also found a high rate of reoffending in NSW over the longer term. A 2015 study found that 56% of adult offenders convicted of an offence in 2004 were reconvicted within 10 years.<sup>19</sup> The profile of people who reoffended over the longer term was also similar. Reoffending was higher for men compared to women (59% and 48% respectively) and Aboriginal offenders. It was also higher among younger offenders, with 63% of offenders aged 18 to 25 years and 61% of offenders aged 26 to 35 years in 2004 reoffending within the 10-year period.<sup>20</sup>

#### 3.2 Legislation and standards regarding inmate rehabilitation and reintegration

One of the objects of the *Crimes (Administration of Sentences) Act 1999* (the Act) is 'to provide for the rehabilitation of offenders with a view to their reintegration into the general community'.<sup>21</sup>

This is consistent with the United Nations Standard Minimum Rules on the Treatment of Prisoners (the Mandela Rules) which highlight that the purpose of a sentence of imprisonment is to protect society against crime and reduce recidivism and this can only be achieved if a period of imprisonment is used to help an offender reintegrate into society and lead 'a law-abiding and self-supporting life'.<sup>22</sup> Therefore a correctional centre:

should offer education, vocational training and work, as well as other forms of assistance that are appropriate and available, including those of a remedial, moral, spiritual, social and health- and sports-based nature. All such programmes, activities and services should be delivered in line with the individual treatment needs of prisoners.<sup>23</sup>

This is also reflected in the Inspector of Custodial Services *Inspection Standards for Adult Custodial Services in New South Wales* (the ICS Standards), which state that '[i]mprisonment is an opportunity for inmates to re-assess their lives and to take steps to make change'.<sup>24</sup>

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16 Department of Premier and Cabinet (NSW), 'Ambitious Targets at the Heart of New Premier's Priorities' (Media Release, 28 June 2019) <<https://www.nsw.gov.au/your-government/the-premier/media-releases-from-the-premier/ambitious-targets-at-the-heart-of-new-premiers-priorities/>>.

17 'Re-offending Statistics for NSW', *NSW Bureau of Crime Statistics and Research* (Web Page, 10 May 2019) <[https://www.bocsar.nsw.gov.au/Pages/bocsar\\_pages/Re-offending.aspx](https://www.bocsar.nsw.gov.au/Pages/bocsar_pages/Re-offending.aspx)>.

18 'Re-offending Statistics for NSW', *NSW Bureau of Crime Statistics and Research* (Web Page, 10 May 2019) table 2 <[https://www.bocsar.nsw.gov.au/Pages/bocsar\\_pages/Re-offending.aspx](https://www.bocsar.nsw.gov.au/Pages/bocsar_pages/Re-offending.aspx)>.

19 Winifred Agnew-Pauly and Jessie Holmes, *Re-offending in NSW* (Issue Paper No 108, August 2015) 1–2.

20 Winifred Agnew-Pauly and Jessie Holmes, *Re-offending in NSW* (Issue Paper No 108, August 2015) 4–5.

21 *Crimes (Administration of Sentences) Act 1999* s 2A(1)(d).

22 United Nations Standard Minimum Rules on the Treatment of Prisoners rule 4(1).

23 United Nations Standard Minimum Rules on the Treatment of Prisoners rule 4(2).

24 Inspector of Custodial Services, *Inspection Standards for Adult Custodial Services in New South Wales* (August 2014) 93.

Key strategies employed by CSNSW to rehabilitate offenders and support their reintegration into the community are through the provision of programs that aim to address the causes of their offending and employment and educational opportunities to enable offenders to gain skills that will help them obtain post-release employment and live pro-social lives.

### 3.3 Research on reducing reoffending

Given rates of reoffending and the focus on the rehabilitation and reintegration of offenders in modern correctional environments, there is a significant body of research on the approaches that most effectively reduce reoffending and support ex-inmates post-release. Generally, this research supports a role for in-custody programs, employment and education in strategies to reduce reoffending.

Research on reducing recidivism and offender rehabilitation initiatives supports the effectiveness of in-custody group-based cognitive behavioural programs for general offenders and sex offenders, and in-custody therapeutic communities for offenders with substance use problems.<sup>25</sup> A review of violent offender treatment programs and therapeutic community models concluded that an integrated approach may be the most effective for improving outcomes for violent offenders.<sup>26</sup>

An Australian cross-jurisdictional analysis has found that vocational education and training can help ex-inmates stay out of custody post-release but the risk level of an ex-inmate moderates this impact on longer term reoffending. In addition it found that participation in behavioural change programs and education had a positive impact on the longer term recidivism outcomes of men and that participation in education and vocational education and training had a positive impact on the longer term recidivism outcomes of women.<sup>27</sup>

A Western Australia focused study also found that undertaking education in custody improved post-release outcomes. Ex-inmates who increased their skills during a period of imprisonment are less likely to commit more serious offences over time, and ex-inmates who successfully completed education during a period of imprisonment are less likely to reoffend and are more likely to remain in the community for longer.<sup>28</sup>

#### 3.3.1 Evaluations of CSNSW programs

The NSW Bureau of Crime Statistics and Research (BOCSAR) has undertaken studies of the impact of some CSNSW programs on outcomes for offenders following their release from custody. Although the findings of these studies were limited by sample size and modelling constraints, some of the results suggest that these programs may help reduce reoffending.

A study of the Intensive Drug and Alcohol Treatment Program (IDATP) found that, although rates of reoffending and/or return to custody were lower for the matched treatment group than the matched comparison group, the differences in reoffending were not statistically significant.<sup>29</sup> A subsequent study found that IDATP has a positive impact on inmate behaviour, with results suggesting a 73% reduction in the annual number of prison rule violations by IDATP graduates in the years after they had undertaken the program.<sup>30</sup>

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25 David Weisburd, David P Farrington and Charlotte Gill, 'What Works in Crime Prevention and Rehabilitation: An Assessment of Systemic Reviews' (2017) 16(2) *Criminology & Public Policy* 415, 425.

26 Andrew Day and Patrick Doyle, 'Violent Offender Rehabilitation and the Therapeutic Community Model of Treatment: Towards Integrated Service Provision?' (2010) 15 *Aggression and Violent Behaviour* 380, 385.

27 Jesse Cale et al, 'Australian Prison Vocational Education and Training and Returns to Custody Among Male and Female Ex-prisoners: A Cross-jurisdictional Study' (2019) 52(1) *Australian & New Zealand Journal of Criminology* 129, 140–1.

28 Margaret Giles, 'Study in Prison Reduces Recidivism and Welfare Dependence: A Case Study from Western Australia 2005–2010' (Trends & Issues in Crime and Criminal Justice No 514, Australian Institute of Criminology, April 2016) 8.

29 Imogen Halstead and Suzanne Poynton, 'The NSW Intensive Drug and Alcohol Treatment Program (IDATP) and Recidivism: An Early Look at Outcomes for Referrals' (Crime and Justice Bulletin No 192, NSW Bureau of Crime Statistics and Research, July 2016) 16.

30 Evann J Ooi, 'Evaluating the Impact of the Intensive Drug and Alcohol Treatment Program (IDATP) on Prisoner Misconduct', (Crime and Justice Bulletin No 222, NSW Bureau of Crime Statistics and Research, March 2019) 8.

The results of a study of the Violent Offender Therapeutic Program (VOTP) suggested that it is associated with a decrease in general reoffending and/or return to custody among violent offenders within 24 months of their release.<sup>31</sup> The authors did not find a similar association in relation to violent reoffending.<sup>32</sup> Similarly, the results of a study on the Custody-based Intensive Treatment program (CUBIT, now known as the High Intensity Sex Offender Program) suggested that completing this program was associated with a reduction in general reoffending but there was no evidence to suggest a similar association in relation to violent or sexual reoffending.<sup>33</sup>

### 3.3.2 The need for throughcare

The provision of programs, employment and education to inmates during their imprisonment is only part of what is needed to reduce reoffending and support ex-inmates reintegrate into the community. As was highlighted by the *A Future Beyond the Wall* report, '[b]reaking the cycle of reoffending cannot be achieved at a single point in time or by a single intervention'.<sup>34</sup>

'Throughcare' involves utilising the time an inmate spends in custody to prepare for their release and providing pre- and post-release services to support their transition from custody to the community. In the *Prison to Work* report, the Council of Australian Governments (COAG) described through care as involving the following elements:

Prisoner through care projects provide comprehensive case management for a prisoner in the lead up to their release from prison and throughout their transition to life outside. Projects aim to make sure prisoners receive the services they need for successful rehabilitation into the community during the course of their transition from inside to out. They usually include close collaboration with Corrective Services and other law and justice agencies and service providers, intensive one-to-one rehabilitation support, individual structured assessments and individual case plans.<sup>35</sup>

Throughcare aims to address the challenges that can impede an offender's reintegration into the community. Maria Borzycki and Eileen Baldry describe these challenges as follows:

Poverty, poor education, unemployment and poor physical health, accompanied by alcohol, drug and mental health issues, intellectual disability, and poor social and communication skills, may place an individual at high risk of rearrest and reimprisonment ...<sup>36</sup>

For many offenders, these challenges exist prior to, and are exacerbated by, their imprisonment.<sup>37</sup> As highlighted above, offenders tend to possess low levels of education and employment experience. The stigma of a period of imprisonment may further reduce their employability. Securing suitable and stable housing is also difficult due to factors such as a lack of community-based support networks, a lack of

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31 Sara Rahman, Suzanne Poynton and Wai-Yin Wan, 'The Effect of the Violent Offender Treatment Program (VOTP) on Offender Outcomes' (Crime and Justice Bulletin No 216, NSW Bureau of Crime Statistics and Research, August 2018) 10.

32 Sara Rahman, Suzanne Poynton and Wai-Yin Wan, 'The Effect of the Violent Offender Treatment Program (VOTP) on Offender Outcomes' (Crime and Justice Bulletin No 216, NSW Bureau of Crime Statistics and Research, August 2018) 10.

33 Imogen Halstead, 'Does the Custody-based Intensive Treatment (CUBIT) Program for Sex Offenders Reduce Re-offending?' (Crime and Justice Bulletin No 193, NSW Bureau of Crime Statistics and Research, July 2016) 19–20.

34 Eileen Baldry et al, *A Future Beyond the Wall: Improving Post-release Employment Outcomes for People Leaving Prison* (Final Report, February 2018) 42.

35 Council of Australian Governments, *Prison to Work Report* (Final Report, 9 December 2016) 62.

36 Maria Borzycki and Eileen Baldry, 'Promoting Integration: The Provision of Prisoner Post-release Services' (Trends & Issues in Crime and Criminal Justice No 262, Australian Institute of Criminology, September 2003) 2.

37 Eileen Baldry et al, *A Future Beyond the Wall: Improving Post-release Employment Outcomes for People Leaving Prison* (Final Report, February 2018) 37; Maria Borzycki, 'Interventions for Prisoners Returning to the Community' (Report, Australian Institute of Criminology, February 2005) 38; Maria Borzycki and Eileen Baldry, 'Promoting Integration: The Provision of Prisoner Post-release Services' (Trends & Issues in Crime and Criminal Justice No 262, Australian Institute of Criminology, September 2003) 2.

income and savings, and not satisfying the eligibility criteria for public housing.<sup>38</sup> Further difficulties arise for those who struggle to adjust to the conditions related to their parole order or social security payment.<sup>39</sup> Women, Aboriginal people, and people with disability may also face additional barriers.<sup>40</sup>

During this inspection, CSNSW was in the process of implementing a new case management model which may help provide greater throughcare for NSW inmates. This included the establishment of new Case Management Units (CMUs). CMUs are responsible for providing case management, consisting of assessment, case planning and support for all inmates serving sentences of imprisonment of 3 months or more.<sup>41</sup> Within 42 days of being sentenced an inmate should have an approved case plan that includes a range of interventions, including programs, work and education, that target each inmate's identified needs and causes of their offending. Case plans are never closed and should reflect any contact a person may have with CSNSW community or custodial entities.<sup>42</sup>

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38 Maria Borzycki and Eileen Baldry, 'Promoting Integration: The Provision of Prisoner Post-release Services' (Trends & Issues in Crime and Criminal Justice No 262, Australian Institute of Criminology, September 2003) 2.

39 Eileen Baldry et al, *A Future Beyond the Wall: Improving Post-release Employment Outcomes for People Leaving Prison* (Final Report, February 2018) 37.

40 Eileen Baldry et al, *A Future Beyond the Wall: Improving Post-release Employment Outcomes for People Leaving Prison* (Final Report, February 2018) 37.

41 Corrective Services NSW, *Policy for Case Management in Correctional Centres* (8 December 2017) 9.

42 Corrective Services NSW, *Policy for Case Management in Correctional Centres* (8 December 2017) 14–15. A service plan will be developed for inmates on remand or serving a sentence of less than 3 months.

## 3.4 Inspected correctional centres

### 3.4.1 Outer Metropolitan Multi-Purpose Correctional Centre

OMMPCC is located within the John Morony Correctional Complex near Windsor.<sup>43</sup> At the time of the inspection on 9 to 11 April 2018 it was a minimum security facility for male offenders with a maximum capacity of 302 inmates and a current state of approximately 270 inmates. It had 14 accommodation units, each with a capacity of 25 inmates (unless otherwise specified):

- **Area 1** (units A to D) primarily accommodated inmates undertaking IDATP as well as new receptions to OMMPCC.
- **Area 2** (units E to J) contained general population accommodation units.
- **Area 3** (units M and N) was closed for remedial work at the time of the inspection. Each unit had a capacity of 40 inmates and was used to accommodate inmates in transit.
- **The Honour House** (units K and L) accommodated up to 52 inmates with a C3 security classification, many of whom were engaged in work or education in the community or who had been granted day or weekend leave. Two Honour House inmates were residing at the Wildlife Care Centre to tend to the needs of the animals during out-of-cell hours.

OMMPCC resembled a campus-style residential setting, divided into two areas which each contained multiple accommodation units. There was a significant amount of open, green space within each area in which inmates were able to grow vegetable gardens and exercise. The accommodation units included a mix of one- and two-bed rooms, a communal open lounge and kitchenette space, a telephone and two shared bathrooms, each with several toilets and showers.

At the time of writing, significant construction was underway to convert OMMPCC into a medium and minimum security correctional centre, including the replacement of all inmate accommodation in Areas 1 and 2. When the inspection team visited OMMPCC on 8 March 2019:

- **Area 1** was still accommodating minimum security inmates, including IDATP participants.
- **Area 2** accommodation units had been demolished and the construction of new minimum security accommodation was underway. It was reported that once construction in Area 2 was complete, inmates would be moved from Area 1 to Area 2 and the construction of new medium security accommodation would commence in Area 1.
- **Area 3** remedial work was complete and that area was operational.
- A cook-freeze facility had been constructed at OMMPCC to create snap frozen meals for inmates in NSW correctional centres but was not yet in use. The inspection team was told that when the cook-freeze facility is operating it should employ around 100 inmates.

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<sup>43</sup> The John Morony Correctional Complex comprises three correctional centres: OMMPCC, John Morony Correctional Centre and Dillwynia Correctional Centre.





Kitchenette in an accommodation unit



Lounge area in an accommodation unit



Telephone, located in a cubicle adjoining the lounge area in an accommodation unit



A two-bed room



The OMMPPC Honour House

### 3.4.2 South Coast Correctional Centre

South Coast CC is located in Nowra. At the time of the inspection on 8 to 10 May 2018 it was a maximum and minimum security facility for male inmates with a current state of 550 inmates. Two of South Coast CC's three sectors were in operation:

- **Sector 1** (A- to G-pods) housed up to 395 remand and sentenced maximum security inmates across seven pods. The cells in each pod were split across two levels and generally accommodated one or two inmates, although cells for up to three inmates (with a single bed and a bunk bed) were observed in E- and F-pods. Each cell consisted of a shower, toilet, sink, shelving and a bunk bed or one or two single beds. Each pod also included a common area, a kitchenette and an exercise yard.
  - **A- to D-pods** accommodated up to 232 sentenced inmates.
  - **E-pod** accommodated up to 72 Special Management Area Placement (SMAP)<sup>44</sup> inmates.
  - **F-pod** accommodated up to 72 remand inmates, including 36 Protection Limited Association (PRLA)<sup>45</sup> remand inmates.
  - **G-pod** accommodated up to 19 segregation<sup>46</sup> and Protection Non-Association (PRNA)<sup>47</sup> inmates.
- **Sector 2** was closed at the time of the inspection but had previously accommodated 92 minimum security classified SMAP inmates.
- **Sector 3** (M1- to M4-pods) housed up to 191 minimum security inmates across four units. Each unit was split into four sections consisting of inmate rooms, a shared bathroom with showers and toilets, a kitchenette and a common room with lounge chairs and a television. The inmate rooms accommodated one or two inmates.

At the time of the inspection a new 200-bed minimum security section was under construction and there were plans to add an additional 160-bed maximum security section and expand G-pod.

When the inspection team visited South Coast CC on 25 February 2019 the new minimum security section was operational and Sector 3, the old minimum security section, was closed. Planning was underway to convert Sectors 2 and 3 into a medium security section. The additional maximum security section was still under construction.

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44 A Special Management Area Placement (SMAP) inmate is one who requires particular protection as they are vulnerable or at risk from other inmates. See Corrective Services NSW, *Custodial Operations Policy and Procedures – 3.3 Special Management Area Placement* (16 December 2017).

45 A Protection Limited Association (PRLA) inmate is one who can only associate with other PRLA inmates because association with non-PRLA inmates would threaten their personal safety. See Corrective Services NSW, *Custodial Operations Policy and Procedures – 3.2 Protective Custody* (16 December 2017).

46 A person will be placed in segregated custody where the Governor (or delegate) is of the view that segregation is necessary for the personal safety of any other person, the security of the correctional centre or the good order and discipline within the correctional centre. See Corrective Services NSW, *Custodial Operations Policy and Procedures – 3.4 Segregation* (16 December 2017).

47 A Protection Non-Association (PRNA) inmate is one who cannot associate with any other inmate as this would threaten their personal safety. See Corrective Services NSW, *Custodial Operations Policy and Procedures – 3.2 Protective Custody* (16 December 2017).

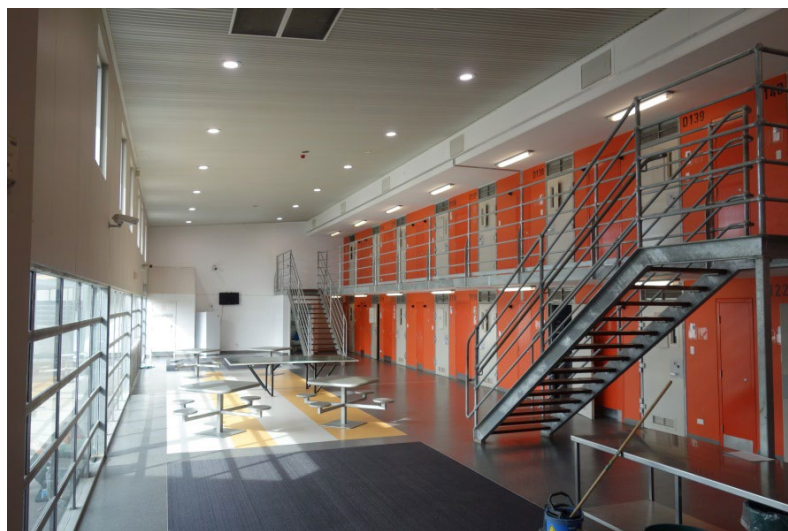




Single-bed room in the new minimum security section



A two-bed maximum security cell



Common area of a maximum security pod



The under-construction 160-bed maximum security expansion

### 3.4.3 Bathurst Correctional Complex

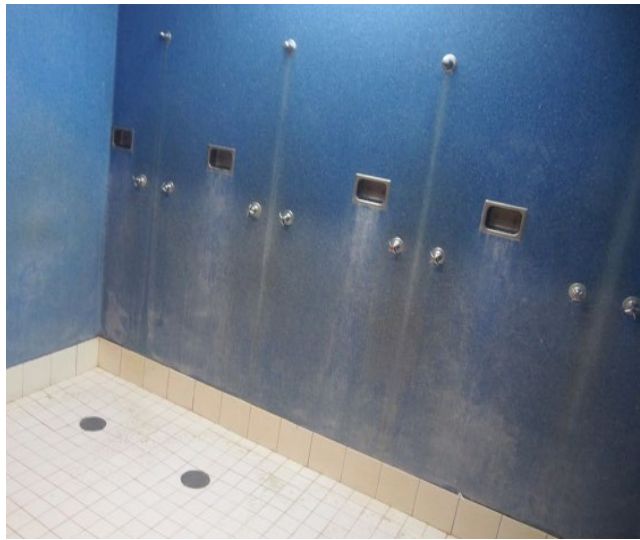
Bathurst CC opened in 1888. It is a reception centre for Western NSW and consequently has a dynamic inmate population. At the time of the inspection on 12 to 15 June 2018, Bathurst CC was operating as a medium and minimum security facility for around 650 male inmates, with a unit for up to 10 women. It consisted of the following areas:

- **Main gaol** (A- to D-wings). The main gaol is the oldest section of Bathurst CC, accommodating up to 461 inmates with a medium security classification across four stand-alone wings, each with an enclosed exercise yard. The cells in each wing were arranged across two (A- and D-wings) or three levels (B- and C-wings).
  - A-wing accommodated up to 76 in-transit inmates and sentenced inmates engaged in programs and employment.
  - B-wing accommodated up to 150 in-transit inmates and sentenced inmates engaged in programs and employment.
  - C-wing accommodated up to 152 remand inmates.
  - D-wing accommodated up to 64 SMAP, PRNA, PRLA and segregation inmates.
- **X-wing** accommodated up to 179 sentenced minimum security inmates with a C1 or C2 classification. X-wing was constructed more recently than the main gaol and consisted of one three-sided building with four self-contained accommodation areas. Each accommodation area included inmate cells, a bathroom with four open showers, a kitchenette, and one telephone. Some also had lounge chairs. X-wing also has a library with a computer room, a gym, a satellite health clinic and a visits area.
- **Honour House** accommodated up to 24 inmates with a C2 classification and a section 6(2) order or a C3 classification. Many of these inmates are employed on work release or in the Defence Community Dogs Program or the Community Projects team.
- **Women's unit** accommodated up to 10 female inmates who are in transit for court appearances or who are new receptions waiting for a bed at their gaol of classification. The women's unit was newer than many of the other sections of Bathurst CC. It consisted of five cells to be shared by two women. Each cell contained two single beds, a toilet, a sink, shelving and a television. The unit had a common lounge space with a television and two couches; a kitchenette and a bathroom with two showers. There was also an enclosed space outside the front of the unit.
- **Multi-purpose unit** accommodates up to 14 inmates who are at-risk of self-harm or who are detoxing from drugs. It was previously used as an Acute Care Management Unit that could accommodate up to 19 inmates.

At the time of writing, construction had commenced on a 220-bed maximum security section of Bathurst CC. To accommodate this, the inspection team were told that there were plans to demolish the kitchen and laundry located outside the secure perimeter of Bathurst CC and construct a new kitchen and laundry within the secure perimeter.



Medium security wing accommodation



An open shower block in a medium security wing



A two-bed medium security cell



A two-bed room in minimum security



Dining area of a medium security wing



Mould on the ceiling and wall of a minimum security wing bathroom



### 3.4.4 Mid North Coast Correctional Centre

Mid North Coast CC is located at Aldavilla, near Kempsey. At the time of the inspection on 31 July to 2 August 2018 it was operating as a facility for up to 650 male and female inmates.

- **Sector 1** (A- to G-pods). The main gaol accommodated up to 486 male inmates with a maximum security classification across seven accommodation pods. Each pod was split into two sides, each with its own yard and common area. Inmate cells were split across two levels and generally accommodated two or three inmates. The cells consisted of single or bunk beds, a shower, toilet, sink and shelving. A- to E-pods accommodated a mix of normal discipline sentenced and remand inmates. Up to 76 SMAP inmates were housed in F-pod and up to six PRLA/PRNA inmates were housed in G-pod. The main gaol also included an Intensive Learning Centre (ILC).
- **Sector 2** (W2 to W4 units) accommodated up to 54 female sentenced and remand inmates with varying security classifications. The women were housed across three stand-alone accommodation units, each with a capacity of 18 inmates. Each unit contained inmate rooms, a shared bathroom with showers and toilets, a common room and a kitchenette. Inmate rooms generally held two inmates and consisted of single or bunk beds and shelving. Sector 2 also included a High Intensity Program Unit (HIPU) building and a multi-purpose unit for women subject to segregation or who are at-risk of self-harm or need protection.
- **Sector 3** (M2 to M6 units) accommodated up to 110 male sentenced inmates with a minimum security classification. The men were housed across five stand-alone accommodation units, each with a capacity of 22 inmates. Each unit contained inmate rooms, a shared bathroom with showers and toilets, a common room and a kitchenette. Inmate rooms held one, two or three inmates and consisted of single or bunk beds and shelving. Sector 3 also contained a HIPU building.

At the time of the inspection, significant construction was underway at Mid North Coast CC on a 440-bed extension for male inmates with a medium security classification. CSNSW expects that the expansion will be completed by early 2020.<sup>48</sup>

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<sup>48</sup> 'Mid North Coast Correctional Centre Upgrade', *Corrective Services NSW* (Web Page, 22 May 2019) <<https://www.correctiveservices.justice.nsw.gov.au/new-prisons/mid-north-coast-correctional-centre>>.



A three-bed maximum security cell



A three-bed male minimum security room (single bed not pictured – situated to bottom right side of the photo)



Common room in a women's unit



Women's accommodation units



A maximum security pod

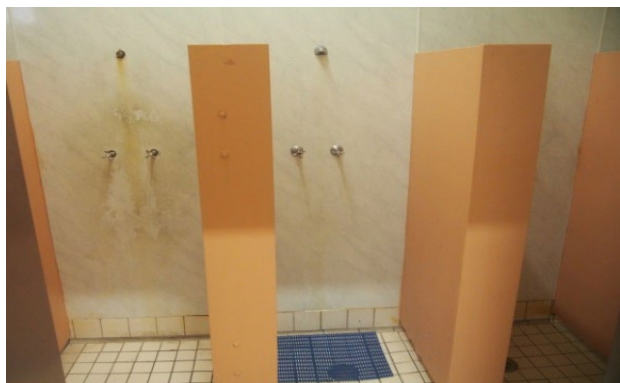
### 3.4.5 Broken Hill Correctional Centre

Broken Hill CC opened in 1892. At the time of the inspection on 14 to 15 August 2018, it was operating as a medium and minimum security facility for up to 89 male and female inmates, consisting of the following areas:

- **Main wing** accommodated up to 40 sentenced and unsentenced male inmates with a medium or C1 security classification. The main wing is the oldest part of Broken Hill CC. A staff office sits at the centre of the wing and dark, narrow corridors run between the office and the cells. The cells generally consisted of a bunk bed, toilet, sink, shelving and a small window. A concreted yard sat outside the main wing. It contained exercise equipment and led to a common area with tables, telephones and a shower block.
- **Main wing dorm** accommodated up to eight sentenced male inmates with a minimum security classification. It consisted of a room with three bunk beds and another room with a bunk bed. Both rooms also contained a small refrigerator, a television, shelving and a table and chairs. Inmates also had access to a kitchenette and a bathroom with a shower, toilet and sink.
- **X-wing** accommodated up to 28 sentenced male inmates with a C2 or C3 security classification. The X-wing is a newer construction than the main wing. The rooms consisted of single or bunk beds, shelving and a television and inmates shared a common bathroom. Inmates in X-wing had access to a common area and a grassed yard with exercise equipment. The X-wing also contained Broken Hill CC's kitchen and laundry facilities.
- **Women's unit** accommodated up to 12 sentenced female inmates with a Category 1, 2 or 3 security classification and unsentenced female inmates with a Category 2 or 3 security classifications. It contained three rooms with a mix of single and bunk beds, shelving television and table and chairs and inmates shared a common bathroom. Women also had access to a kitchenette, common room with telephones, couches, books and a television, and a small yard.

Broken Hill CC also had segregation, assessment and police bail refused cells. However, it was not accommodating SMAP, PRNA or PRLA inmates. The inspection team were told that inmates at Broken Hill CC requiring protection are transferred to a different correctional centre as soon as practicable.

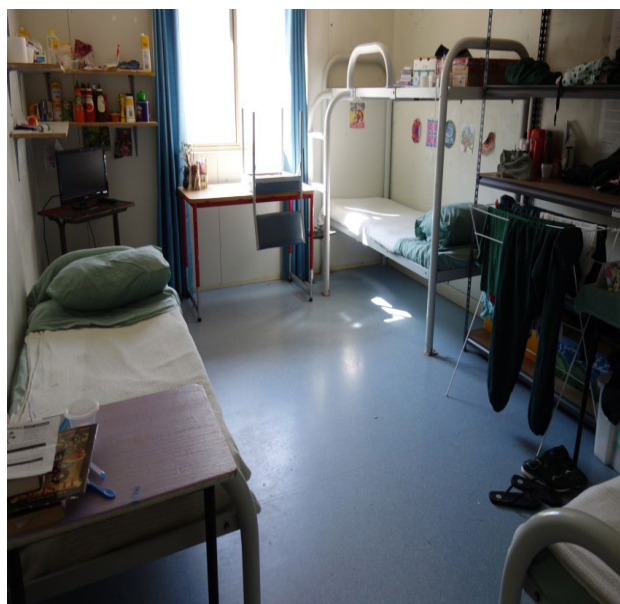




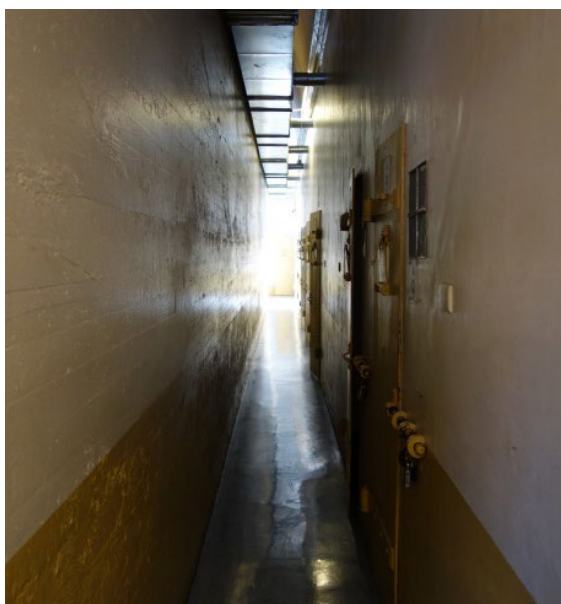
Showers in the medium security shower block



Main wing dorm bunk beds



Room in the women's unit



Corridor in the main wing



Main wing yard

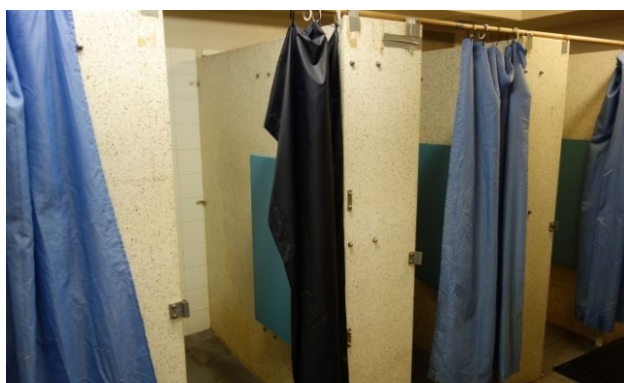
### 3.4.6 Dawn De Loas Correctional Centre

Dawn De Loas CC is located within Silverwater Correctional Complex in Sydney.<sup>49</sup> At the time of the inspection on 5 to 6 September 2018, it was operating as a minimum security facility for up to 515 male sentenced and remand inmates.

Inmates at Dawn De Loas CC were accommodated in four separate accommodation units (H- to K-blocks):

- **H-block** housed up to 100 remand inmates with a C1 security classification.
- **I-block** housed up to 100 remand and transient inmates with a C1 security classification. I-block also contained two safe cells with surveillance cameras and a segregation cell.
- **J-block** housed up to 155 sentenced inmates with a C2 security classification.
- **K-block** housed up to 160 sentenced inmates with a C2 or C3 security classification.

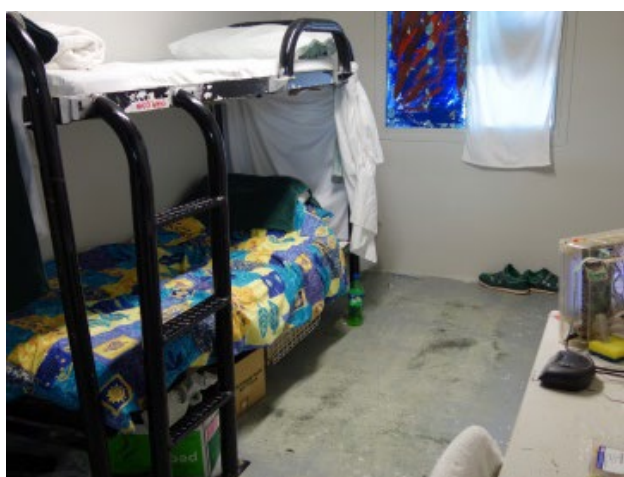
The four accommodation blocks had a similar layout. Each block was split into two sides. Each side consisted of two levels of cells facing a common area with tables and chairs, a television, shower block, telephones and a kitchenette. Each cell contained a mix of one or two single beds or a bunk bed, shelving and a toilet with a sink.



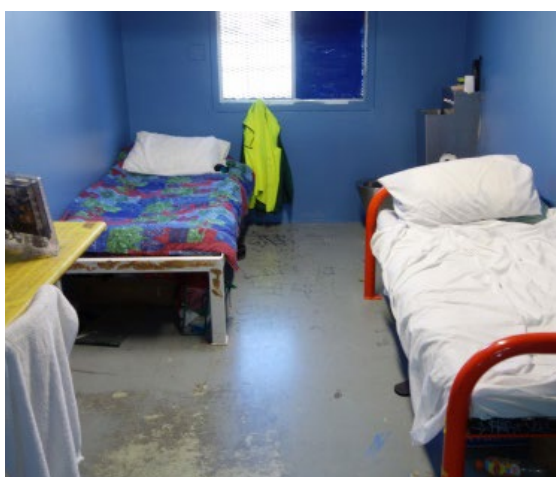
Shower cubicles



Yard outside an accommodation block



Two-bed rooms



<sup>49</sup> Silverwater Correctional Complex consists of three correctional centres: Dawn De Loas CC, the Metropolitan Reception and Remand Centre and Silverwater Women's Correctional Centre.



### 3.4.7 Metropolitan Special Programs Centre

MSPC is located at Long Bay Correctional Complex in Sydney. The inspection on 25 September 2018 focused on the VOTP wing in MSPC 1 and the Sex Offender Programs wing in MSPC 2.

At the time of the inspection, the VOTP wing had a capacity of 74 beds and it was accommodating 41 inmates. Although the VOTP wing was a maximum security wing it accommodated inmates with a range of security classifications. The VOTP wing consisted of one building comprising inmate accommodation and program rooms. The building was split into two sides. Each side contained inmate cells, a kitchenette and a shower block and had an adjoining concreted yard. Most of the cells were shared by two inmates and consisted of a bunk bed, shelving and a sink and toilet.

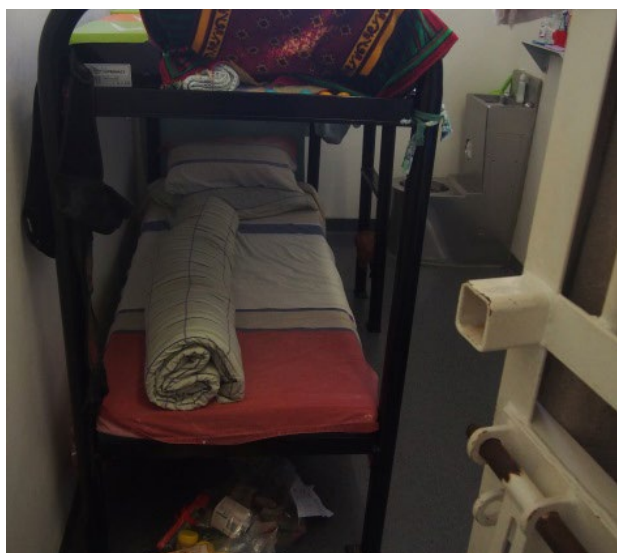
At the time of the inspection, the Sex Offender Programs wing had a capacity of 80 beds and was accommodating 63 inmates with a minimum security classification. The wing consisted of several stand-alone units comprising inmate cells, rooms for group sessions, a library, a kitchen and a gym room. The units sat within a yard with a garden and a fish pond. Most of the cells had two occupants however some inmates were unable to share a cell. Each cell contained a bunk bed, a shower, sink, toilet, shelving and a desk.



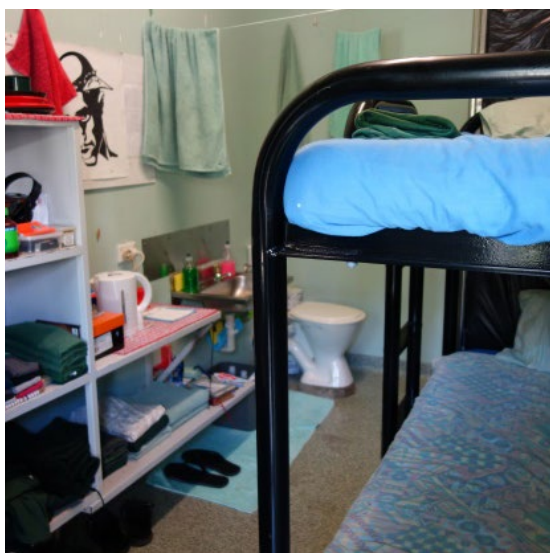
VOTP wing in MSPC 1



Sex Offender Programs wing in MSPC 2



Cell in the VOTP wing of MSPC 1



Cell in the Sex Offender Programs wing of MSPC 2

## 4. Programs

The *Crimes (Administration of Sentences) Regulation 2014* (the Regulation) provides that the Commissioner may offer an inmate services and programs that:

- a) offer the inmate an opportunity to develop skills, behaviours and attitudes that lessen the likelihood of the inmate re-offending, or
- b) contribute to the inmate living in society after release from custody, or
- c) promote the health, safety and well-being of the inmate.<sup>50</sup>

These services and programs may include welfare services, alcohol and drug counselling services, and pre-release and post-release programs to help inmates adjust to life in the community.<sup>51</sup> In providing such services and programs the Commissioner must give special attention to the needs of inmates with disability and low literacy or numeracy.<sup>52</sup>

The ICS Standards provide that 'each correctional centre should provide a range of evidence-based programs', including behaviour change and reintegration programs that align with the needs of inmates.<sup>53</sup> Inmate needs should be identified through comprehensive assessment and a program pathway should be detailed in an inmate's case plan and program readiness and motivation need to be considered.<sup>54</sup> Inmates on remand or with short sentences should not be precluded from program participation.<sup>55</sup>

### 4.1 Principles underlying CSNSW behaviour change programs

CSNSW delivers a range of programs in correctional centres. These programs can be broadly categorised as:

- **Behaviour change or criminogenic programs**, including addiction, aggression/violence, sex offender, young adult offender and general offending programs. These programs are based on the Risk-Need-Responsivity (RNR) principles and are designed to address an inmate's criminogenic needs.
- **Wellbeing programs**, including parenting programs and programs that aim to assist inmates experiencing grief and trauma. These programs are designed to develop pro-social skills and address responsivity factors that can impede an inmate's capacity to engage with therapeutic programs.<sup>56</sup>

The *Compendium of Offender Behaviour Change Programs in New South Wales* (the Compendium) describes these programs offered by CSNSW and the relevant research and risk assessment tools underlying those programs.

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<sup>50</sup> *Crimes (Administration of Sentences) Regulation 2014* cl 60(1).

<sup>51</sup> *Crimes (Administration of Sentences) Regulation 2014* cl 60(2)(a), (c), (g).

<sup>52</sup> *Crimes (Administration of Sentences) Regulation 2014* cl 60(3).

<sup>53</sup> Inspector of Custodial Services, *Inspection Standards for Adult Custodial Services in New South Wales* (August 2014) standards 116, 116.4.

<sup>54</sup> Inspector of Custodial Services, *Inspection Standards for Adult Custodial Services in New South Wales* (August 2014) standards 116.1–116.2.

<sup>55</sup> Inspector of Custodial Services, *Inspection Standards for Adult Custodial Services in New South Wales* (August 2014) standard 116.3.

<sup>56</sup> Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 86.

The RNR principles were developed by James Bonta and Donald Andrews:

- **Risk principle.** The level and intensity of intervention should correspond with an offender's risk of reoffending and treatment should target higher risk groups of offenders, as assessed by actuarial assessment instruments.
- **Need principle.** Treatment should target an offender's assessed 'criminogenic needs'. This term refers to those dynamic risk factors that, when addressed, are associated with a reduced likelihood of recidivism. Examples of criminogenic needs identified in the literature include anti-social behaviour, values and relationships; substance use; and problematic circumstances relating to home, school or work.
- **Responsivity principle.** Interventions need to be tailored to the 'learning style, motivation, abilities and strengths of the offender' in order to maximise the offenders responsiveness.<sup>57</sup>

The Compendium states that CSNSW has adopted the RNR principles in group programs and aims to implement them through the Program and Facilitation Standards and comprehensive training, ongoing support, quality monitoring and supervision of program facilitators.<sup>58</sup>

CSNSW uses the Level of Service Inventory-Revised (LSI-R) to assess the risk of reoffending and identify the criminogenic needs of individual inmates. The LSI-R is based on the RNR principles and is the standard tool used by CSNSW for assessing the risk and needs of all offenders. It consists of 54 items and measures areas including education and employment, alcohol and drug use, and criminal attitudes and associates.<sup>59</sup> The LSI-R should be administered for all offenders with more than 6 months to serve at the time of sentencing, unless a current and valid LSI-R already exists.<sup>60</sup> An inmate's risk of reoffending as measured by the LSI-R is used to determine that inmate's eligibility for the majority of CSNSW programs, except for Sex Offender Programs.

The risk of reoffending for sex offenders, and their subsequent eligibility for Sex Offender Programs, is assessed by the STATIC-99R and STABLE-2007. The STATIC-99R consists of 10 items and is used to measure the risk of sexual recidivism, not areas of need, among adult male sex offenders.<sup>61</sup> STABLE-2007 is used to assess an offender's dynamic risk factors and how these change over time.<sup>62</sup>

Inmates cannot be compelled to participate in programs. However, Offender Services and Programs staff may undertake motivational interventions with those inmates who have been identified as needing to undertake a program but refuse to participate.

Some programs are delivered in an 'open' or 'rolling' group format. This means a program has no fixed start or end date, and the participants in a group do not have to start and complete the program at the same time. This allows a new participant to start the program as soon as a place becomes available and replace participants who leave or complete the program.

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57 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 3–4. See also Donald Andrews and James Bonta, *The Psychology of Criminal Conduct* (Anderson, 6<sup>th</sup> ed, 2017).

58 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 4.

59 Corrective Services NSW, *Compendium of Assessments* (September 2016) 11.

60 Corrective Services NSW, *Using the Level of Service Inventory- Revised (LSI-R) in CSNSW Correctional Centres: Offender Services and Programs Staff* (15 November 2016) 9.

61 Corrective Services NSW, *Compendium of Assessments* (September 2016) 15.

62 Corrective Services NSW, *Compendium of Assessments* (September 2016) 13.

## 4.2 Programs and services in NSW correctional centres

### 4.2.1 EQUIPS programs

The Explore, Question, Understand, Investigate, Practice and Succeed (EQUIPS) suite of programs consists of four moderate intensity programs targeting offenders assessed as having a medium to high risk of reoffending (as measured by the LSI-R). Each EQUIPS program requires offenders to complete two sessions per week for 10 weeks. Each session is 2 hours long.<sup>63</sup>

**Table 1: CSNSW EQUIPS programs**

EQUIPS program	Description
<b>EQUIPS Foundation</b>	A general therapeutic program available to all offenders, regardless of their offence type. <sup>64</sup>
<b>EQUIPS Addiction</b>	Targets the addictive behaviours of offenders with a current Alcohol & Other Drug (AOD) domain score of 5 or above. <sup>65</sup>
<b>EQUIPS Aggression</b>	Targets both expressive and instrumental aggression and seeks to minimise aggressive behaviour by increasing the self-management abilities of offenders with a current criminal conviction for a violent offence. <sup>66</sup>
<b>EQUIPS Domestic Abuse</b>	Targets offenders with a current criminal conviction for an offence against their intimate partners or a history of such offending. <sup>67</sup>

### 4.2.2 Intensive Drug and Alcohol Treatment Program

IDATP commenced operation at the John Morony Correctional Complex in February 2012. The program was relocated to OMMPPCC in July 2014 in order to help address operational issues caused by an increase in the NSW prison population.<sup>68</sup> A version of IDATP is also available to women at Dillwynia Correctional Centre, known as the Yallul Kaliarna program.<sup>69</sup>

IDATP and Yallul Kaliarna are high intensity group treatment programs for offenders whose drug and alcohol use is linked to their offending behaviour.<sup>70</sup> IDATP consists of over 250 hours of treatment and Yallul Kaliarna consists of over 200 hours of treatment. Both programs are delivered in four group sessions per week (12 to 15 hours per week) and additional one-on-one sessions for a period of 6 to 8 months. It is facilitated in a rolling group format with no more than 14 participants in each group for IDATP and up to 12 participants for Yallul Kaliarna.<sup>71</sup> IDATP has been adapted for offenders with cognitive deficits or intellectual disability and histories of drug and alcohol use. This program is known as IDATP Access.<sup>72</sup>

63 Corrective Services NSW, *Policy for Implementation, Delivery and Integrity Monitoring of the EQUIPS Suite of Programs* (28 July 2017) 11–12.

64 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 10–12.

65 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 15–17.

66 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 40–2.

67 See Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 43–5.

68 Imogen Halstead and Suzanne Poynton, 'The NSW Intensive Drug and Alcohol Treatment Program (IDATP) and Recidivism: An Early Look at Outcomes for Referrals' (Crime and Justice Bulletin No 192, NSW Bureau of Crime Statistics and Research, July 2016) 3.

69 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 22.

70 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 20.

71 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 21, 23.

72 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 24.



To be eligible for IDATP a male inmate must have a minimum security classification, be assessed as having a Medium/Medium-High/High risk of reoffending (as measured by the LSI-R) and have a drug and alcohol domain score of at least 6. Women must have a Category 1, 2, 3 or E2 classification be assessed as having a Medium/Medium-High/High risk of reoffending (as measured by the LSI-R) and have a drug and alcohol domain score of at least 5. Both sentenced and unsentenced women can be assessed for Yallul Kaliarna. All participants must also be sentenced with no further court matters and with at least 6 months remaining before the end of their sentence.<sup>73</sup>

#### 4.2.3 Violent Offender Therapeutic Program

VOTP is a high intensity group treatment program for inmates with a history of violent behaviour. VOTP is undertaken by inmates in a modified therapeutic community setting and aims to change the thinking, attitudes and feelings that led to an inmate's violent offending.<sup>74</sup>

VOTP consists of over 300 hours of treatment, delivered in three or four group sessions per week for approximately 12 months. It is facilitated by psychologists in a rolling group format with up to 10 to 12 offenders per group.<sup>75</sup> To be eligible for VOTP, an inmate must have:

- a current conviction for a violent offence resulting in a non-parole period of at least 2 years
- a history of one or more violent offences or a history of violence in custodial settings
- an LSI-R score of Medium-High or High
- at least 12 months remaining in the offender's total sentence.<sup>76</sup>

The Self-Regulation Program: Violent Offenders (SRP:VO) is a high intensity group treatment program designed for inmates with an intellectual disability or cognitive impairment who have a current conviction for a violent offence or a history of violent offending in the community or in custody. It consists of over 300 hours of treatment delivered in three group sessions per week over 12 to 18 months. An inmate's intellectual disability or cognitive impairment must be confirmed by CSNSW's State-wide Disability Services.<sup>77</sup>

Graduates of VOTP or SRP:VO are referred to VOTP – Maintenance & Outreach, which aims to decrease violent reoffending by providing support to violent offenders in custody and in the community.<sup>78</sup>

#### 4.2.4 Sex Offender Programs

CSNSW provides a number of custody-based treatment programs to sex offenders which aim to 'reduce the likelihood that treated individuals will continue with sexual offending behaviour upon their return to the community'.<sup>79</sup> The primary Sex Offender Programs provided by CSNSW to inmates are described in Table 2.

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73 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 20, 22.

74 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 46.

75 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 47.

76 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 46.

77 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 52–3.

78 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 49.

79 Corrective Services NSW, *Institutional Programs for Individuals Who Have Committed Sexual Offences* (11 August 2017) 1.

**Table 2: CSNSW Sex Offender Programs**

Name	Description
<b>High Intensity Sex Offender Program (HISOP)</b> (formerly known as the Custody-based Intensive Treatment or CUBIT program)	HISOP is a high intensity program for men who have sexually abused adults and/or children who have been assessed as a moderate to high risk of reoffending. It consists of over 300 hours of treatment typically dispersed across three group sessions per week over 6 to 10 months. <sup>80</sup>
<b>Moderate Intensity Sex Offender Program (MISOP)</b> (formerly known as CUBIT Outreach or CORE Moderate)	MISOP is a medium intensity program for men who have sexually abused adults and/or children who have been assessed as a low-moderate to moderate-high risk of reoffending. It consists of over 100 hours of treatment typically dispersed across two group sessions per week over 6 to 8 months. <sup>81</sup>
<b>Self-Regulation Program: Sexual Offenders (SRP:SO)</b>	SRO:SO is a high intensity program for men with a cognitive impairment or intellectual disability. It consists of over 300 hours of treatment typically dispersed across three group sessions per week over 12 to 18 months. An inmate's intellectual disability or cognitive impairment must be confirmed by State-wide Disability Services. <sup>82</sup>
<b>Deniers Program</b>	The Deniers Program is a medium intensity program for men convicted of sexually abusing adults and/or children who categorically deny their offending. It consists of over 100 hours of treatment typically dispersed across two group sessions per week over 6 to 7 months. <sup>83</sup>

The actual duration of these programs will vary depending on the treatment needs and responsivity of each offender.<sup>84</sup> All of the above Sex Offender Programs are facilitated by psychologists with training and experience in the management and treatment of sex offenders.<sup>85</sup> HISOP, MISOP and SRP:SO are facilitated in a rolling group format<sup>86</sup> and the Deniers Program is run as a closed group.<sup>87</sup>

To be eligible for in-custody Sex Offender Programs an inmate must be male, serving a custodial sentence and satisfy CSNSW's definition of a sex offender.<sup>88</sup> According to this definition a sex offender is any convicted offender:

- who is currently convicted of a sexual violence offence
- whose history of offending includes a conviction for a sexual violence offence
- who communicates to CSNSW staff that he has committed an act of sexual aggression, or
- whose offence(s) are determined to have an 'underlying sexual motivation'.<sup>89</sup>

80 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 58–9.

81 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 60–1.

82 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 66–8.

83 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 62–3.

84 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 59.

85 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 59, 61, 63, 67.

86 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 59, 67.

87 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 63.

88 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 56, 58, 60, 62, 64, 66.

89 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 56.

#### 4.2.5 High Intensity Program Units

CSNSW has established HIPUs across seven correctional centres. HIPUs are designed to provide rehabilitation services, programs and release planning for inmates serving short sentences. Table 3 summarises the capacity and inmate cohorts in each HIPU.<sup>90</sup>

**Table 3: Summary of High Intensity Program Units**

Location	Capacity	Inmate cohort
<b>Bathurst CC</b>	40	Male inmates with a minimum security classification (C1 or C2).
<b>Cooma CC</b>	40	Male inmates with a minimum (C1 or C2) or medium (B or E2) security classification.
<b>Dillwynia CC</b>	20	Female inmates.
<b>Mid North Coast CC</b>	40	Male inmates with a minimum security classification (C1 or C2).
	40	Aboriginal men with a minimum security classification (C1 or C2).
	20	Female inmates with a minimum security classification (Category 1 or 2).
<b>Shortland CC</b>	80	Male inmates undertaking HIPU VOTP with a maximum or medium (A2, E or B) security classification.
<b>South Coast CC</b>	32	Male inmates with a minimum security classification (C1 or C2).
<b>Wellington CC</b>	40	Male inmates with a minimum security classification (C1 or C2).
	40	Aboriginal men with a minimum security classification (C1 or C2).
	20	Female inmates with a minimum security classification (Category 1, 2 or 3).

An inmate's sentence length and risk of reoffending is used to prioritise inmates for inclusion in a HIPU. The Triage Risk Assessment Scale (TRAS) is used to estimate the rate of reimprisonment of an inmate within 2 years of release. An inmate's TRAS score is used to calculate the number of hours of HIPU programs that inmate should undertake.<sup>91</sup> Priority for HIPU participation is given to inmates serving sentences of 6 months or less and assessed as being a higher risk of returning to custody. However, HIPUs may also include offenders with longer sentences or who are assessed as having a lower risk of returning to custody.<sup>92</sup>

The HIPUs have a semi-rolling intake and inmates will commence participation in a HIPU as vacancies arise. An individualised Treatment and Reintegration Plan, which outlines an inmate's treatment needs and expected program, service and community engagement, should be created for all participating inmates.<sup>93</sup> The Treatment and Reintegration Plan, in most cases, should provide for between 120 and 160 hours of program participation.<sup>94</sup> Table 4 summarises the programs that may be delivered in the HIPUs.<sup>95</sup> In addition to these, non-government organisations have been contracted to provide localised services and activities.<sup>96</sup>

<sup>90</sup> The information in this table was taken from the Corrective Services NSW, *High Intensity Program Units (HIPUs) Procedures* (27 May 2019) 5 and Corrective Services NSW, *Reducing Reoffending: High Intensity Program Units Fact Sheet* (undated) <[https://www.justice.nsw.gov.au/Documents/Reforms/HIPU\\_Fact\\_Sheet\\_27.03.18\\_2.pdf](https://www.justice.nsw.gov.au/Documents/Reforms/HIPU_Fact_Sheet_27.03.18_2.pdf)>.

<sup>91</sup> Corrective Services NSW, *High Intensity Program Units (HIPUs) Procedures* (27 May 2019) 19.

<sup>92</sup> Corrective Services NSW, *High Intensity Program Units (HIPUs) Procedures* (27 May 2019) 5.

<sup>93</sup> Corrective Services NSW, *High Intensity Program Units (HIPUs) Procedures* (27 May 2019) 12.

<sup>94</sup> Female inmates and men with a lower TRAS score of 1 to 2 only require around 100 hours of program participation. See Corrective Services NSW, *High Intensity Program Units (HIPUs) Procedures* (27 May 2019) 19–20.

<sup>95</sup> Corrective Services NSW, *High Intensity Program Units (HIPUs) Procedures* (27 May 2019) 19–20, Annexure F.

<sup>96</sup> Corrective Services NSW, *High Intensity Program Units (HIPUs) Procedures* (27 May 2019) 27–8.

Table 4: CSNSW programs that may be delivered as part of the HIPU

Program	Description
<b>EQUIPS programs</b>	See above.
<b>Real Understanding of Self-Help (RUSH)</b>	RUSH aims to help inmates address 'anti-social attitudes/beliefs, poor self-control, impulsivity, difficulties with self-management such as poor decision making, and lack of interpersonal skills'. <sup>97</sup>
<b>Aboriginal Cultural Strengthening program</b>	This program aims to address responsivity issues experienced by Aboriginal offenders, including intergenerational trauma and disconnection from community, and help participants gain coping, communication and pro-social skills. <sup>98</sup>
<b>Sober Driver program (SDP)</b>	The SDP targets serious and/or repeat drink driving offenders and aims to help them understand 'the consequences of their behaviour' and 'identify their personal risk factors'. <sup>99</sup>
<b>Babiin-Miyayang Aboriginal Parenting program</b>	Babiin-Miyayang aims to help Aboriginal fathers understand their role as a parent, the needs of their child and their child's mother, and to develop communication, child management and coping skills. <sup>100</sup>
<b>Mothering at a Distance</b>	Mothering at a Distance is a parenting program for women that aims to 'enhance the mother-and-child relationship, increase the participant's maternal sensitivity and reduce trauma during separation caused by incarceration'. <sup>101</sup>
<b>Out of the Dark</b>	This program aims to assist women who are victims of family and domestic violence. <sup>102</sup>

97 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 90.

98 Information provided by Corrective Services NSW on 12 April 2019.

99 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 35–6.

100 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 86–7.

101 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 88–9.

102 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 92–3.





HIPU at Bathurst CC



Male minimum security HIPU at Mid North Coast CC



Women's HIPU at Mid North Coast CC



Programs room in the women's HIPU at Mid North Coast CC



Male minimum security HIPU at South Coast CC

#### 4.2.6 Other programs and services

Many of the programs delivered in the HIPUs, such as the EQUIPS programs, the RUSH program, Babiin-Miyayang and Mothering at a Distance, may also be provided to groups of eligible and suitable inmates who are not HIPU participants.

**Table 5: Other programs and services offered in NSW correctional centres**

<b>Program</b>	<b>Description</b>
<b>Remand Addiction</b>	Remand Addiction is a voluntary intervention for remand inmates with addiction problems who are in need of support and coping strategies. Any remand inmate who self-identifies as having a substance use problem may participate. <sup>103</sup> It has been adapted from the EQUIPS Addiction Program. The offence an inmate has been charged with is not discussed during the group sessions.
<b>Remand Domestic Violence Intervention</b>	Remand Domestic Violence Intervention was developed by CSNSW and Legal Aid NSW for remand inmates with a current domestic violence charge or Apprehended Domestic Violence Order. This intervention is voluntary and aims to help these inmates understand their domestic violence-related legal circumstances and provide them with skills to recognise abuse, manage emotions and develop healthy relationships. The offence an inmate has been charged with is not discussed during the group sessions. <sup>104</sup>
<b>Young Adult Offender Programs</b>	Young Adult Offender Programs include Gurnang Life Challenge for men aged 18 to 25 and the Adventure Based Challenge for women aged 18 to 30. These programs are based at Oberon Correctional Centre and inmates must have a C2 (for men) or Category 2 (for women) security classification to participate. Both programs involve experiential-based activities and focus on addressing dynamic risk factors and personal development. <sup>105</sup>
<b>NEXUS</b>	NEXUS is a 'reintegration strategy' consisting of three streams. NEXUS streams 1 and 2 aim to engage inmates with their reintegration needs from their reception into custody and involve an information booklet, worksheet and subsequent engagement with staff. NEXUS stream 3 seeks to engage inmates who are 3 to 6 months from release and help them focus on their immediate reintegration needs. <sup>106</sup>
<b>The R Program (Responsibility – Rehabilitation – Reintegration)</b>	The R Program is a 1-day course for low risk offenders. It is designed and facilitated by Enough is Enough, an Australian anti-violence and victim's support group, and aims to help offenders understand the impact of, and take responsibility for, their offending. <sup>107</sup>

<sup>103</sup> Corrective Services NSW, *Policy for Implementation and Recording Remand Interventions for State-wide Programs* (31 October 2017) 9.

<sup>104</sup> Corrective Services NSW, *Policy for Implementation and Recording Remand Interventions for State-wide Programs* (31 October 2017) 4–5.

<sup>105</sup> Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 79, 81.

<sup>106</sup> Information provided by Corrective Services NSW on 13 March 2018.

<sup>107</sup> See Enough Is Enough, 'Offender rehabilitation programs', Correctional Programs (Web Page) <<http://www.enoughis-enough.org.au/education-program-and-workshops/correctional-programs/>>.

## 4.3 Issues identified by the inspection team

### 4.3.1 Timeliness of program participation

#### Sentence structure in NSW

In NSW, the structure of sentences of imprisonment usually consists of a non-parole period and a head sentence.<sup>108</sup> The non-parole period is the minimum period and the head sentence is the maximum period that an offender must spend in custody. An offender may be released from custody on parole in the period between the end of the non-parole period and the end of the head sentence.<sup>109</sup>

A sentencing court may also decline to set a non-parole period. This is known as a 'fixed term' sentence. Offenders with a fixed term of imprisonment must spend their whole sentence in custody, after which they are released unconditionally.<sup>110</sup> A court cannot set a non-parole period for sentences of imprisonment of 6 months or less.<sup>111</sup> Therefore all sentences of imprisonment of 6 months or less are fixed term sentences.

#### Earliest possible release date

The end of an offender's non-parole period is known as their 'earliest possible release date'. Offenders serving a head sentence of imprisonment of 3 years or less (for which a non-parole period has been set), are released on a statutory parole order at the end of their non-parole period,<sup>112</sup> unless the State Parole Authority (SPA) revokes the order.<sup>113</sup> Offenders serving head sentences of over 3 years (for which a non-parole period has been set) may only be released on parole at the discretion of SPA.<sup>114</sup>

#### Parole consideration

In making a parole order, SPA must be satisfied that the release of the offender is 'in the interests of the safety of the community'.<sup>115</sup> Under the Act, SPA is required to consider a number of matters in determining whether an offender's release is in the interests of the safety of the community.<sup>116</sup> This includes a report prepared by a community corrections officer or any other report prepared in relation to the granting of parole.<sup>117</sup> The report by a community corrections officer must detail, among other matters, measures taken by an offender to mitigate their risk of reoffending and their willingness to participate in, or actual participation in, 'rehabilitation, work, education or other programs in custody and the availability of those programs'.<sup>118</sup> In the case of 'serious offenders',<sup>119</sup> SPA will also take into account a report containing advice from the Serious Offenders Review Council (SORC),<sup>120</sup> which is responsible for advising the Commissioner of CSNSW about the classification, placement and program participation of all serious offenders.<sup>121</sup>

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108 *Crimes (Sentencing Procedure) Act 1999* s 44.

109 *Crimes (Sentencing Procedure) Act 1999* s 44; *Crimes (Administration of Sentences) Act 1999* ss 126, 132.

110 See *Crimes (Sentencing Procedure) Act 1999* s 45.

111 *Crimes (Sentencing Procedure) Act 1999* s 46.

112 *Crimes (Administration of Sentences) Act 1999* s 158. This is subject to the offender being eligible for parole under the *Crimes (Administration of Sentences) Act 1999* s 126.

113 *Crimes (Administration of Sentences) Act 1999* s 130.

114 *Crimes (Administration of Sentences) Act 1999* pt 6 div 2.

115 *Crimes (Administration of Sentences) Act 1999* s 135(1).

116 *Crimes (Administration of Sentences) Act 1999* s 135(3).

117 *Crimes (Administration of Sentences) Act 1999* s 135(3)(f)-(g).

118 *Crimes (Administration of Sentences) Regulation 2014* cl 222A(1)(b), (e).

119 See *Crimes (Administration of Sentences) Act 1999* s 3 for the definition of a 'serious offender'. It includes offenders with a life sentence or a non-parole period of at least 12 years.

120 *Crimes (Administration of Sentences) Act 1999* s 197(2)(b).

121 *Crimes (Administration of Sentences) Act 1999* s 197(2)(a).

An inmate's program participation and completion is a significant consideration for SPA when making parole determinations and non-completion may result in SPA refusing to grant parole.<sup>122</sup> The NSW Audit Office found that non-completion of programs was a contributing factor in 84% of parole refusals by SPA in 2015.<sup>123</sup> Although the reasons why these inmates had not completed a program prior to being considered for parole are unclear, this does highlight the importance of program completion for those inmates with an identified need in SPA's decision making process.

Program completion following an offender's earliest possible release date may form the basis of a 'manifest injustice' application to SPA. SPA must consider if an offender should be released on parole 60 days before the offender's earliest possible release date,<sup>124</sup> and, if parole is refused, the offender may only seek parole at 12 month intervals thereafter.<sup>125</sup> However, SPA may consider a case 'at any time' after an offender first becomes eligible for parole where necessary to avoid manifest injustice.<sup>126</sup> The circumstances that may constitute manifest injustice include where it becomes apparent that the decision to refuse or revoke parole:

- was based on false, misleading or irrelevant information
- was based on a matter that is no longer relevant
- was based on a matter that has since been addressed, warranting reconsideration, or can be addressed by imposing additional conditions on parole.<sup>127</sup>

### The importance of timely program participation

To avoid manifest injustice applications and maximise the benefits of external leave programs and supervised release to the community, it is important that inmates have timely access to programs. Where possible, inmates should be provided with an opportunity to address the causes of their offending and mitigate their risk of reoffending before they reach their earliest possible release date. Moreover, it is preferable for serious offenders to complete programs around 2 years before their earliest possible release date as this allows sufficient time for serious offenders to undertake external leave programs, as provided by the Commissioner's Guidelines for Serious Offenders. External leave programs enable SORC and SPA to assess the readiness of serious offenders for supervised release on parole. A delay in program participation can limit the time available for both external leave program participation and a meaningful period of supervision on parole.<sup>128</sup>

The inspection team spoke to a number of inmates undertaking VOTP or a Sex Offender Program who reported that they were approaching or had exceeded their earliest possible release date. There are many reasons why an inmate may not complete a program before their earliest possible release date. These can include:

- inmates refusing to undertake or be referred for a program
- inmates being suspended from or leaving a program
- a lack of available places in the program
- the need for an inmate to undertake a program being identified at a late stage of their sentence
- difficulty progressing to the security classification required to participate in the program.

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<sup>122</sup> NSW Law Reform Commission, *Parole* (Report No 142, September 2015) 82–5; Audit Office of New South Wales, *Therapeutic Programs in Prisons* (Final Report, May 2017) 14–15.

<sup>123</sup> Audit Office of New South Wales, *Therapeutic Programs in Prisons* (Final Report, 2017) 14.

<sup>124</sup> *Crimes (Administration of Sentences) Act 1999* ss 137(1), 143(1).

<sup>125</sup> *Crimes (Administration of Sentences) Act 1999* ss 137A(1), 143A(1).

<sup>126</sup> *Crimes (Administration of Sentences) Act 1999* ss 137B, 143B.

<sup>127</sup> *Crimes (Administration of Sentences) Regulation 2014* cl 223(1)(a)–(c).

<sup>128</sup> Information provided by the Serious Offenders Review Council on 11 September 2019.

Table 6 shows the number of inmates who participated in and completed an intensive program during 2017 and 2018.<sup>129</sup>

**Table 6: Number of participants and completions for intensive programs in 2017 & 2018**

Program	Participants		Completions	
	2017	2018	2017	2018
<b>IDATP</b>	219	191	69	72
<b>VOTP</b> (MSPC 1 & South Coast CC)	81	71	44	46
<b>SRP:VO</b>	6	10	2	1
<b>VOTP Maintenance &amp; Outreach</b>	111	91	N/A	N/A
<b>Sex Offender Programs (all)</b>	143	94	88	43
<b>HISOP/CUBIT</b>	69	56	40	23
<b>MISOP/CORE Moderate</b>	50	23	34	14
<b>SRP:SO</b>	14	15	4	6
<b>Deniers Program</b>	10	–	10	–

**Note:** Some program participants in a calendar year will complete the program the following year.

At the time of the inspection:

- OMMPPCC had up to 100 places for IDATP participants and there were 63 participants. However, at the time of writing CSNSW advised that the number of places at OMMPPCC for IDATP participants had since been reduced to 80 due to ongoing construction at OMMPPCC.<sup>130</sup>
- Sex Offender Programs were only delivered in a dedicated wing of MSPC 2 at Long Bay Correctional Complex and there were 63 inmates in this wing who were undertaking or had recently completed a Sex Offender Program.
- VOTP was delivered to up to 20 minimum security inmates at South Coast CC and inmates of various security classifications in a dedicated wing of MSPC 1. There were 16 VOTP participants at South Coast CC and 41 inmates in the VOTP wing of MSPC 1.

At the end of 2018, only the Sex Offender Programs had fewer participants than at the time of inspection. Sex Offender Programs also had the highest proportion of inmates who had exceeded their earliest possible release date (see Table 7)<sup>131</sup> and the highest number of inmates who had passed their earliest possible release date before commencing a program (see Table 8).<sup>132</sup> In addition, as at 1 January 2019, a number of inmates were also undergoing eligibility or suitability assessments for intensive programs – 37 regarding IDATP, 146 regarding VOTP and 816 regarding a Sex Offender Program.<sup>133</sup>

<sup>129</sup> Information provided by Corrective Services NSW on 12 April 2019.

<sup>130</sup> Information provided by Corrective Services NSW on 12 April 2019.

<sup>131</sup> Information provided by Corrective Services NSW on 24 May 2019.

<sup>132</sup> Information provided by Corrective Services NSW on 12 April 2019.

<sup>133</sup> Information provided by Corrective Services NSW on 12 April 2019.



**Table 7: Number of participants in intensive programs past their EPRD as at December 2018**

	Participants	Past EPRD
<b>IDATP</b>	63	2
<b>VOTP</b>	73	11
<b>SRP:VO</b>	5	2
<b>Sex Offender Programs (all)</b>	42	29
<b>HISOP/CUBIT</b>	36	26
<b>MISOP/CORE Moderate</b>	6	3

**Table 8: Eligible & suitable inmates waiting to commence intensive programs at 1 January 2019**

	Total	Past EPRD	-1 year	+1 year
<b>IDATP</b>	68	2	9	55
<b>VOTP</b>	57	5	20	32
<b>Sex Offender Programs</b>	57	28	15	14

In 2018, a number of inmates identified as needing to undertake an intensive program were released after their earliest possible release date: 265 identified for IDATP, 103 identified for VOTP and 107 identified for a Sex Offender Program.<sup>134</sup> In 2018, there were 18,949 exits from custody, 5,115 of which were sentenced to over 3 months in custody and had an LSI-R score of Medium to High. Of these 5,115 exits, 2,715 had an identified program need but did not undertake a behaviour change program.<sup>135</sup>

Several reports have previously highlighted the need for timely program participation for eligible inmates.<sup>136</sup> The ICS report, *Full House: The Growth in the Inmate Population in NSW* recommended that CSNSW improve program accessibility to reduce the number of inmates exceeding their earliest possible release date due to lack of access to programs.<sup>137</sup> In the period since that report, CSNSW has implemented a new case management model that may assist with the timely identification, assessment and program participation of eligible inmates. However, the challenge will be to ensure the intensive programs are sufficiently resourced to meet the needs of the inmate population.

CSNSW has acknowledged that there are resource and logistical constraints in delivering programs to all eligible and suitable inmates before they reach their earliest possible release date. Since this inspection, in order to enable more sex offenders to participate in behaviour change programs, CSNSW no longer excludes sex offenders from community-based EQUIPS programs and has procured an external provider to deliver HISOP to sex offenders assessed as a moderate risk of reoffending.<sup>138</sup>

<sup>134</sup> Information provided by Corrective Services NSW on 12 April 2019.

<sup>135</sup> Information provided by Corrective Services NSW on 24 May 2019. Behaviour change programs include EQUIPS Foundation, EQUIPS Addiction, EQUIPS Aggression and Sex Offender Programs.

<sup>136</sup> See Audit Office of New South Wales, *Therapeutic Programs in Prisons* (Final Report, 2017) 13–17; NSW Law Reform Commission, *Parole* (Report No 142, September 2015) 83, 298–300; Inspector of Custodial Services, *Full House: The Growth in the Inmate Population in NSW* (April 2015) 64–5.

<sup>137</sup> Inspector of Custodial Services, *Full House: The Growth in the Inmate Population in NSW* (April 2015) recommendation 31.

<sup>138</sup> Information provided by Corrective Services NSW on 4 November 2019.

#### 4.3.2 Staff vacancies

Across several correctional centres, the inspection team heard that staff vacancies were impacting on the capacity of CSNSW to deliver programs. CSNSW in-custody programs are delivered by a mix of psychology and Services and Programs Officer (SAPO) staff members. Intensive programs – IDATP, Sex Offender Programs and VOTP – are facilitated and supervised by registered psychologists who meet the registration and professional development requirements of the Psychology Board of Australia, Australian Health Practitioners Regulatory Authority and the Australian Psychological Society.<sup>139</sup> Program facilitators for the Sex Offender Programs should also be ‘specially trained and experienced in the management and treatment of people who have sexually offended’.<sup>140</sup> The inspection team was informed that in practice, IDATP group sessions are co-facilitated by a psychologist and a SAPO. SAPOs and Senior SAPOs are responsible for the delivery of other programs and services, including the EQUIPS programs.

At the time of the inspection of OMMPPC, the inspection team were told that there were eight staff vacancies in IDATP, including three SAPOs and one psychologist. Similarly, during the inspection of MSPC it was reported that a number of psychologist positions in both VOTP and Sex Offender Programs were vacant. Of the 13 psychologist positions in the VOTP wing, there were seven vacancies. Of the 11 psychologist positions in the Sex Offender Programs wing there were four substantive vacancies, three temporary vacancies and one psychologist was acting in a senior psychologist role. As at the end of 2018, IDATP had three of five psychology positions vacant, the VOTP wing had three of 14 psychology positions vacant and the Sex Offender Programs wing had eight of 11 psychology positions vacant.<sup>141</sup>

In addition to psychology staff vacancies, the inspection team were told at a number of locations that lengthy security check processes were delaying the commencement of new staff. It was reported that security clearances for new IDATP staff were taking 2 to 3 months.

CSNSW have acknowledged that they have difficulty recruiting and retaining psychology staff to work in the Sex Offender Programs and have engaged with the NSW Department of Justice (now Department of Communities and Justice) Strategic Human Resources team in an attempt to address this. In 2018, CSNSW conducted 35 separate recruitment actions for all psychology roles and at the time of writing there were eight ongoing recruitment actions for 26 psychology roles in Sex Offender Programs, VOTP, IDATP and the correctional centres that house these programs.<sup>142</sup> CSNSW has advised that a number of psychologist roles have been filled in the period since this inspection and that recruitment for a remaining four vacancies is ongoing. Further, CSNSW has created a position responsible for developing a plan to increase psychological services and decrease vacancies, in collaboration with Strategic Human Resources.<sup>143</sup>

**Recommendation 1: Corrective Services NSW investigate innovative recruitment initiatives for vacant psychology staff positions.**

**Recommendation 2: The Intensive Drug and Alcohol Treatment Program (IDATP), the Violent Offender Therapeutic Program (VOTP) and Sex Offender Programs are sufficiently resourced to meet demand and are delivered to eligible and suitable inmates before they reach their earliest possible release date.**

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<sup>139</sup> Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 8–9.

<sup>140</sup> Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 59, 61, 63, 67.

<sup>141</sup> Information provided by Corrective Services NSW on 12 April 2019.

<sup>142</sup> Information provided by Corrective Services NSW on 12 April 2019.

<sup>143</sup> Information provided by Corrective Services NSW on 4 November 2019.



### 4.3.3 Creating a therapeutic community

A therapeutic community is described as a 'living-learning situation' where the events and relationships within that the community are used as a learning opportunity.<sup>144</sup> The components of a therapeutic community may vary depending on its setting and participants but generally those in a custodial setting consist of:

- the segregation of the community of program participants from the general prison population
- involvement of program participants in the operation of the therapeutic community
- the challenging of anti-social behaviours and attitudes by community members (both staff and program participants)
- programs that are delivered in an intensive format and have a duration of at least 6 to 12 months.<sup>145</sup>

The concept of the therapeutic community is used by CSNSW in the delivery of most of its intensive programs. The inspection team observed modified therapeutic communities in relation to IDATP at OMMPPC and the VOTP and Sex Offender Programs wings.<sup>146</sup> It is also used to deliver Yallul Kaliarna (IDATP – Women) at Dillwynia CC and forms the basis of the Compulsory Drug Treatment Correctional Centre (CDTCC).<sup>147</sup> VOTP at South Coast CC and the HIPUs are not delivered in a modified therapeutic community environment.

IDATP was designed to operate as a modified treatment community. This has been described as follows:

A community living environment is fostered by physically separating program participants from the mainstream prison population and community members (both IDATP staff and program participants) work collaboratively to implement a hierarchical system of rewards and sanctions to promote social responsibility. Weekly community meetings are held to build a therapeutic alliance between staff and participants and to provide an informal forum for participants to raise any concerns about the program. Peer mentors are also nominated to serve as role models and provide further support for program participants.<sup>148</sup>

At OMMPPC, a mix of IDATP participants and new receptions were residing together in Area 1 and inmates from Areas 1 and 2 were able to mix. It was reported that IDATP participants can be vulnerable as a result of the group sessions and this may mean they are more susceptible to the negative influence of some non-IDATP inmates. In addition, the inspection team observed a correctional officer present during a group session. This was apparently to promote an understanding of IDATP among correctional officers. Although this correctional officer was professional and supportive of the IDATP program, the inspection team was concerned that the presence of this officer may inhibit the openness of IDATP participants, especially in relation to any instances of drug use, or temptation or pressure to take drugs within OMMPPC.

The accommodation in the VOTP and Sex Offender Programs wings was cramped and dilapidated. The cells were small and there was little room available for anything other than a bunk bed and inmate belongings. There was no green space in the VOTP wing and inmates told the inspection team that they had only limited access to the MSPC 1 oval.

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144 David Kennard, 'The Therapeutic Community as an Adaptable Treatment Modality across Different Settings' (2004) 75(3) *Psychiatric Quarterly* 295, 296; Jayson Ware, Andrew Frost and Anna Hoy, 'A Review of the Use of Therapeutic Communities with Sexual Offenders' (2010) 54(5) *International Journal of Offender Therapy and Comparative Criminology* 721, 722.

145 Imogen Halstead and Suzanne Poynton, 'The NSW Intensive Drug and Alcohol Treatment Program (IDATP) and Recidivism: An Early Look at Outcomes for Referrals' (Crime and Justice Bulletin No 192, NSW Bureau of Crime Statistics and Research, July 2016) 2.

146 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 21, 46, 58, 67.

147 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 22, 33

148 Imogen Halstead and Suzanne Poynton, 'The NSW Intensive Drug and Alcohol Treatment Program (IDATP) and Recidivism: An Early Look at Outcomes for Referrals' (Crime and Justice Bulletin No 192, NSW Bureau of Crime Statistics and Research, July 2016) 3.

In both the VOTP and Sex Offender Programs wings, the number of inmates per cell was increased from one to two to increase the capacity of these programs. However, concerns were raised by both staff and inmates about the appropriateness of two inmates sharing a cell and undertaking intensive programs. Inmates in VOTP told the inspection team that they found it difficult sharing a cell with another person after engaging in group sessions that were challenging or emotional and felt they needed time alone to deal with the issues raised in the sessions. Sex Offender Programs inmates and staff reported that the sharing cells in the Sex Offender Programs wing made it difficult for inmates to complete work for group sessions due to the space available in the cells and the sensitive nature of the work required. Two person cells also make it difficult for psychology staff to assess and accurately monitor Sex Offender Programs inmates.

It was also apparent across all of the intensive programs that there were a number of correctional officers who were not supportive of these programs and appeared sceptical of initiatives that aimed to promote offender rehabilitation and address recidivism. At OMMPPC and MSPC, there were no dedicated correctional officers regularly posted to the areas with intensive program participants. At MSPC, both staff and inmates expressed concerns to the inspection team that some correctional officers posted to VOTP and Sex Offender Programs lacked an understanding or were dismissive of these programs. This undermined collaboration between different staff groups and impacted the attempts to create a therapeutic setting.

Kennard writes that therapeutic communities in prisons can be ‘surprisingly effective in creating a culture of openness and exploration of personal issues’.<sup>149</sup> However, the following was observed regarding the constraints of this model:

Perhaps the major limitation is the acceptability of the model to prison staff and administrators. For some staff the relaxation of the “them and us” polarisation of officers and inmates provides a welcome opportunity to do something worthwhile, for others it is seen as a threat to their authority and control. Small therapeutic communities within larger prisons are particularly vulnerable to a sudden all round tightening of security when there is a security alert.<sup>150</sup>

Establishing a therapeutic community within the environment of a correctional centre is challenging. However, to maximise the potential benefits of this approach it is important that CSNSW prioritise realising the conditions of a therapeutic community to as great an extent as possible. Following this inspection, CSNSW advised that it is creating a training package for custodial staff working in intensive therapeutic programs and that it intends to review the existing accommodation and placement arrangements for these programs.

**Recommendation 3: All correctional officers who may be posted in an intensive program area should be required to undertake relevant training.**

**Recommendation 4: Corrective Services NSW should review the accommodation and placement of intensive programs.**

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<sup>149</sup> David Kennard, ‘The Therapeutic Community as an Adaptable Treatment Modality across Different Settings’ (2004) 75(3) *Psychiatric Quarterly* 295, 303.

<sup>150</sup> David Kennard, ‘The Therapeutic Community as an Adaptable Treatment Modality across Different Settings’ (2004) 75(3) *Psychiatric Quarterly* 295, 303.

#### 4.3.4 Eligibility criteria

##### EQUIPS programs

A minimum of 10 offenders is required to commence an EQUIPS program and a maximum of 12 inmates may be allocated to an in-custody program group at any one time. Once the program has commenced, a minimum of six offenders is needed to maintain the integrity and standard delivery of the program.<sup>151</sup>

At OMMPPC and South Coast CC the inspection team heard that staff had difficulty identifying enough inmates who meet the eligibility criteria for the EQUIPS Domestic Abuse program. According to the Compendium, an offender will only be eligible for EQUIPS Domestic Abuse where they have a medium to high risk of reoffending (as measured by the LSI-R) and have a current conviction for a family and domestic violence offence against an intimate partner.<sup>152</sup> However, in practice, any history of family and domestic violence offending against an intimate partner identified during the LSI-R assessment process is also considered in determining an inmate's eligibility. It appeared to the inspection team that relevant staff had different understandings of whether eligibility for EQUIPS Domestic Abuse requires a current conviction for a family and domestic violence offence against an intimate partner. CSNSW should clarify the eligibility criteria for the EQUIPS Domestic Abuse program with their staff to ensure that all eligible inmates are identified.

The inspection team were told that a number of inmates with current convictions for family and domestic violence offences against an intimate partner have a low risk of reoffending (as indicated by the LSI-R). This may be because they are educated, employed, and have access to stable housing or do not have a drug or alcohol problem. These factors may lower their assessed risk of reoffending.

Additionally, inmates who offend against a family member (who is not an intimate partner) are not eligible for the program. Because it can take around 6 weeks for staff to obtain information about the nature of the inmate's relationship with the victim inmates serving shorter sentence lengths may not have sufficient time to complete a program. CSNSW have acknowledged that the eligibility criteria and determining eligibility for EQUIPS Domestic Abuse can inhibit adequate participant numbers and advised that it is considering the viability of including perpetrators of family and domestic violence (not against an intimate partner) in a new version of the program.<sup>153</sup> Following the review of eligibility criteria, any changes should be clearly communicated to staff.

##### **Recommendation 5: Corrective Services NSW should clarify the eligibility criteria for the EQUIPS Domestic Abuse program.**

Staff at Broken Hill CC also reported struggling to identify enough eligible inmates to participate in EQUIPS programs. This resulted in staff creating program groups comprising inmates with different security classifications. The even smaller number of eligible female inmates led Offender Services and Programs staff to deliver a mixed gender EQUIPS Foundation program with female inmates and male inmates with a minimum security classification.

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151 Corrective Services NSW, *Policy for Implementation, Delivery and Integrity Monitoring of the EQUIPS Suite of Programs* (28 July 2017) 11.

152 Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 43.

153 Information provided by Corrective Services NSW on 4 November 2019.

Staff at South Coast CC and Bathurst CC also reported having difficulty identifying sufficient eligible inmates to deliver EQUIPS programs. These inmates must be sentenced and classified to the correctional centre, have a medium to high LSI-R and have sufficient time left in custody to complete a program. Table 9 presents the explanations of eligibility provided for March 2018 at South Coast CC and Bathurst CC.

**Table 9: March 2018 snapshot of South Coast CC and Bathurst CC inmates eligible for EQUIPS programs**

	South Coast CC	Bathurst CC
<b>Total inmates</b>	592 ↓	593 ↓
<b>Gaol of classification</b>	411 ↓	229 ↓
<b>Medium to High LSI-R</b>	289 ↓	165 ↓
<b>Sufficient sentence length</b>	155 ↓	69 ↓
<b>Eligible inmates</b>	79 inmates in maximum security 59 inmates in minimum security <sup>154</sup>	23 inmates in medium security 46 inmates in minimum security

At South Coast CC, the identified eligible inmates were also working, undertaking VOTP or engaged with the ILC. Of the 69 eligible inmates identified at Bathurst CC all were required to work, most were required to attend education and nine were already participating in the HIPU. Table 10 shows how many of these inmates were eligible for each EQUIPS program after application of the specific EQUIPS program eligibility criteria.

**Table 10: March 2018 snapshot of eligible inmates by EQUIPS program**

Correctional centre	South Coast CC		Bathurst CC	
Security classification	Maximum	Minimum	Medium	Minimum
<b>Total eligible inmates</b>	79	59	23	46
<b>Foundation</b>	79	59	23	46
<b>Addiction</b>	48	48	14	34
<b>Aggression</b>	55	36	9	27
<b>Domestic Abuse</b>	9	4	0	3

Highlighting this snapshot of the potential pool of eligible inmates to undertake EQUIPS programs is not intended to criticise the eligibility criteria or CSNSW's focus on providing these programs to those with the highest risk of reoffending. There is little value in offering these programs to inmates with no identified need. However, these snapshots do illustrate the variety of considerations that are taken into account when determining who should participate in a program. It also demonstrates how factors such as a mix of sentenced and remand inmates, time in transit, and sentence length or delays in identifying potential program participants can impact the number of eligible inmates and service delivery at a particular correctional centre. Given these challenges CSNSW should consider how to ensure that the location of eligible inmates facilitates the formation of EQUIPS program groups and program participation.

**Recommendation 6: Corrective Services NSW consider identifying particular correctional centres for the delivery of EQUIPS programs and prioritise the placement of eligible inmates to these correctional centres.**

<sup>154</sup> Note: Some of the 155 inmates who met the gaol of classification, risk assessment and sentence length criteria had not been assessed for program participation which is why the numbers of eligible inmates do not add up to 155. An inmate who meets the eligibility criteria may be excluded for reasons such as a current conviction for a sex offence or active psychotic symptoms or acute intoxication or withdrawal symptoms: Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 11, 16, 41, 43.

## High Intensity Program Units

As highlighted above, HIPUs are designed to provide programs and support for inmates serving short sentences of imprisonment, particularly those with sentences of 6 months or less. An inmate may have 6 months or less as a sentenced inmate because they were sentenced to a fixed term or a non-parole period of 6 months or less or they received a longer sentence that was backdated to take into account time spent in custody on remand.<sup>155</sup>

A significant proportion of offenders in NSW receive a short sentence of imprisonment. In 2018, of 9,135 sentenced inmates in NSW, 470 had a sentence of less than 6 months; 892 had a sentence of between 6 and less than 12 months; and 1,924 had a sentence of between 12 months and less than 2 years.<sup>156</sup>

The HIPUs offer an innovative approach that aims to address the gap in support for inmates with short sentences. Short periods as a sentenced inmate can cause significant disruptions to an offender's employment, housing and family and provide insufficient time for those inmates to undertake other behaviour change programs.<sup>157</sup> There is also evidence suggesting that offenders with shorter sentences of imprisonment are more likely to reoffend when they are released.<sup>158</sup>

The correctional centres inspected with HIPUs appeared to have difficulty filling available spaces. At the time each was inspected, Bathurst CC had filled 16 of the 40 places in its HIPU and Mid North Coast CC had filled 56 of 80 places in its male minimum security HIPU (which includes 40 places for Aboriginal men). The 40-place HIPU at South Coast CC was not operating at the time of that inspection. However, the first group of inmates to participate in the HIPU commenced with 10 inmates, seven of who graduated. The exception was the 20 place HIPU for women at Mid North Coast CC, which had 16 participating women at the time of the inspection.

Table 11 highlights that most of the correctional centres inspected for this report did not meet either their target for the delivery of business as usual (BAU) or HIPU EQUIPS programs in 2018.<sup>159</sup> This is most notable in the HIPU locations and is perhaps unsurprising given that the process of establishing the HIPUs and implementing the HIPU model of program delivery was occurring throughout 2018.

As Table 12 shows, although most inmates who commence an EQUIPS program will complete it, for a range of reasons a number of inmates do not. Increased program delivery may provide those inmates with the opportunity to subsequently complete that program.<sup>160</sup>

As at the beginning of 2019, the HIPU at South Coast CC had 24 inmates participating in assessment and treatment, Bathurst CC had 39, and the Mid North Coast CC male minimum security HIPU had 69 and the female HIPU had 19.<sup>161</sup> As at 9 October 2019, the HIPUs were at 82% of their total capacity, with 326 inmates (out of a possible 400 places) participating in a HIPU.<sup>162</sup> This is a positive development and hopefully indicates that the difficulties filling the HIPU places identified during the inspection have been largely resolved, resulting in increased numbers of EQUIPS programs delivered in 2019.

### **Recommendation 7: Corrective Services NSW prioritise beds in High Intensity Program Unit locations for inmates who meet the High Intensity Program Unit eligibility criteria.**

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155 NSW Law Reform Commission, *Parole* (Report No 142, September 2015) 354.

156 Australian Bureau of Statistics, *Prisoners in Australia, 2018* (Catalogue No 4517.0, 6 December 2018) table 26.

157 NSW Law Reform Commission, *Sentencing* (Report No 139, July 2013) 161; NSW Law Reform Commission, *Parole* (Report No 142, September 2015) 353.

158 For example, Hamish Thorburn, 'The Effect of Parole Officers on Reoffending' (Crime and Justice Bulletin No 214, NSW Bureau of Crime Statistics and Research, July 2018) 5; NSW Law Reform Commission, *Parole* (Report No 142, September 2015) 356; Don Weatherburn and Clare Ringland, 'Re-offending on Parole' (Crime and Justice Bulletin No 178, NSW Bureau of Crime Statistics and Research, August 2014) 8.

159 Information provided by Corrective Services NSW on 12 April and 2 July 2019.

160 Information provided by Corrective Services NSW on 12 April and 24 May 2019.

161 Information provided by Corrective Services NSW on 2 July 2019.

162 Information provided by Corrective Services NSW on 4 November 2019.

Table 11: Number of EQUIPS programs delivered at inspected correctional centres in 2018

EQUIPS program	OMMPCC	South Coast CC		Bathurst CC		Mid North Coast CC		Broken Hill CC	Dawn De Loas CC
		BAU	HIPU	BAU	HIPU	BAU	HIPU		
<b>Target</b>	9	22	27	16	36	26	90	4	8
<b>Foundation</b>	3	4	4	0	7	6	16	4	2
<b>Addiction</b>	2	7	2	8	7	5	10	2	3
<b>Aggression</b>	3	5	0	4	4	2	6	1	1
<b>Domestic Abuse</b>	1	1	0	0	4	2	4	0	1
<b>Total</b>	9	17	6	12	22	15	36	7	7

**Table 12: Number of inmates who completed EQUIPS programs at inspected correctional centres in 2018**

Correctional centre	Inmate breakdown	Foundation		Addiction		Aggression		Domestic Abuse	
		Commenced	Completed	Commenced	Completed	Commenced	Completed	Commenced	Completed
<b>OMMPCC</b>	All	38	18	42	19	33	23	9	5
	Aboriginal	10	3	10	2	8	5	2	0
<b>South Coast CC</b>	All inmates	80	60	97	78	63	46	6	5
	Aboriginal	31	20	37	26	34	25	3	3
	HIPU	38	32	15	11	0	0	0	0
<b>Bathurst CC</b>	All	76	54	153	103	91	64	45	27
	Aboriginal	30	19	71	43	50	31	16	11
	HIPU	76	54	78	43	47	33	45	27
<b>Mid North Coast CC</b>	All	226	156	158	110	64	51	48	28
	Aboriginal	84	58	74	53	34	27	31	16
	Female	36	28	21	13	0	0	0	0
	HIPU	161	111	74	53	42	33	31	17
<b>Broken Hill CC</b>	All	38	22	19	14	12	6	0	0
	Aboriginal	20	11	12	10	12	6	0	0
	Female	0	0	0	0	0	0	0	0
<b>Dawn De Loas CC</b>	All	26	20	40	36	11	9	11	0
	Aboriginal	7	5	5	5	1	1	3	0



## 5. Employment

The Act provides that the Governor of a correctional centre may make an order directing a convicted inmate to carry out such work the Governor considers suitable. The inmate is not required to carry out work that he or she is not capable of carrying out.<sup>163</sup>

The Regulation provides that an inmate must not be employed in a 'disciplinary capacity' or to perform work for the benefit of the Commissioner or any correctional or departmental officer.<sup>164</sup> An inmate who complies with the conditions set by the Commissioner may be paid for work done.<sup>165</sup>

The Mandela Rules provide that sentenced inmates shall have the opportunity to work, subject to their physical and mental fitness to do so.<sup>166</sup> The Mandela Rules also state that:

- inmates should be provided with 'sufficient work of a useful nature'<sup>167</sup>
- so far as possible, work should maintain or increase the prisoners capacity to undertake employment after release<sup>168</sup>
- the organisation and methods of work should resemble as closely as possible those of similar work outside the community,<sup>169</sup> and
- the interest of inmates and their vocational training should not be 'subordinated to the purpose of making a financial profit from an industry in the institution'.<sup>170</sup>

The ICS Standards provide that inmates 'should have access to a range of productive employment opportunities' and that employment should be 'constructive and beneficial and not afflictive'.<sup>171</sup> All sentenced inmates should be required to work, but this requirement is subject to the physical and mental capacity of each inmate.<sup>172</sup> Each correctional centre should have sufficient capacity to employ all inmates and all inmates should have equal opportunity to apply for all work.<sup>173</sup>

### 5.1 Employment in NSW correctional centres

Corrective Services Industries (CSI) is the commercial arm of CSNSW and is responsible for managing inmate work opportunities in over 100 commercial business units and service industries in correctional centres throughout NSW.<sup>174</sup> Work opportunities may also be developed through a correctional centre's relationships with local businesses and non-government organisations.

The work available to inmates in NSW correctional centres broadly falls within the following categories:

- **Service industries** consisting of roles that support the self-sufficiency of correctional centres such as ground and building maintenance, and domestic services (these workers are known as 'sweepers').<sup>175</sup>

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

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

165 *Crimes (Administration of Sentences) Regulation 2014* cl 175.

166 United Nations Standard Minimum Rules on the Treatment of Prisoners rule 96(1).

167 United Nations Standard Minimum Rules on the Treatment of Prisoners rule 96(2).

168 United Nations Standard Minimum Rules on the Treatment of Prisoners rule 98(1).

169 United Nations Standard Minimum Rules on the Treatment of Prisoners rule 99(1).

170 United Nations Standard Minimum Rules on the Treatment of Prisoners rule 99(2).

171 Inspector of Custodial Services, *Inspection Standards for Adult Custodial Services in New South Wales* (August 2014) standards 128, 128.3.

172 Inspector of Custodial Services, *Inspection Standards for Adult Custodial Services in New South Wales* (August 2014) standard 128.1.

173 Inspector of Custodial Services, *Inspection Standards for Adult Custodial Services in New South Wales* (August 2014) standards 128.2, 128.5.

174 Corrective Services NSW, 'Welcome to Corrective Services Industries (CSI)', *Corrective Services Industries* (Web Page) <<https://www.csi.nsw.gov.au/Pages/homepage.aspx>>.

175 Corrective Services NSW, *CSI Policy Manual: 1.2 Correctional Industry Definition* (September 2002) 1; Corrective Services NSW, *CSI Policy Manual: 8.2 Inmate Wages System* (July 2018) 5.

- **Commercial industries**, known as CSI Business Units, are commercial operations which, in 2018, were organised across 14 main business divisions: buy-ups, engineering, furniture/demountables, print, textiles, services, agriculture, private sector, technology, food services, logistics, sawmill, facilities maintenance and laundry.<sup>176</sup>
- **Community-based employment** such as work release, where inmates are allowed to obtain jobs in the community with external employers or community projects teams, where a group of supervised inmates provide services to the community.

Table 13 summarises the work profiles of each of the inspected correctional centres as at December 2018.<sup>177</sup> This table lists the main types of work available at the inspected correctional centres and the maximum number of inmates who may be employed in each area.

CSNSW's inmate wages policy sets out a wages system for inmate workers that aims to provide 'incentives and rewards for inmates who participate positively in work and other programs'.<sup>178</sup> This system identifies the weekly wages for inmate workers, according to their seniority level and the type of work performed. Inmate engagement with an ILC, education programs and approved behaviour change programs, including the Sex Offender Programs, VOTP, IDATP and HIPU, is also classified as work for the purposes of CSNSW's inmate wages policy.<sup>179</sup>

In 2017–18, 87.7% of eligible NSW inmates were employed. Of these, 48.6% were employed in commercial industries, 37.5% in service industries and 1.6% on work release.<sup>180</sup> This was higher than most jurisdictions, second only to Victoria.<sup>181</sup> Nationally, 80.5% of the inmate population was employed over the same period.<sup>182</sup>

As at the end of 2018, 6,696 inmates were engaged in work across all NSW correctional centres. Of these, 6,061 inmates were male, including 1,120 Aboriginal men, and 635 inmates were female, including 116 Aboriginal women.<sup>183</sup> The number of inmates engaged in work as at the end of 2018 at OMMPPC – 174 inmates; South Coast CC – 316 inmates; Bathurst CC – 210 inmates; Mid North Coast CC – 391 inmates, including 42 women; Broken Hill CC – 56 inmates; and Dawn De Loas CC – 224 inmates.<sup>184</sup>

176 Corrective Services NSW, *Fact Sheet 7: Corrective Services Industries* (May 2019) 1.

177 Information provided by Corrective Services NSW on 12 April 2019.

178 Corrective Services NSW, *CSI Policy Manual: 8.2 Inmate Wages System* (July 2018) 1.

179 Corrective Services NSW, *CSI Policy Manual: 8.2 Inmate Wages System* (July 2018) 5.

180 Productivity Commission, *Report on Government Services 2019: Chapter 8 - Corrective Services* (Report, 24 January 2019) table 8A.11.

181 Productivity Commission, *Report on Government Services 2019: Chapter 8 - Corrective Services* (Report, 24 January 2019) table 8A.11.

182 Productivity Commission, *Report on Government Services 2019: Chapter 8 - Corrective Services* (Report, 24 January 2019) 8.13.

183 Information provided by Corrective Services NSW on 12 April 2019.

184 Information provided by Corrective Services NSW on 12 April and 24 May 2019.

Table 13: Work types and employment capacity by inspected correctional centre at December 2018

Industry	OMMPCC	South Coast CC	Bathurst CC	Mid North Coast CC	Broken Hill CC	Dawn De Loas CC
<b>Upholstery:</b> Inmates perform tasks including cutting fabric and sewing to produce products such as bags, lounges and chairs.	45			45		
<b>Print shop:</b> Inmates perform tasks including cutting and packaging to produce printed materials such as writing pads and gift cards.	30					
<b>Engineering:</b> Inmates manufacture steel products for internal and external clients. <sup>185</sup>		45				50
<b>Furniture:</b> Inmates build furniture for cells and offices and bedframes for a commercial client.		45		120		
<b>Ration packaging:</b> Inmates package breakfast packs containing cereal, condiments and coffee and tea into boxes for distribution to inmates.		75				
<b>Private Sector Business Unit:</b> Inmates at South Coast CC construct timber pallets and inmates at Dawn De Loas CC produce electrical components for external clients.		45				20
<b>Textiles:</b> Inmates sew textiles for use in correctional centres including clothing, laundry bags and linen.			30	45		
<b>Technology packaging:</b> Inmates decant cleaning chemicals for use in correctional centres and package condiments for inmate breakfast packs.			30			
<b>Buy-Up packaging:</b> Inmates package and distribute products available for purchase on the buy-up list.			30	30		
<b>Food Services:</b> Inmates assist with the provision of meals to other inmates, including preparing sandwiches and heating CSI meals.	5	15	30	45	5	82
<b>Laundry:</b> Inmates launder the clothing and sheets of inmates. Some laundries also perform work for external local businesses.	15	30	15	30	3	
<b>Community Projects:</b> A team of inmates provide services to the local community such ground maintenance and event set-up and pack-up. <sup>186</sup>	30		12	15	11	8

Industry	OMMPCC	South Coast CC	Bathurst CC	Mid North Coast CC	Broken Hill CC	Dawn De Loas CC
<b>Ground maintenance (internal and external):</b> Inmates perform tasks including lawn mowing and gardening inside and outside the grounds of the correctional centre.	30	34	74	38		20
<b>Other maintenance</b> including facilities and building maintenance.		24	7		30	10
<b>Hygiene:</b> Inmates clean accommodation units and other areas of correctional centres.	26	28		32	40	43
<b>Wildlife Care Centre:</b> Inmates perform tasks including providing meals and cleaning out enclosures to assist with the care of injured, sick or displaced wildlife.	15					
<b>RSPCA Dog Rehabilitation Program:</b> Inmates assist with the care of lost or abandoned dogs, performing tasks including maintaining dog kennels and preparing meals.	5					
<b>Defence Community Dogs Program:</b> Inmates are responsible for the care and training of rescue dogs that would become assistance and companion dogs for veterans with Post-Traumatic Stress Disorder. Sponsored by the Defence Bank Foundation.			8			
<b>Girrawa Arts Program:</b> Aboriginal inmates produce artwork and decorate items that are sold to members of the public and perform framing work, eg honour boards.			15			
<b>Clerks:</b> Inmates provide administrative assistance to support the operation of different industries.	6	5	2	3		6
<b>Other positions,</b> eg Aboriginal Delegates, Barber and library assistants	7	12	4	12	22	10
<b>Total employment capacity</b> <sup>187</sup>	<b>228</b>	<b>398</b>	<b>257</b>	<b>455</b>	<b>111</b>	<b>249</b>

<sup>185</sup> The Engineering Business Unit at South Coast CC closed in December 2018: Information provided by Corrective Services NSW on 12 April 2019.

<sup>186</sup> The Community Projects team at Dawn De Loas CC is no longer operating: Information provided by Corrective Services NSW on 12 April 2019.

<sup>187</sup> This table summarises the primary types of work available at each inspected correctional centre. As not all types of work and related job numbers are listed in this table the total employment capacity of each correctional centre may be greater than the sum of the employment capacities for each type of work.





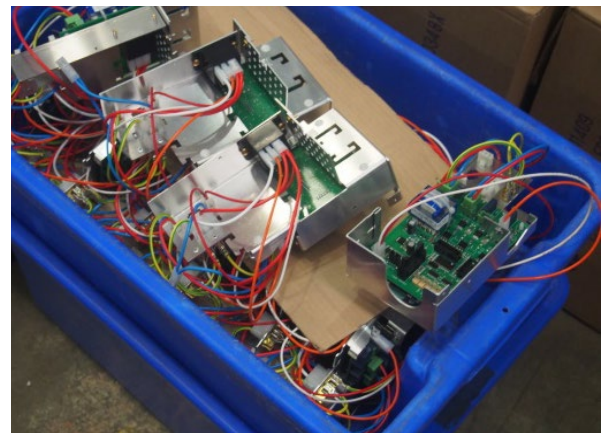
Upholstery products Mid North Coast CC



New cook-freeze facility at OMMPPCC



Ration packing at South Coast CC



Completed electrical components at Dawn De Loas CC's Private Sector Business Unit



Cleaning chemical decanting at Bathurst CC



Furniture manufacturing at Mid North Coast CC



### 5.1.1 Correctional Industries Consultative Council

CSI's operations are monitored by the Correctional Industries Consultative Council (CICC), consisting of representatives from CSNSW and CSI, private operators of NSW correctional centres, the Australian Industry Group, NSW Business Chamber, Unions NSW and the community.<sup>188</sup> The CICC meets every 2 months and reports directly to the Minister for Corrections.<sup>189</sup>

Generally, the role of the CICC is to ensure that correctional industries do not 'unreasonably impact upon other Australian businesses and, in particular, jobs ...' It also monitors the compliance of correctional industries with Workplace Health and Safety standards and aims to encourage opportunities that enable inmates to develop skills, qualifications and experience that will help them secure post-release employment.<sup>190</sup> CSNSW has advised that as a consequence of competitive neutrality CSI has to engage in 'import replacement' work. This means that some of the skills developed among inmate workers will not find a use in domestic workplaces post-release.<sup>191</sup> Nonetheless, it is important that CSNSW provide inmates with general transferable employability skills.

The CICC scrutinises all 'forward business development plans and generic contract opportunities with an annual value of \$50,000 or more'.<sup>192</sup> It also reviews the CSI pricing model to ensure that CSI and privately operated correctional industries 'do not operate at a competitive advantage in relation to inmate labour and overhead charges when they compete in open markets'.<sup>193</sup> An Industry Impact Statement is to be provided to the CICC where there is a major business development proposal involving the private sector. It is required to make 'appropriate recommendations' to the Minister for Corrections where it is of the view that a 'current or proposed business activity will significantly impact upon other Australian businesses'.<sup>194</sup>

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188 Corrective Services NSW, *CSI Policy Manual: 4.5 Correctional Industries Consultative Council* (March 2019) 1–2.

189 Corrective Services NSW, *CSI Policy Manual: 4.5 Correctional Industries Consultative Council* (March 2019) 3.

190 Corrective Services NSW, *CSI Policy Manual: 4.5 Correctional Industries Consultative Council* (March 2019) 1.

191 Information provided by Corrective Services NSW on 4 November 2019.

192 Corrective Services NSW, *CSI Policy Manual: 4.5 Correctional Industries Consultative Council* (March 2019) 4.

193 Corrective Services NSW, *CSI Policy Manual: 4.5 Correctional Industries Consultative Council* (March 2019) 5.

194 Corrective Services NSW, *CSI Policy Manual: 4.5 Correctional Industries Consultative Council* (March 2019) 4.

## 5.2 Issues identified by the inspection team

### 5.2.1 Balancing the priorities of Corrective Services Industries

CSI attempts to balance several objectives. The primary objective of CSI, as outlined in the *CSI Policy Manual*, emphasises the link between inmate work and post-release employability. This primary objective is:

To develop and maintain inmate work programs which facilitates [sic] the integration of broader program and service delivery and contributes to the development of inmate employability skills which enhance their successful return to the community.<sup>195</sup>

In 2017–18, CSI generated \$134 million total revenue and a trading profit of \$50.4 million.<sup>196</sup>

The commercialisation of correctional centre industries has a number of benefits including an increase in the variety and volume of inmate jobs; workplaces for inmates that resemble the expectations and operations of community-based employers; and the generation of income and resources that support the correctional system. However, it may not always easily provide for the prioritisation of inmate development, particularly for those inmates with limited work experience. This is acknowledged in the *CSI Policy Manual*, which states:

correctional industry programs throughout the world are often daunted by what is referred to as the competing dilemmas of operation (i.e. do correctional industry programs exist for inmate development, correctional centre management or economic functions). In NSW correctional industry programs exist for all three objectives and an optimised approach is taken to their implementation.<sup>197</sup>

The tension between these competing objectives was evident to the inspection team throughout this inspection. A number of staff members across different correctional centres highlighted the importance of a stable inmate workforce for the operation of correctional centre industries. Some noted the negative impact of losing ‘good’ inmate workers, particularly when inmates were moved to the newly opened Macquarie or Hunter correctional centres. A number of staff members wanted to support inmate development. However, for some industries it appeared that this was difficult to balance with maintaining productivity and meeting contractual obligations. For other industries, inmate development was hampered by limited work or the relocation of industries to a different correctional centre.

The *CSI Policy Manual* does not provide much guidance on how to balance these competing objectives in practice. It is not clear what is meant by an ‘optimised approach’ to implementation or how this might help reconcile the different aims of correctional centre industries. The Inspector considers that the manual requires updating to provide clarity around the purpose of CSI and its role in reducing recidivism. In response to this inspection, CSNSW has advised that it intends to review the manual to provide clarity and alignment with reducing reoffending priorities.<sup>198</sup>

**Recommendation 8: Corrective Services NSW should review the *CSI Policy Manual* to clarify the purpose of Corrective Services Industries in reducing recidivism.**

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195 Corrective Services NSW, *CSI Policy Manual: 1.1 Correctional Industry Philosophy* (January 2014) 1.

196 Corrective Services NSW, *Fact Sheet 7: Corrective Services Industries* (May 2019) 1.

197 Corrective Services NSW, *CSI Policy Manual: 1.1 Correctional Industry Philosophy* (January 2014) 1–2.

198 Information provided by Corrective Services NSW on 4 November 2019.

### 5.2.2 The importance of meaningful work

The inspection team spoke to a number of inmates at several correctional centres who were performing work that they found to be meaningful and rewarding. A number of opportunities were facilitated by relationships between correctional centres and local or non-government organisations.

At the time of the inspection of OMMPPCC, the Wildlife Care Centre was employing eight inmates and had the capacity to employ up to 12 inmates. The Wildlife Care Centre cares for and rehabilitates injured, sick or orphaned native wildlife and houses over 250 animals. OMMPPCC was also home to the RSPCA Dog Rehabilitation Program, in which inmates assist RSPCA staff to rehabilitate abandoned dogs so that they may be rehomed. At the time of the inspection, all five inmate positions were filled.

At the time of the inspection at Bathurst CC, the Defence Community Dogs Program was employing seven inmates. The program is run in partnership with the Defence Bank Foundation to provide assistance dogs to veterans. When the dogs graduate from the program they are ready to undertake the Public Access Test, which assesses their suitability to be an assistance dog.<sup>199</sup> In 2017, 11 dogs graduated from the program, six of which passed the Public Access Test. The inspection team was told that inmates undertake extensive induction and are taught theory about canine behaviour.

The inspection team observed the work of the Wildlife Care Centre, the RSPCA Dog Rehabilitation Program and the Defence Community Dogs Program and were impressed with the dedication and professionalism of the staff overseeing these programs and the inmate workers. Inmates spoke highly of these programs and were grateful for the opportunities they provided to work with animals and contribute to the community.

Inmates working in the Defence Community Dogs Program spoke about how the program has assisted them as they approach release. They said that their 24-hour care responsibility for the dogs had helped teach them patience and doing demonstrations with the dogs in front of an audience had strengthened their confidence and interpersonal skills. Through this experience they said they felt more comfortable going out into the community and interacting with people.

These are just a few of the examples of the valuable work being done by inmates. Other examples were observed in the community-focused work undertaken by community projects teams at several correctional centres. Although these initiatives do not employ large numbers of inmates, they offer an opportunity for some inmates to make reparation to the community while developing employable skills. The Inspector encourages CSNSW to support correctional centres in maintaining these programs and in seeking out new partnerships and opportunities.



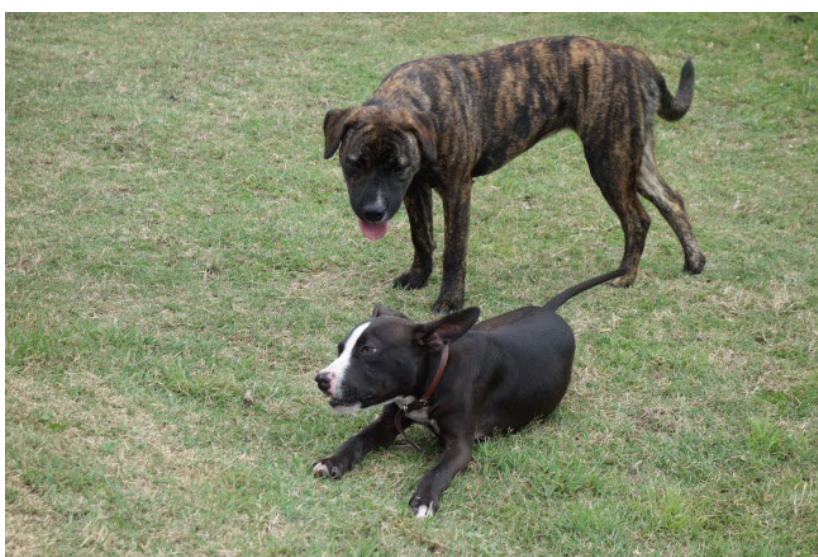
The Wildlife Care Centre at OMMPPCC

<sup>199</sup> See 'Training an Assistance Dog' *Assistance Dogs Australia* (Web Page) <<https://www.assistedogs.org.au/about-us/training-an-assistance-dog/>>.





Community Defence Dogs Program demonstration at Bathurst CC



RSPCA Dog Rehabilitation Centre at OMMPPC

### 5.2.3 Inmate work outside a correctional centre

#### Section 6(2) orders

Section 6 of the Act permits the Governor of a correctional centre to direct a convicted inmate to carry out community service work, or any work for CSNSW or a public or local authority:

- within the inmate's correctional centre
- within the inmate's correctional complex but outside the correctional centre, or
- outside the inmate's correctional complex.<sup>200</sup>

An order that operates outside a correctional centre or the grounds of a correctional complex is known as a section 6(2) order.<sup>201</sup> Section 6(2) orders are generally used in circumstances where an inmate is undertaking work with other inmates outside the secure perimeter of a correctional centre under the supervision of a correctional officer. Male inmates with a C2 or C3 security classification and women inmates with a Category 1 or 2 security classification are eligible to work or participate in programs outside the secure perimeter of a correctional centre.<sup>202</sup>

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

201 Corrective Services NSW, *Inmate Classification and Placement: Procedures for Section 6 Orders* (7 June 2019) 3.

202 Corrective Services NSW, *Inmate Classification and Placement: Procedures for Section 6 Orders* (7 June 2019) 5.

CSNSW policy provides that, to approve a section 6(2) order, a Governor (or the Manager of Security or Functional Manager of Intelligence if delegated by the Governor) must be satisfied that the inmate 'does not pose a security risk' and that 'the inmate's behaviour and attitude justify an approval'.<sup>203</sup> For SORC inmates, the Commissioner will determine if the inmate should have the opportunity to undertake a work or program activity requiring a section 6(2) order, after considering the advice and recommendation of SORC. This decision will then be communicated in writing to the Governor, who alone may issue the section 6(2) order if approved by the Commissioner.<sup>204</sup> The ongoing suitability of each inmate issued a section 6(2) order should be reviewed every 6 months.<sup>205</sup>

During this inspection, the inspection team observed a number of work areas operating outside the secure perimeters of the correctional centres which required inmate workers with a section 6(2) order. The kitchens and laundries at OMMPPCC, South Coast CC and Bathurst CC were all located outside the secure perimeter of those correctional centres. A Food Services Unit at Mid North Coast CC and the storage room at Broken Hill CC were also located outside the secure perimeter. In addition, inmates working in Community Projects teams, in external ground maintenance or at the Brush Farm Corrective Services Academy also require a section 6(2) order.

The inspection team were told that lengthy approval processes for section 6(2) orders made it difficult for these correctional centres to ensure that their kitchens and laundries had an adequate number of inmate workers. This was exacerbated by a high turnover of minimum security inmates in some locations. Correctional centre kitchens and laundries deliver essential services in the provision of food and clean linen and clothing to inmates, in some cases across multiple correctional centres. For example, at Bathurst CC, the kitchen was servicing five other correctional centres – Lithgow, Kirkconnell, Emu Plains, Wellington and Macquarie – and the laundry was also servicing Lithgow and Kirkconnell correctional centres.

In the period since the inspection of Bathurst CC, the kitchen and laundry has been relocated within the secure perimeter of the correctional complex, meaning it does not require inmate workers with a section 6(2) order and can now be staffed by C1 classified inmates. Similarly, a new kitchen and laundry was constructed within the secure perimeter at South Coast CC, however, the kitchen and laundry outside the secure perimeter continues to operate to service minimum security inmates.

The approval process for section 6(2) orders was reportedly lengthy as a result of the various checks and approvals that must be obtained. It is important that rigorous security checks are undertaken before allowing inmates to work outside a secure perimeter. However, it is good practice to periodically review these procedures. CSNSW should review the procedure for the approval of section 6(2) orders and consider how it could be made more efficient.

**Recommendation 9: Corrective Services NSW should review the procedure for the approval of section 6(2) orders with a view to making this process more efficient.**

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203 Corrective Services NSW, *Inmate Classification and Placement: Procedures for Section 6 Orders* (7 June 2019) 6.

204 Corrective Services NSW, *Inmate Classification and Placement: Procedures for Section 6 Orders* (7 June 2019) 7.

205 Corrective Services NSW, *Inmate Classification and Placement: Procedures for Section 6 Orders* (7 June 2019) 8.



## Work release

Section 26 of the Act allows the Commissioner to issue a 'local leave permit' which authorises an inmate to be absent from a correctional centre. An inmate may only be absent from a correctional centre for the period and according to the conditions specified in the permit. A local leave permit may be issued for such a purpose as the Commissioner considers appropriate,<sup>206</sup> including to enable an inmate to apply for work or attend a job interview, attend education and training or engage in employment.<sup>207</sup>

Work release allows selected inmates to leave a correctional centre for a specified period under a section 26 local leave permit to attend employment in the community. Work release is one of several unescorted external leave opportunities for inmates, including weekend and day leave. The need for an inmate to participate in unescorted external leave should be identified in their case plan.<sup>208</sup> CSNSW policy notes that the primary candidates for unescorted external leave programs are inmates serving a sentence of 3 years or more imprisonment whose release will be determined by SPA at the end of their non-parole period.<sup>209</sup> Non-serious offenders will only be considered for work release when they are no more than 2 years from their earliest possible release date and serious offenders must be no more than 18 months from their earliest possible release date.<sup>210</sup>

Only inmates with a C3 or Category 1 security classification can be considered for unescorted external leave programs.<sup>211</sup> To be eligible for a C3 or Category 1 security classification inmates must have a fixed term or non-parole period of at least 12 months, have completed half the minimum term of their sentence and have not been found guilty of a positive urinalysis charge in the 3 months immediately prior to the date of consideration.<sup>212</sup> In addition, the Corrections Intelligence Group will conduct security checks on both the inmate and their prospective employer.<sup>213</sup>

Once an inmate has received a C3 or Category 1 security classification, they must also obtain a section 26 local leave permit in order to leave a correctional centre and attend work in the community. The permit specifies the purpose of the inmate's leave, the period the inmate will be absent from the correctional centre and any additional or special conditions attached to the permit.<sup>214</sup> Inmates undertaking work release are also subject to electronic monitoring.<sup>215</sup>

Work release inmates may be employed by 'family members with no criminal conviction in the last 5 years, reputable community organisations, companies, businesses, institutions, government authorities/agencies or individual persons'.<sup>216</sup> Some work release employers have a longstanding relationship with the program and may continue to employ offenders after they are released from custody. The work release team with CSNSW's Electronic and External Monitoring Group (EEMG) appear to take a pro-active approach to finding new businesses that are open to employing inmates. Employers may also be found by the inmate. The suitability of the employer, employment opportunity and work site is assessed and monitored by EEMG, who must 'check that the offered employment and employment situation is authentic, accredited and legal'.<sup>217</sup>

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

207 *Crimes (Administration of Sentences) Act 1999* s 26(2).

208 Corrective Services NSW, *Inmate Classification and Placement: Progression to C3/Category 1 and External Leave Programs* (August 2019) 21.

209 Corrective Services NSW, *Inmate Classification and Placement: Progression to C3/Category 1 and External Leave Programs* (August 2019) 23.

210 Corrective Services NSW, *Inmate Classification and Placement: Progression to C3/Category 1 and External Leave Programs* (August 2019) 23.

211 Corrective Services NSW, *Inmate Classification and Placement: Progression to C3/Category 1 and External Leave Programs* (August 2019) 21.

212 Corrective Services NSW, *Inmate Classification and Placement: Progression to C3/Category 1 and External Leave Programs* (August 2019) 21–2.

213 Corrective Services NSW, *Inmate Classification and Placement: Progression to C3/Category 1 and External Leave Programs* (August 2019) 21, 33.

214 Corrective Services NSW, *Inmate Classification and Placement Policy and Procedures: Form 20.3 – Local Leave Permit issued pursuant to section 26(1) of the Act* (2011).

215 Corrective Services NSW, *Inmate Classification and Placement: Progression to C3/Category 1 and External Leave Programs* (August 2019) 33.

216 Corrective Services NSW, *Inmate Classification and Placement: Progression to C3/Category 1 and External Leave Programs* (August 2019) 32.

217 Corrective Services NSW, *Inmate Classification and Placement: Progression to C3/Category 1 and External Leave Programs* (August 2019) 32.

Work release inmates are paid the minimum relevant State Award for the type of work they are undertaking.<sup>218</sup> They are required to pay for their travel to and from work and make financial contributions to any Victim's Compensation Levy they have been ordered to pay, the cost of electronic monitoring and the cost of the work release program.<sup>219</sup> An inmate's correctional centre may also require them to contribute to the cost of their accommodation.

The inspection team observed positive examples of work release and visited several businesses that employ inmates from OMMPPC and Dawn De Loas CC. It was also encouraging to hear of instances where ex-inmates have been able to keep working with a work release employer post-release. At Bathurst CC one work release inmate told the inspection team that unemployment was one of his biggest concerns about being released from custody. His work release employer had told him that he would be able to continue his employment after his release from custody. He had also saved enough money to be able to set up a home post-release. Of the job and his savings he said 'that's everything to me'.

During 2018, a total of 589 inmates across all NSW correctional centres undertook work release. Of these, 128 inmates were held in Dawn De Loas CC; 79 in OMMPPC; six in South Coast CC; six in Bathurst CC and one in Broken Hill CC. OMMPPC and Dawn De Loas CC had the largest numbers of work release inmates of all correctional centres in NSW. As at 31 December 2018, 30 inmates held in Dawn De Loas CC and 17 in OMMPPC were undertaking work release.<sup>220</sup>

There were very limited or non-existent opportunities for work release at South Coast, Mid North Coast and Broken Hill correctional centres. The inspection team was told that this was a consequence of the high unemployment rates in these areas. At South Coast CC, some inmates had been able to access seasonal oyster shucking work in the community; however, this opportunity is no longer available. As at 31 December 2018, no inmates were undertaking work release at South Coast, Bathurst, Mid North Coast or Broken Hill correctional centres.<sup>221</sup>

The Inspector acknowledges that there are a number of challenges to increasing work release opportunities, including:

- a lack of suitably qualified candidates for some work release opportunities
- a lack of viable transport options between correctional centres and workplaces
- employers being reluctant to hire inmates rather than members of the community in high unemployment areas
- employers being reluctant to hire inmates convicted of particular types of serious offending
- employers wishing to employ inmates for a minimum of six to 12 months to justify the training required for the role.

Nevertheless, work release has the potential to provide some inmates with real-world employment experience and work that may continue following their release into the community, offering a valuable role in assisting with an inmate's reintegration and reducing their likelihood of reoffending. The Inspector considers that CSNSW should aim to increase work release opportunities and continuously work to identify new opportunities.

**Recommendation 10: Corrective Services NSW should increase work release opportunities across the NSW correctional system.**

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218 Corrective Services NSW, *Inmate Classification and Placement Policy and Procedures: Form 20.11 – Employer Responsibilities and Obligations* (2011) 5.

219 Corrective Services NSW, *Inmate Classification and Placement: External Leave Programs* (October 2017) 41–3.

220 Information provided by Corrective Services NSW on 12 April 2019.

221 Information provided by Corrective Services NSW on 12 April 2019.

#### 5.2.4 Penalties for not working

Section 7(1) of the Act provides that the Commissioner may make payments to inmates for any reason, including for work performed by inmates.

CSNSW policy provides for an unemployment wage payment of \$15.51 per week which may be paid to remand inmates who are not working or to sentenced inmates who cannot work because there is no work available.<sup>222</sup> Inmates must register for work or programs in order to receive an unemployment wage payment.<sup>223</sup> The unemployment rate is to cover the cost of basic hygiene items and phone calls. No unemployment wage payments are to be made to sentenced inmates at correctional centres where there are vacant work or program positions, unless an inmate is precluded from participation for reasons including medical concerns or their status as a protection inmate.

Sentenced inmates who are eligible and capable but who choose not to participate in work or programs are classified as 'non-workers'<sup>224</sup> and those who have been removed from work or a program are classified as 'dismissed workers'.<sup>225</sup> Workers who are 'habitually uncooperative or disruptive' may be dismissed from work or programs.<sup>226</sup> Inmates removed from work or programs are excluded from work and programs for up to 14 days.<sup>227</sup> These inmates do not receive any payments during the 14 days they are excluded from work and programs.<sup>228</sup> In some correctional centres, these inmates are also placed in segregation during working hours for up to 14 days. The Inspector found that there was inconsistent application of sanctions for non-workers or dismissed workers across correctional centres.

The Act provides that the Governor of a correctional centre may make an order directing any convicted inmate to carry out work.<sup>229</sup> The Regulation further provides that it is a correctional centre offence for an inmate to fail to comply with an order or direction made under the Act<sup>230</sup> or the hours of work and general routine of a correctional centre.<sup>231</sup> Where, after conducting an inquiry, a Governor is satisfied beyond a reasonable doubt that an inmate has committed a correctional centre offence the Governor may impose one of the following penalties:

- reprimand and caution
- loss of access to 'withdrawable privileges'<sup>232</sup> for up to 56 days
- confinement to a cell for up to 7 days, with or without the loss of withdrawable privileges
- loss of any right to receive payments made under section 7 of the Act for up to 14 days 'but to the extent only to which those payments are additional to the payments made at the base rate to inmates generally or to inmates of a class to which the inmate belongs'.<sup>233</sup>

CSNSW has informed the Inspector that the Commissioner's discretion to make payments to inmates provides the legislative basis for the policy of not paying inmates who refuse to work or who are dismissed from work and that this does not constitute a penalty for a correctional centre offence under the Act.<sup>234</sup>

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222 Corrective Services NSW, *CSI Policy Manual: 8.2 Inmate Wages System* (July 2018) 10, 12.

223 Corrective Services NSW, *CSI Policy Manual: 8.2 Inmate Wages System* (July 2018) 3.

224 Corrective Services NSW, *CSI Policy Manual: 8.2 Inmate Wages System* (July 2018) 3.

225 Corrective Services NSW, *CSI Policy Manual: 8.2 Inmate Wages System* (July 2018) 5.

226 Corrective Services NSW, *CSI Policy Manual: 8.2 Inmate Wages System* (July 2018) 3.

227 Corrective Services NSW, *CSI Policy Manual: 8.2 Inmate Wages System* (July 2018) 5.

228 Corrective Services NSW, *CSI Policy Manual: 8.2 Inmate Wages System* (July 2018) 10, 12.

229 *Crimes (Administration of Sentences) Act 1999* s 6(1).

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

231 *Crimes (Administration of Sentences) Regulation 2014* cl 39.

232 The term 'withdrawable privilege' is defined in clause 163 of the *Crimes (Administration of Sentences) Regulation 2014* and includes contact visits, the ability to purchase goods and use of the telephone, except for calls to legal practitioners or exempt bodies.

233 *Crimes (Administration of Sentences) Act 1999* s 53(1).

234 Information provided by Corrective Services NSW on 21 February 2019.

However, the Inspector is concerned that this approach creates a system of sanctions that is different in both its operation and outcomes to that provided in the legislation.

The *CSI Policy Manual* does not specify if a worker may be dismissed for reasons other than 'habitually uncooperative or disruptive' behaviour, and if so, what those reasons are. Nor is it clear how decisions concerning dismissal or determinations about an inmate's ability to work are made or if there is any oversight of these decision making processes to ensure fairness and consistency across correctional centres. CSNSW has advised that it intends to review the manual to ensure there is clarity in relation to dismissal categories and decision making consistency.<sup>235</sup>

As a consequence of being classified a non-worker or a dismissed worker, some inmates receive no allowance to enable them to purchase basic hygiene items or to pay for the cost of phone calls. This creates an environment where some inmates who receive no external financial support from family engage in the standover of other inmates to obtain basic living requirements. This is undesirable. CSNSW considers that paying inmates who refuse to work fails to recognise the importance of providing an incentive for being willing to work.<sup>236</sup> The Inspector considers that all inmates who are not working should be paid an allowance in order to purchase basic hygiene items that are not routinely provided by CSNSW.

**Recommendation 11: Corrective Services NSW should pay all inmates an allowance to cover the cost of basic hygiene items and phone calls.**

**Recommendation 12: Corrective Services NSW should review the *CSI Policy Manual: 8.2 Inmate Wages System* to ensure decision making relating to dismissal is consistent and fair.**

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<sup>235</sup> Information provided by Corrective Services NSW on 4 November 2019.

<sup>236</sup> Information provided by Corrective Services NSW on 4 November 2019.

## 6. Education

The Regulation includes literacy and numeracy programs and educational and vocational training programs among those that the Commissioner may offer to an inmate.<sup>237</sup> The requirement for the Commissioner to give special attention to the needs of inmates with disability and low literacy or numeracy skills applies to these educational programs and services.<sup>238</sup>

The Mandela Rules state that provision should be made for the further education of all inmates. Education in correctional centres should, as far as possible, be integrated with education in the community so that inmates may continue their education following their release. The education of people who are illiterate should be compulsory and the subject of special attention.<sup>239</sup>

### 6.1 Education and vocational training in NSW correctional centres

Currently, the CSNSW subdivision responsible for delivering education services in NSW correctional centres is Corrective Services Industries and Education. This subdivision is not only responsible for education but also for the industries that provide work to inmates. The branch of this subdivision responsible for education is called CSI Education.

Corrective Services Industries and Education sits within the Offender Management and Programs division of CSNSW, which encompasses a range of subdivisions in addition to inmate education and employment that are relevant to offender rehabilitation, including behaviour change and wellbeing programs, classification and placement, and case management.

From mid-2017, a new model of education and training began operating in NSW correctional centres. Prior to this, education and training was delivered by approximately 150 teachers employed by CSNSW.<sup>240</sup> With the exception of ILCs, inmate education and training is now delivered by external education service providers – BSI Learning and TAFE NSW. The Education Services Coordinator (ESC) role was created to coordinate the delivery of education services within each correctional centre and the Assessment and Planning Officer role was created to assess the education needs of inmates.<sup>241</sup> According to CSNSW, these changes aim to provide greater flexibility in the delivery of inmate education and training and place a greater focus on inmate needs and outcomes.<sup>242</sup>

#### 6.1.1 Assessment of need and planning

All offenders with a sentence of imprisonment of 6 months or more should undertake a core skills assessment (CSA). The purpose of the CSA is to provide an indication of an inmate's Australian Core Skills Framework (ACSF) level and identify inmates with low literacy and numeracy skills who need to participate in the Foundation Skills Programs.<sup>243</sup> The ACSF consists of five levels ranging from 1 (low level performance) to 5 (high level performance).<sup>244</sup>

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237 *Crimes (Administration of Sentences) Regulation 2014* cl 60(2)(e)–(f).

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

239 United Nations Standard Minimum Rules on the Treatment of Prisoners rule 104.

240 Corrective Services NSW, *Better Prisons: New Education and Training Model Fact Sheet* (undated) 1.

241 Corrective Services NSW, *Better Prisons: New Education and Training Model Fact Sheet* (undated) 2.

242 Corrective Services NSW, *Better Prisons: New Education and Training Model Fact Sheet* (undated) 1.

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

244 The Australian Core Skills Framework is a tool that helps assess an individual's performance in the five core skills of learning, reading, writing, oral communication and literacy. See 'Australian Core Skills Framework', *Department of Education and Training* (Web Page, 6 November 2018) <<https://www.education.gov.au/australian-core-skills-framework>>.



The CSA involves inmates undertaking an online assessment of their literacy and numeracy skills. At the time of this inspection, the online assessment instrument used by CSNSW was Compass but this was replaced by the Vocational Indicator Tool from 1 December 2018. The Vocational Indicator Tool was developed by the Australian Council for Education Research (ACER) for use in correctional centres.<sup>245</sup>

An inmate's CSA results and other information such as their LSI-R score and education and employment history are used to inform an Education and Employment Plan (EEP).<sup>246</sup> The EEP identifies the types of courses educational programs inmates should undertake while in custody.<sup>247</sup>

### 6.1.2 Foundation Skills Programs

On 1 July 2017, a contract commenced between CSNSW and BSI Learning for BSI Learning to provide Foundation Skills Programs, consisting of Digital Literacy and Language, Literacy and Numeracy (LLN) (Certificate I in Access to Vocational Pathways, Certificate I in Skills for Vocational Pathways or Certificate II in Skills for Work and Vocational Pathways).<sup>248</sup>

To be eligible for a Foundation Skills Program, an inmate must have an ACSF level of less than 3 in any area of the CSA and participate in an education profile interview and/or education planning review.<sup>249</sup> Foundation Skills Programs are delivered in 10 week blocks. LLN courses are delivered for a minimum of 8 hours per week and Digital Literacy courses are delivered for a minimum of 4 hours per week.<sup>250</sup>

### 6.1.3 Vocational education and training

Vocational education and training 'provides inmates with opportunities to develop employability skills and attain recognised trade qualifications and skills ...'<sup>251</sup> Vocational education and training includes licence and regulatory courses, and part-qualification skills sets.

The licence and regulatory courses offered by CSNSW are those that are essential to meet the 'workplace requirements of CSI business units'.<sup>252</sup> These include Workplace Health and Safety and SafeWork high risk work licences such as forklift, dogging and crane licences.<sup>253</sup> These courses are approved to be delivered by CSI Education as requested by the Industry Manager of a correctional centre.<sup>254</sup>

Part-qualification skills sets include courses such as Logistics, Welding, Hygiene and Engineering. They have been developed in consultation with CSI Industry Managers and TAFE NSW to 'meet the training needs for CSI business units' and generally include 'two common units of competency aimed at developing generic employability skills and units of competency that are skill based'.<sup>255</sup>

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

246 Information provided by Corrective Services NSW on 21 June 2018.

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

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

249 Corrective Services NSW, *Inmate Participation in Education Programs and Services* (March 2018) 3.

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

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

252 Information provided by Corrective Services NSW on 21 June 2018.

253 'High Risk Work Licences', *SafeWork NSW* (Web Page) <<https://www.safework.nsw.gov.au/licences-and-registrations/licences/high-risk-work-licences>>.

254 Information provided by Corrective Services NSW on 21 June 2018.

255 Information provided by Corrective Services NSW on 21 June 2018.

Both BSI Learning and TAFE NSW are required to deliver education and vocational training in correctional centres across 50 weeks per year with a maximum 2-week break over the Christmas and New Year period.<sup>256</sup> They are also required to provide for the needs of Aboriginal inmates, inmates with disability and inmates from culturally and linguistically diverse backgrounds in the delivery of education and vocational training.<sup>257</sup>

The contract between CSNSW and BSI Learning specifies that BSI Learning will deliver vocational training in the areas of Hospitality, Cleaning Operations and Food Services. From 1 January 2018, TAFE NSW was contracted to provide all other required vocational training.<sup>258</sup> TAFE NSW may utilise sub-contractors for the delivery of services that it is not able to deliver.<sup>259</sup>

In 2017–18, 22.4%<sup>260</sup> of eligible NSW inmates participated in accredited education and training courses under the Australian Qualifications Framework.<sup>261</sup> In this context, eligibility is not needs-based and all inmates are considered eligible except those excluded from participation for reasons including legal status, ill health, or insufficient length of sentence.<sup>262</sup> In contrast, across Australia 34% of eligible inmates participated in accredited education and training courses<sup>263</sup> and all jurisdictions except the Northern Territory had a higher percentage of total participants.<sup>264</sup>

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256 Information provided by Corrective Services NSW on 21 June 2018.

257 Information provided by Corrective Services NSW on 21 June 2018.

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

259 Information provided by Corrective Services NSW on 21 June 2018.

260 Of the 22.4%, 2.0% participated in pre-certificate level 1 courses, 6.3% participated in secondary education, 14.6% participated in vocational education and training and 0.2% participated in higher education: Productivity Commission, *Report on Government Services 2019: Chapter 8 - Corrective Services* (Report, 24 January 2019) table 8A.10.

261 Productivity Commission, *Report on Government Services 2019: Chapter 8 - Corrective Services* (Report, 24 January 2019) table 8A.10.

262 Productivity Commission, *Report on Government Services 2019: Chapter 8 - Corrective Services* (Report, 24 January 2019) 8.11; table 8A.10.

263 Productivity Commission, *Report on Government Services 2019: Chapter 8 - Corrective Services* (Report, 24 January 2019) 8.11.

264 Productivity Commission, *Report on Government Services 2019: Chapter 8 - Corrective Services* (Report, 24 January 2019) table 8A.10.

## 6.2 Issues identified by the inspection team

### 6.2.1 Insufficient trainers to deliver courses

Staff at all of the inspected correctional centres<sup>265</sup> reported being unable to deliver some approved vocational training courses due to TAFE NSW being unable to provide a course trainer. The inspection team were informed that some ESCs are now liaising with the TAFE NSW Training Coordinator in their area to get an indication of what courses TAFE NSW are actually able to deliver before seeking approval for courses.

Staff at most of the inspected correctional centres – OMMPPCC, South Coast CC, Bathurst CC, Mid North Coast CC, and Broken Hill CC – also reported difficulties in the recruitment and retention of sufficient BSI Learning trainers to deliver approved hours of Foundation Skills Programs. The inspection team heard that there were delays in the transition to the new education model at correctional centres during which time no, or limited, literacy or numeracy education was offered to inmates. At OMMPPCC this period lasted for around 6 months and at Bathurst CC it was around 3 months. At the time of the inspections of each correctional centre:

- **OMMPCC** was delivering no Foundation Skills Programs but was approved to deliver 20 hours per week. Foundation Skills Programs had not been available from December 2017 because there was no BSI Learning trainer.
- **South Coast CC** was delivering its approved 24 hours per week of Foundation Skills Programs. Prior to March 2018, South Coast CC was sharing a trainer with Berrima Correctional Centre and could only deliver half of the hours approved for South Coast CC. South Coast CC was only able to deliver its full 24 hours because the trainer was no longer working at Berrima CC.
- **Bathurst CC** was delivering 24 hours per week of Foundation Skills Programs but was approved to deliver 32 hours per week. An extra 8 hours of Foundation Skills Programs had been approved but had not commenced at the time of the inspection.
- **Mid North Coast CC** was delivering 16 hours per week of Foundation Skills Programs but was approved to deliver 28 hours per week. At the time of the inspection a new BSI Learning trainer had been recruited to deliver an additional 12 hours of Foundation Skills Programs but had not yet commenced.
- **Broken Hill CC** was delivering no Foundation Skills Programs but was approved to deliver 20 hours per week. The BSI Learning trainer had resigned in the months prior to the inspection.
- **Dawn De Loas CC** was delivering its approved 8 hours per week of Foundation Skills Programs (Digital Literacy only).

Staff from several correctional centres reported concerns about replacing BSI Learning trainers due to factors including the remote or regional location of some correctional centres and the nature and limited hours of the work available to BSI Learning trainers. The inspection team also heard that lengthy security clearance processes for new BSI Learning trainers was a significant factor in delaying the commencement of newly recruited trainers. The precise length of each security clearance appeared to be difficult to predict and in some cases was reported to have taken several months. The inspection team heard about instances where preferred candidates secured a different job while waiting for the security clearance process to be finalised. CSNSW have reported that the time taken to complete the security clearance process for new staff is being monitored, with reports being provided to the CSNSW Executive.<sup>266</sup>

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<sup>265</sup> With the exception of the VOTP wing and the Sex Offender Programs wing in Metropolitan Special Programs Centre at Long Bay Correctional Complex which were not offering vocational training to inmates undertaking those intensive programs.

<sup>266</sup> Information provided by Corrective Services NSW on 4 November 2019.

**Recommendation 13: Corrective Services NSW investigate the time taken to complete the security clearance process for new employees with a view to streamlining this process.**

Some of the issues concerning insufficient trainers appeared to improve during this inspection. At 1 June 2018, the inspected correctional centres were either delivering their approved hours of Foundation Skills Programs or were awaiting the commencement of a new trainer who would enable them to deliver their approved hours of Foundation Skills Programs.<sup>267</sup> Table 14 shows the number of Foundation Skills Programs that were delivered at the inspected correctional centres in 2018.<sup>268</sup> Table 15 shows the number of inmates who enrolled in and completed Foundation Skills Programs at inspected correctional centres in 2018.<sup>269</sup> At the time of writing, CSNSW reported that the use of BSI Learning trainers to deliver Foundation Skills Programs within correctional centres was working well.<sup>270</sup>

However, due to some of the difficulties observed during this inspection, the inspection team considers that CSNSW should evaluate the implementation of the education and training reforms. This is important for identifying any issues that may be ongoing and developing strategies for ensuring the consistent delivery of Foundation Skills Programs. CSNSW has advised that the outcomes of the new education model are being monitored and reported to the Commissioning and Contestability Board on a monthly basis and increases have been observed in the completion of core skills assessments and units of literacy and numeracy.<sup>271</sup>

**Recommendation 14: Corrective Services NSW evaluate the implementation of the education and training reforms with a view to identifying areas for improvement.**

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267 Information provided by Corrective Services NSW on 21 June 2018.

268 Information provided by Corrective Services NSW on 12 April and 24 May 2019.

269 Information provided by Corrective Services NSW on 12 April and 24 May 2019.

270 Information provided by Corrective Services NSW on 12 April 2019.

271 Information provided by Corrective Services NSW on 4 November 2019.

**Table 14: Number of Foundation Skills Programs delivered at inspected correctional centres in 2018**

Foundation Skills Program	OMMPCC	South Coast CC	Bathurst CC	Mid North Coast CC	Broken Hill CC	Dawn De Loas CC
Pre-Certificate LLN	2	1	4	0	5	1
Level 1 LLN	1	0	3	11	2	0
Level 2 LLN	6	9	5	10	2	0
Digital Literacy Level 1	4	7	12	3	4	4
Digital Literacy Level 2	0	2	6	0	0	0
<b>Total</b>	<b>13</b>	<b>19</b>	<b>30</b>	<b>24</b>	<b>13</b>	<b>5</b>

**Table 15: Number of inmates who enrolled in and completed Foundation Skills Programs in 2018 at inspected correctional centres**

		OMMPCC		South Coast CC		Bathurst CC		Mid North Coast CC		Broken Hill CC		Dawn De Loas CC	
		Enrolled	Complete	Enrolled	Complete	Enrolled	Complete	Enrolled	Complete	Enrolled	Complete	Enrolled	Complete
Pre-Certificate LLN	All	11	9	4	4	22	12	-	-	20	15	6	5
	Aboriginal	3	1	1	1	1	1	-	-	19	14	0	0
Level 1 LLN	All	16	13	42	11	62	23	34	28	5	3	-	-
	Aboriginal	3	3	9	6	21	15	24	21	4	2	-	-
Level 2 LLN	All	7	6	-	-	35	18	48	34	5	3	-	-
	Aboriginal	1	1	-	-	18	11	23	18	5	3	-	-
Level 1 Digital Literacy	All	15	8	39	22	142	75	20	14	18	12	18	18
	Aboriginal	3	2	12	7	33	21	11	7	12	8	3	3
Level 2 Digital Literacy	All	-	-	7	7	21	11	-	-	-	-	-	-
	Aboriginal	-	-	2	2	6	3	-	-	-	-	-	-
<b>Total</b>		<b>12</b>	<b>12</b>	<b>53</b>	<b>33</b>	<b>121</b>	<b>113</b>	<b>86</b>	<b>56</b>	<b>29</b>	<b>23</b>	<b>24</b>	<b>18</b>

**Note:** The total number of inmates who enrolled in and completed Foundation Skills Courses in 2018 may be lower than the addition of the numbers for individual courses. This is because the same person may have enrolled in and/or completed multiple courses within this period. N/A is used where programs for women were not delivered because that correctional centre does not hold sentenced women.



## 6.2.2 Approval process for vocational training

The Foundation Skills Programs and vocational training delivered within a correctional centre must first be approved by CSI Education.

The hours of Foundation Skills Programs are approved as requested by correctional centres. Weekly reports are created on the educational needs of inmates which include their CSA results, risk of reoffending, sentence length and any current or previous participation in education. These reports are used to prioritise inmates for education and employment planning, and to identify the need for Foundation Skills Programs at each correctional centre. ESCs request an allocation of hours based on the number of currently enrolled inmates who will continue undertaking education and the number of suitable inmates who could commence a Foundation Skills Program. The hours requested are also based on the operational requirements of the correctional centre, such as the structured day and available delivery areas; the need for an inmate to participate in programs or employment; and approved vocational education and training.<sup>272</sup>

Vocational training courses are approved based on a 6-monthly Vocational Training Delivery Plan developed by the ESCs, in consultation with Industry Managers, at each correctional centre. The plan is compiled from a 'menu' of part-qualification skills sets and a correctional centre may request a part-qualification skill set that is not included in the 'menu' but must demonstrate an identified training need or provide evidence of post-release employment opportunities. The Vocational Training Delivery Plan must be approved by CSI Education and the ESC negotiates the delivery of approved courses within the correctional centre.<sup>273</sup>

CSNSW considers that the approval process for vocational training is effective in meeting the identified needs of inmates and providing inmates with the opportunity to develop employment skills.<sup>274</sup> However, during the inspection, concerns were raised that approved vocational training courses were too closely related to the industries of a correctional centre, at the possible expense of more general vocational training that would assist inmates' secure post-release employment. There was a perception among staff and inmates that the purpose of education, particularly vocational training, is to provide skilled workers for industries. In addition, a number of approved courses were not delivered because TAFE NSW could not provide a course trainer, diminishing the benefit of a Vocational Training Delivery Plan and the time invested in the approval process. Table 16 shows the vocational training approved and delivered at each inspected correctional centre.<sup>275</sup>

There are benefits to aligning vocational training with practical experience. Aligning vocational training and traineeships with inmate work allows inmates to apply what they have learned in a related work environment and helps ensure that training and assessments are in line with the *Standards for Registered Training Organisations (RTOs) 2015*.<sup>276</sup> This alignment can also provide inmates with a well-rounded set of skills in a particular area. However, it is important that the role of education in addressing recidivism is clearly understood by staff and inmates. Further, the approval process for vocational training courses requires flexibility to be responsive to the needs of the inmate population and the availability of trainers.

**Recommendation 15: Corrective Services NSW evaluate the effectiveness of the approval process for vocational training.**

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272 Information provided by Corrective Services NSW on 12 April and 31 May 2019.

273 Information provided by Corrective Services NSW on 21 June 2018.

274 Information provided by Corrective Services NSW on 4 November 2019.

275 Information provided by Corrective Services NSW on 16 April 2019.

276 Information provided by Corrective Services NSW on 21 June 2018.

**Table 16: Vocational training courses approved and delivered in inspected correctional centres in 2018**

Vocation training courses	OMMPCC		South Coast CC		Bathurst CC		Mid North Coast CC		Broken Hill CC		Dawn De Loas CC	
	Approved	Delivered	Approved	Delivered	Approved	Delivered	Approved	Delivered	Approved	Delivered	Approved	Delivered
Aboriginal Cultural Programs	2	0	2	1	6	6	2	0	4	0		
Agriculture			1	1								
Asbestos Removal					1	0			1	1		
Automotive							2	2				
Bricklaying									2	0		
Café Skills	4	0							2	0		
Carpentry	4	0					3	0				
Catering Operations							2	1				
Chainsaw			2	1					0	1		
Chemical Handling			0	3			3	3				
Cleaning Operations	4	4	1	1	2	2	2	2				
Clothing & Production							2	2				
Construction					0	3			0	2		
Engineering			1	0							1	0
First Aid	2	2	2	2	2	2	3	3	3	3		
Food Safety					9	9	5	5	2	2	2	2
Forklift	4	2	3	2			3	0	2	0	4	0
Hospitality	4	4			3	3						
Kitchen Operations	3	3			2	2					4	4
Logistics					2	2			4	0		
Printing	4	2	4	0								
Service Engine					1	0	1	0				
Test and Tag	2	1	2	1	1	0	4	4	0	1	4	0
Welding			1	0	1	0					2	1
White Card	2	0	2	0	2	0	2	1	2	1	2	1
Workplace Health & Safety	4	4	5	5	12	12	42	42	1	1		
<b>Total</b>	<b>39</b>	<b>22</b>	<b>26</b>	<b>17</b>	<b>44</b>	<b>41</b>	<b>76</b>	<b>65</b>	<b>23</b>	<b>12</b>	<b>19</b>	<b>8</b>

### 6.2.3 Intensive Learning Centres

Literacy and numeracy education is also delivered in the ILCs located at South Coast, Mid North Coast, Lithgow and Wellington correctional centres. Inmates engaged in ILCs undertake full-time education 'within a culture of learning to assist them in developing learning and social skills to participate in further education and work opportunities'.<sup>277</sup> Inmates participating in ILCs are able to attain nationally accredited certificates.<sup>278</sup> CSNSW retained the teachers employed in ILCs in the new model for delivering education and training.<sup>279</sup>

To be eligible to participate in an ILC, inmates must have an ACSF level of less than 3 in any area of the CSA, at least 12 months to until their earliest possible release date and the appropriate security classification for the location of the ILC. Each ILC can have up to 40 students at a time.<sup>280</sup>

The inspection team visited the ILCs at South Coast CC and Mid North Coast CC for this report. At the time of those inspections, the South Coast CC ILC had 30 students and the Mid North Coast ILC had 28 students. The inspection team were informed that the Mid North Coast CC ILC has begun accepting both remand and sentenced inmates. Eligible sentenced inmates are given priority and any remaining places can be offered to remand inmates.

Table 17 shows the number of participants in the ILCs during 2018.<sup>281</sup> Generally, at the time of this inspection the ILCs appeared to experience difficulty recruiting and retaining students. The inspection team was informed that the nature of education delivery in the ILCs does not allow for a rolling intake of students throughout a course. Therefore, if a student leaves the ILC, for example if they are moved to a different correctional centre or they decide that they do not want to continue with their course, that place cannot be filled until the next intake of new students.

**Table 17: Number of participants in Intensive Learning Centres in 2018**

ILC	Indigenous status	Certificate I in Access to Vocational Pathways	Certificate I in Skills for Vocational Pathways	Certificate II in Skills for Work Vocational Pathways
South Coast CC	All	-	10	11
	Aboriginal	-	1	5
Mid North Coast CC	All	4	5	5
	Aboriginal	4	1	3
Lithgow CC	All	-	3	12
	Aboriginal	-	3	5
Wellington CC	All	-	28	8
	Aboriginal	-	6	1
Total		4	46	36

CSNSW has acknowledged that there have been difficulties with the referral and placement process for ILCs for reasons including increases in the inmate population, the introduction of the HIPUs and the implementation of the new education delivery model. CSNSW has advised that it is considering the role of an inmate's initial classification meeting in identifying eligible inmates for placement at correctional centres with an ILC.<sup>282</sup>

277 Corrective Services NSW, *Fact Sheet 10: Education* (April 2018) 1.

278 Corrective Services NSW, *Fact Sheet 10: Education* (April 2018) 1.

279 Corrective Services NSW, *Better Prisons: New Education and Training Model Fact Sheet* (undated) 2.

280 Information provided by Corrective Services NSW on 12 April 2019.

281 Information provided by Corrective Services NSW on 12 April 2019.

282 Information provided by Corrective Services NSW on 4 November 2019.

The ILCs provide a valuable opportunity for those inmates most in need of intensive support to improve their literacy and numeracy skills. Ensuring that the ILCs are operating at capacity should increase the number of ILC graduates.

**Recommendation 16: Corrective Services NSW should ensure that eligible inmates are enrolled in the Intensive Learning Centres to increase the number of Intensive Learning Centre graduates.**



ILC at Mid North Coast CC



ILC classroom at Mid North Coast CC



ILC Library at Mid North Coast CC



Yarning Circle in the ILC at Mid North Coast CC



New ILC classroom at South Coast CC



New ILC library at Mid North Coast CC



#### 6.2.4 Cost of traineeships

Apprenticeships and traineeships enable people to earn qualifications through a combination of work-based and formal training.<sup>283</sup> CSNSW offers eligible inmates apprenticeships and traineeships in line with the NSW Department of Industry's *A Guide to Apprenticeships and Traineeships in New South Wales*.<sup>284</sup>

To be eligible to commence an apprenticeship or traineeship, an inmate must:

- have at least 12 months remaining in custody before their earliest possible release date
- be employed in a CSI industry
- meet the citizenship and residency status requirements<sup>285</sup>
- have a core skill assessment result which meets the requirements for the level of the qualification
- participate in an Education Profile Interview and/or education planning review, and
- be classified to the centre where application has been made.<sup>286</sup>

A traineeship is defined as 'a training arrangement between an employer and a person employed in a recognised traineeship vocation that has been formalised in a training contract registered by Training Services NSW'.<sup>287</sup> A traineeship requires practical work experience and supervised training as well as enrolment in an approved course of formal training with a registered training organisation (RTO).<sup>288</sup>

In NSW, there are two types of traineeships:

- **New entrant traineeships** are for those who, prior to commencing a traineeship, were employed by their current employer for less than 3 months full time or 12 months part time or casually. They must not have been employed at all by their current employer for at least 6 months prior to their full time employment or 12 months prior to their part time or casual employment.<sup>289</sup>
- **Existing worker traineeships** are for those who, prior to commencing a traineeship, were employed continuously by their current employer for more than 3 months full time or 12 months part time or casually.<sup>290</sup>

The classification of a trainee as a new entrant or an existing worker has implications for who pays for a trainee's formal training. The NSW Government meets the training costs of most new entrant traineeships.<sup>291</sup> However, employers are required to meet the training costs of an existing worker traineeship and are not eligible for NSW Government financial incentives, although some employers may be eligible for assistance offered by the Australian Government.<sup>292</sup>

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283 NSW Department of Industry, 'Apprenticeships and Traineeships', *Training Services NSW* (Web Page, 3 May 2018) <[https://www.training.nsw.gov.au/apprenticeships\\_traineeships/index.html](https://www.training.nsw.gov.au/apprenticeships_traineeships/index.html)>.

284 Information provided by Corrective Services NSW on 21 June 2018. See also NSW Department of Industry, *A Guide to Apprenticeships and Traineeships in New South Wales* (September 2015).

285 A person seeking to undertake an apprenticeship or traineeship in NSW must be an Australian citizen or a foreign national with permanent residency or a New Zealand passport holder who has been resident in Australia for at least 6 months or hold a visa sub-class on the Visa Information for Apprenticeships and Traineeships list: see NSW Department of Industry, 'Citizenship and Residency Requirements - Eligibility Criteria - Apprenticeship or Traineeship', *Training Services NSW* (Web Page, 8 May 2018) <[https://www.training.nsw.gov.au/apprenticeships\\_traineeships/policy/policy\\_procedures/citizenship\\_residency.html](https://www.training.nsw.gov.au/apprenticeships_traineeships/policy/policy_procedures/citizenship_residency.html)>.

286 Corrective Services NSW, *Inmate Participation in Education Programs and Services* (March 2018) 3.

287 NSW Department of Industry, *A Guide to Apprenticeships and Traineeships in New South Wales* (September 2015) 38.

288 NSW Department of Industry, *A Guide to Apprenticeships and Traineeships in New South Wales* (September 2015) 4.

289 NSW Department of Industry, *A Guide to Apprenticeships and Traineeships in New South Wales* (September 2015) 37.

290 NSW Department of Industry, *A Guide to Apprenticeships and Traineeships in New South Wales* (September 2015) 37.

291 NSW Department of Industry, *A Guide to Apprenticeships and Traineeships in New South Wales* (September 2015) 11, 31.

292 NSW Department of Industry, *A Guide to Apprenticeships and Traineeships in New South Wales* (September 2015) 11, 37.



The inspection team was told that it was difficult for CSI staff to identify eligible and suitable inmates for a traineeship and commence that traineeship within the first 3 months of an inmate's employment. CSNSW reported that the enrolment fees could be up to \$1,000 for new entrant trainees and up to \$5,500 for existing worker trainees. Consequently, existing worker traineeships were only being considered on a case-by-case basis.<sup>293</sup>

However, CSNSW has since advised that all inmates in NSW correctional centres are now classified as new entrant trainees and, consequently, all traineeships cost CSNSW \$1,000. There are ongoing discussions regarding these costs for traineeships which are offered at no cost in the community.<sup>294</sup>

As at the end of 2018 there were 217 inmates across all NSW correctional centres undertaking traineeships, including nine at South Coast CC, eight at Mid North Coast CC and six at OMMPC. In 2018, 76 inmates across all NSW correctional centres completed a traineeship, including six at Mid North Coast CC and two at Bathurst CC.<sup>296</sup> In the 2018–19 financial year there were 390 traineeships across all NSW correctional centres, resulting in 169 completions across 16 industry categories. As at 4 November 2019, there were 210 active traineeships.

**Recommendation 17: Corrective Services NSW monitor and increase the number of part qualifications and traineeships.**

**Recommendation 18: Corrective Services NSW continue to work with the NSW Department of Industry to provide no-cost traineeships for inmates, consistent with traineeships offered in the community.**

#### 6.2.5 Distance education opportunities

The distance education courses available to NSW inmates are primarily provided by the University of Southern Queensland (USQ). The courses that may be available to inmates by distance education include the Tertiary Preparation Program, Associate Degree in Business and Commerce, Bachelor of Commerce and Bachelor of Business.<sup>297</sup> Courses must be appropriate for a correctional centre and cannot 'require online participation in forums or group work'.<sup>298</sup>

To undertake a distance education course, CSNSW requires that an inmate must:

- be sentenced
- be classified to the centre where the application has been made
- have at least 12 months remaining before their earliest possible release date
- have undertaken a CSA within the last 12 months and have a CSA result which meets the requirements for the level of the qualification
- have participated in an Education Profile Interview and/or education planning review in the last 12 months
- have the capacity for independent study (such as a previous distance education course)<sup>299</sup>
- have the capacity to self-fund a distance education course.<sup>300</sup>

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293 Information provided by Corrective Services NSW on 21 June 2018.

294 Information provided by Corrective Services NSW on 12 April 2019.

295 Information provided by Corrective Services NSW on 12 April 2019.

296 Information provided by Corrective Services NSW on 12 April 2019.

297 Information provided by Corrective Services NSW on 21 June 2018.

298 Information provided by Corrective Services NSW on 21 June 2018.

299 Information provided by Corrective Services NSW on 21 June 2018.

300 Information provided by Corrective Services NSW on 4 November 2019.

At a number of the correctional centres included in this inspection, there were very few or no inmates undertaking distance education. Broken Hill CC and Dawn De Loas CC had no inmates enrolled in distance education courses. South Coast CC had six distance education students, Mid North Coast CC had four, OMMPPCC had three, and Bathurst CC had one. At 27 April 2018, across all NSW correctional centres there were 44 inmates enrolled in distance education courses<sup>301</sup> and at the end of 2018 there were 25, including one each at OMMPPCC, South Coast CC and Bathurst CC and three at Mid North Coast CC.<sup>302</sup>

The inspection team was told that this was due to CSI Education instructing education staff not to prioritise distance education. Subsequently, the inspection team heard that a number of correctional centres were maintaining their current distance education enrolments but were not allowing new enrolments as inmates completed their courses or were released from custody.

Staff told the inspection team that it was difficult to facilitate inmate access to distance education because inmates cannot access the internet. This means that there are some courses they cannot undertake due to online and group work components. It also means that staff need to find other ways of providing inmates with their course materials, such as printing hard copies or downloading materials to the inmate's Offender Access Network, as well as submitting completed assignments. CSNSW has advised that it will consider opportunities that arise for distance education through the piloting of in-cell technology.<sup>303</sup>

While acknowledging the obvious difficulties of providing distance education in a custodial environment, the Inspector is of the view that it is important for CSNSW to continue facilitating access to such educational opportunities. Much of the education offered within NSW correctional centres focuses on inmates with a medium to high risk of reoffending and a lower ACSF level. Distance education courses provide some diversity in the type and level of education available to inmates with a higher ACSF level.

**Recommendation 19: Corrective Services NSW work to increase the number of inmates undertaking distance education.**

#### 6.2.6 Access to correctional centre libraries

In the *Full House* report, the Inspector of Custodial Services recommended that CSNSW ensure that all correctional centre libraries 'operate according to standard library practice and the Australian Library and Information Association's *Australian Prison Libraries: Minimum Standard Guidelines*, 1990'.<sup>304</sup> These guidelines were updated in 2015 and provide that 'prisoners are to be given equal access to the library facilities and services. This includes prisoners in different classifications and on different management regimes ...'.<sup>305</sup> This standard reflects the Mandela Rules which provide that 'Every prison shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it'.<sup>306</sup>

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301 Information provided by Corrective Services NSW on 21 June 2018.

302 Information provided by Corrective Services NSW on 12 April 2019.

303 Information provided by Corrective Services NSW on 4 November 2019.

304 Inspector of Custodial Services, *Full House: The Growth in the Inmate Population in NSW* (April 2015) recommendation 27.

305 Australian Library and Information Association, *Australian Library and Information Association Minimum Standard Guidelines for Library Services to Prisoners* (December 2015) 15.

306 United Nations Standard Minimum Rules on the Treatment of Prisoners rule 64.

CSNSW provides library services to inmates through a central library located at Brush Farm Corrective Services Academy. Correctional centre libraries should be managed by a dedicated Library Liaison Officer who works with the Manager of the central library in the delivery of library services.<sup>307</sup> CSNSW's Custodial Operations Policy and Procedures (COPP) include a section on inmate libraries which reflects many of the 2015 *Australian Library and Information Association Minimum Standard Guidelines for Library Services to Prisoners* (ALIA standards). Although it is encouraging to see a number of these standards encapsulated in CSNSW policy, the Inspector is concerned about the extent to which these standards are being implemented and observed in practice. CSNSW has advised that it does not have the capacity to meet all of the requirements of the ALIA standards with existing infrastructure and security management systems.<sup>308</sup>

The inspected correctional centres accommodating inmates with different security classifications – South Coast CC, Bathurst CC, Mid North Coast CC and Broken Hill CC – had libraries in the primary sections of these correctional centres. Generally, these correctional centres had a larger library in the maximum or medium security sections and smaller collections in the male minimum security or women's sections. Maximum security accommodation areas and areas with protection and segregation inmates had mobile libraries, with a small number of books that were rotated at regular intervals. OMMPPCC and Dawn De Loas CC each had one library. The OMMPPCC library opened at 10 am, closed over lunch and reopened from 1 pm to 3 pm and could be accessed by any available inmate while it was open.

The inspection team observed that many inmates had very limited access to correctional centre libraries. Following the changes to the delivery of education services, no staff member has been assigned formal responsibility for maintaining these libraries and facilitating access for inmates. Often libraries were disorganised, locked and unattended. In addition, the physical locations of many libraries required a correctional officer to facilitate and supervise inmate access. Libraries were often located in education and program room areas and ILCs, and subsequently were difficult to access by inmates who were not involved in education or programs.

Poor access to libraries is a particularly concerning issue for inmates on remand or with other legal concerns. Libraries are often where legal computers are located and legal computers are the primary way for inmates to access legal resources information.

**Recommendation 20: Corrective Services NSW ensure that correctional centre libraries operate according to standard library practice and the *Australian Library and Information Association Minimum Standard Guidelines for Library Services to Prisoners, 2015*.**

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307 Information provided by Corrective Services NSW on 4 November 2019.

308 Information provided by Corrective Services NSW on 4 November 2019.





Library for minimum security inmates at Bathurst CC



Library for medium security inmates at Bathurst CC



Inmate library at OMMPPCC



Inmate library at Dawn De Loas CC



Main wing library at Broken Hill CC



Library for maximum security inmates at Mid North Coast CC

## 7. General observations

### 7.1 Program and education rooms

Inadequate or difficult to access facilities were observed at a number of correctional centres, inhibiting the delivery of program group sessions and education courses. There were also concerns that the planning of new construction had not made adequate provision for program and education spaces.

At OMMPPCC, the programs and education area was in good condition. However, the location was difficult for some inmates to access. For example, IDATP inmates needed to go through two offices for on-duty correctional officers to access this area for group meetings. This will likely change with the new construction at OMMPPCC that was underway at the time of writing. However, no new program rooms have been planned for construction and when it is finalised medium security inmates will need to go through two duty offices to access the programs and education area.

At South Coast CC, the construction of the HIPU building had been delayed so that it would be built in the new minimum security section, which was under construction at the time of the inspection. The program rooms in the minimum security section at that time were well appointed and accessible for inmates. However, the rooms were being shared by VOTP and EQUIPS program groups and there was concern that there would not be sufficient program rooms in the new minimum security section.

Members of the inspection team visited the new minimum security section at South Coast CC during a liaison visit in March 2019. This section included the HIPU building and a new ILC building. It was reported that the four group rooms in the HIPU building were too small for a full group of program participants as well as two group facilitators. Consequently, the total capacity of the South Coast CC HIPU was reduced from 40 to 32 inmates. It was also noted that VOTP group sessions were being delivered in the education rooms in the ILC.

At Broken Hill CC, there was only one program room located in the main wing, the door of which adjoined the main wing yard area. There was also a program room in X-wing however this room had multiple uses and it could not be used for program groups with B classification inmates for security reasons. There was also an education area located in a demountable building that included six computers.

Mid North Coast CC had several examples of well-equipped education and program rooms. There were two new HIPU buildings located in the women's section with two program rooms and the male minimum security section with eight program rooms. The ILC was located in the maximum security section and was designed with the Designing Out Crime research centre.<sup>309</sup> However, the inspection team heard that part of the reason why no Foundation Skills Programs were being delivered in the male minimum security section was because there was a lack of appropriate facilities, with only one education room containing eight tables, three computers and six chairs.

However, overall, there were a number of examples of program and education rooms that were and were not fit-for-purpose. The construction of the HIPU buildings is a positive development for increasing the capacity of CSNSW to provide programs. It may be worth considering making the HIPU buildings available for education where these spaces are available.

It is important that infrastructure planning takes into account the need for dedicated spaces for delivering programs and education and for accommodating program and education staff. This also needs to be a consideration in the development and maintenance of new and existing correctional centres. CSNSW has advised that the Prison Bed Capacity Program (PBCP) has developed infrastructure standards for new facilities constructed as part of the PBCP and has incorporated additional spaces for programs into the

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<sup>309</sup> See 'Corrective Services Intensive Learning Centres', *Designing Out Crime Research Centre* (Web Page) <<http://designingoutcrime.com/project/csi-intensive-learning-centres/>>.



design of its projects. A Corrective Services Infrastructure Strategy also provides opportunities to plan for the development and maintenance of program and education spaces.<sup>310</sup>

**Recommendation 21: The creation and maintenance of purpose-built program and education spaces should form part of current and future estate planning.**



Programs and education area at OMMPPCC



Maximum security programs area at South Coast CC



Programs and education area at Bathurst CC



Education room at Mid North Coast CC

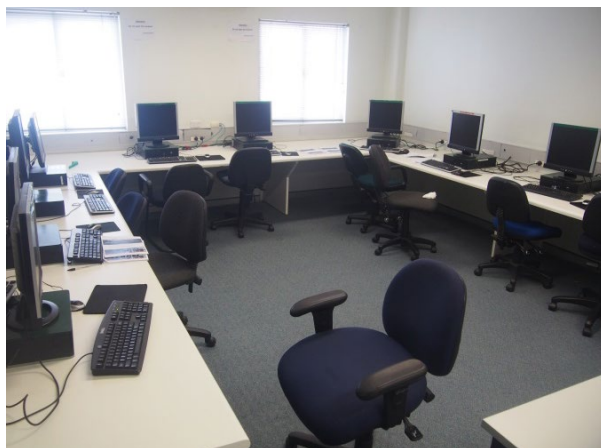


Program room in the Sex Offender Programs wing in MSPC 2



Program room in the VOTP wing in MSPC 1

<sup>310</sup> Information provided by Corrective Services NSW on 4 November 2019.



Education room at Dawn De Loas CC



Education room at Broken Hill CC

## 7.2 Impact of correctional centre operations

Across a number of different correctional centres the inspection team observed the impact of correctional centres operations on programs, employment and education. In particular, unscheduled lock-downs, the timing of inmate musters and short out-of-cell hours were noted as having a negative effect on the ability of inmates to work and undertake programs and education. It also made it difficult for inmates to balance work and participation in education or programs.

The Productivity Commission defines ‘time out-of-cells’ as ‘the average number of hours in a 24-hour period that prisoners are not confined to their cells or units’.<sup>311</sup> In 2017–18, NSW inmates spent an average of 8.4 hours per day out-of-cells. This was the lowest average of all Australian jurisdictions, except the ACT which also averaged 8.4 hours per day out-of-cells.<sup>312</sup> Over the same period the average time out-of-cells for NSW inmates in secure custody (required to be confined by a secure perimeter) was 7 hours per day and in open custody (not required to be confined by a secure perimeter) was 10.1 hours per day.<sup>313</sup> The national average time out-of-cells was 9.9 hours per day, 12.5 hours per day for those in open custody and 9 hours per day for those in secure custody.<sup>314</sup>

The inspection team observed that several correctional centres were using the structured day to facilitate the involvement of inmates in work and education or programs. It was hoped that changes to the structured day at Bathurst CC would allow inmates to work from 7.30 am to 11.30 am and attend education or programs after lunch. At Mid North Coast CC the inspection team was told that HIPU sessions are staggered at different times of the day to accommodate the hours of workers in different industries. At OMMPPCC, EQUIPS program sessions were delivered in the afternoon to enable inmates to work from 6.30 am to 1 pm.

However, at some correctional centres limited time out of cells and unscheduled lock-downs were compromising the benefits of the structured day. At OMMPPCC, the inspection team heard that unscheduled lock-downs would include the Honour House, preventing work release inmates from attending their jobs in the community. The inspection team was told that work release employers have placed a cap on the number of inmates they employ in order to mitigate the negative impact of losing a portion of their work force for the day with little notice.

311 Productivity Commission, *Report on Government Services 2019: Chapter 8 - Corrective Services* (Report, 24 January 2019) 8.15.

312 Productivity Commission, *Report on Government Services 2019: Chapter 8 - Corrective Services* (Report, 24 January 2019) table 8A.12.

313 Productivity Commission, *Report on Government Services 2019: Chapter 8 - Corrective Services* (Report, 24 January 2019) table 8A.12. See 8.28–29 for definitions of ‘open prison’ and ‘secure prison’.

314 Productivity Commission, *Report on Government Services 2019: Chapter 8 - Corrective Services* (Report, 24 January 2019) 8.15.



Both staff and inmates in the VOTP and Sex Offender Programs wings reported a number of unscheduled lock-downs and lunchtime lock-downs from around 11.30 am to 12.30 pm. There was concern about the extent to which this was interrupting the group session schedule for both programs and creating inconsistency for staff and inmates. CSNSW has advised that Offender Services and Programs staff are providing monthly reports regarding cancelled program sessions to the Custodial Corrections branch of CSNSW. This is also a standing item within the CSNSW Benchmarking Implementation team meetings.<sup>315</sup>

VOTP wing inmates were let out their cells at around 7.30 am and locked into their cells for the night at around 2 pm. The inspection team was told that the short out-of-cell hours and the lunch lock-down made it difficult for staff to run an afternoon group session and they either have to run half a session or cancel it completely. It was estimated that in the 8 weeks prior to the inspection they had only been able to deliver two of three group sessions per week.

On the day of the inspection, Sex Offender Programs wing inmates were locked in their cells at the time of the inspection team's arrival at around 8.30 am due to custodial staff attending an industrial meeting. Normally Sex Offender Programs inmates are let out of their cells at around 7.30 am and attend group sessions from around 8.30 am to 10.40 am and 1.00 pm to 3.30 pm. Previously morning group sessions ran from around 9 am to 11.20 am, however, the inspection team was told that the timing of morning group sessions had been adjusted.

In addition, inmates undertaking intensive programs in the Sex Offender Programs and VOTP wings had no access to education and employment opportunities. Inmates undertaking intensive programs may not have the capacity to attend group sessions and complete related tasks while also working or undertaking an education course. However, one staff member was of the view that more education could provide inmates with an opportunity to practice the skills they had learned during the program while also helping them prepare for release. Another highlighted that the Sex Offender Programs encourage inmates to think about their lives in the community and considered that more practical reintegration support would complement the programs. As many of these inmates will be approaching their earliest possible release date while undertaking these programs it seems like a lost opportunity not to use some of their spare time to help them prepare for release into the community.

**Recommendation 22: Corrective Services NSW monitor the impact of lock-downs and staffing on program schedules.**

### **7.3 The need for programs, employment and education for particular inmate cohorts**

Inmates who fall within certain groups can experience difficulty accessing programs, employment and education. Inmates on remand, inmates in protective custody and women may not be able to access suitable programs, employment and education. The delivery of programs and education may also be impeded by logistical and safety concerns or insufficient numbers.

#### **7.3.1 Remand inmates**

A significant proportion of inmates in NSW correctional centres are on remand. As at 30 June 2018, 4,602 of the 13,740 (33%) of inmates in NSW correctional centres were unsentenced, an increase of 10% since 2008. In addition, the median time unsentenced inmates spent on remand was 3.8 months, higher than all other Australian jurisdictions.<sup>316</sup> Of the 4,602 unsentenced inmates in NSW, 859 (18.7%) had been on remand for 1 year or over.<sup>317</sup> The length of time a defendant spends on remand depends on the length of time it takes for their criminal matter to be resolved.

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<sup>315</sup> Information provided by Corrective Services NSW on 4 November 2019.

<sup>316</sup> Australian Bureau of Statistics, *Prisoners in Australia, 2018* (Catalogue No 4517.0, 6 December 2018) <<https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4517.0~2018~Main%20Features~New%20South%20Wales~21>>.

<sup>317</sup> Australian Bureau of Statistics, *Prisoners in Australia, 2018* (Catalogue No 4517.0, 6 December 2018) table 32.

Almost every correctional centre inspected for this report was accommodating remand inmates. The only correctional centre inspected with no remand inmates was OMMPPC and remand inmates are not eligible for VOTP and the Sex Offender Programs in MSPC. As at the end of 2018, the proportion of remand inmates at each inspected correctional centre was:

- South Coast CC – 18.1%
- Bathurst CC – 42.7%
- Mid North Coast CC – 37.1%
- Broken Hill CC – 42.6%
- Dawn De Loas – 20.3%.<sup>318</sup>

Many of the remand inmates who spoke to the inspection team said they would like to be able to do more with their time, including programs, work and education. However, as remand inmates have not been convicted and sentenced for committing a criminal offence, they have difficulty accessing these opportunities.

The period an individual inmate may spend on remand can be difficult to predict.<sup>319</sup> Remand inmates may also be moved between correctional centres. The remand bed placement practice is used to manage limited metropolitan beds by moving remand inmates to a regional correctional centre if they do not have a court date scheduled within the next 2 weeks.<sup>320</sup> This makes planning and meaningful engagement with programs, work or education challenging for remand inmates and correctional centre staff.

The Regulation requires that inmates of certain classes, including convicted and unconvicted inmates, should be separated as far as practicable.<sup>321</sup> This is consistent with international standards,<sup>322</sup> which highlight the principle that the unresolved legal status of unconvicted inmates means that they should be separated from and treated differently to convicted inmates.

### Programs and remand inmates

If a defendant is convicted and receives a custodial sentence, the court may backdate the sentence to take into account time spent in custody on remand.<sup>323</sup> Consequently, a person who is convicted and sentenced after being remanded in custody may have only a short period as a sentenced inmate or will be immediately released from custody following sentencing. These offenders may not have sufficient time as a sentenced inmate to undertake programs to address the causes of their offending.<sup>324</sup>

Behaviour change programs are unsuitable for remand inmates because, as the Australian Law Reform Commission (ALRC) highlights, ‘the presumption of innocence raises legal and ethical questions about the extent to which prison programs addressing offending behaviours should be made available to prisoners on remand’.<sup>325</sup> Consequently, EQUIPS and other behaviour change programs that require inmates to discuss their offending are problematic and inappropriate for inmates on remand because, by definition, they have not been convicted of committing a criminal offence.

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318 Information provided by Corrective Services NSW on 2 July 2019.

319 NSW Law Reform Commission, *Parole* (Report No 142, September 2015) 358.

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

321 *Crimes (Administration of Sentences) Regulation 2014* cls 33(1)–(2).

322 International Covenant on Civil and Political Rights article 10(2)(a); United Nations Standard Minimum Rules on the Treatment of Prisoners rules 111–120.

323 *Crimes (Sentencing Procedure) Act 1999* ss 47(2)(a), (3).

324 NSW Law Reform Commission, *Bail* (Report No 133, April 2012) 75–6.

325 Australian Law Reform Commission, *Pathways to Justice—An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Report No 133, 28 March 2018) 287.

The ICS *Full House* report highlighted this issue but noted that, at that time, there were no short courses on substance abuse or life skills for remand inmates, recommending that CSNSW develop 'short-term drop-in and drop-out programs for remandees'.<sup>326</sup> Although there are currently some programs designed for remand inmates that do not require an inmate to discuss their offending, such as RUSH and Remand Addiction, the delivery of these is classified as a medium priority by CSNSW.<sup>327</sup> CSNSW has advised that an evaluation of the benefits of Remand Addiction should be completed by mid-2020. It also highlighted that early evidence suggests that Remand Domestic Violence is of limited benefit.<sup>328</sup>

At the time of the inspection of each correctional centre, there were no remand programs being delivered at South Coast CC or Bathurst CC. Staff at Bathurst CC described the role and profile of Bathurst CC as a remand and reception centre as one of their biggest challenges for administering inmate programs and education. In particular the high proportion of remand inmates and the low proportion of sentenced inmates were creating difficulties for the provision of programs and education.

At Broken Hill CC, an Addiction Support group was available to all inmates, but there were no formal remand programs. Mid North Coast CC was reported to be a pilot site for the Remand Domestic Violence programs and staff were hopeful that they would have the resources to deliver Remand Addiction in 2019. Remand Addiction was being delivered at Dawn De Loas CC and the inspection team observed a significant number of remand inmates attempting to register for these sessions.

The development and delivery of any programs and support to remand inmates is innovative and is to be commended. CSNSW has advised that there are limited resources for programs and services. Therefore, it is focused on increasing program participation to sentenced prisoners, in accordance with the Premier's Priority to reduce reoffending.<sup>329</sup> This is to be commended. However, the Inspector is of the view that more needs to be done to ensure that remand inmates have the opportunity to participate in these programs.

**Recommendation 23: Corrective Services NSW should be resourced to deliver programs to sentenced and remand inmates and develop program delivery targets for correctional centres with remand inmates.**

### Employment and remand inmates

The requirement for inmates to work only applies to those who have been convicted of a criminal offence, not those who are on remand.<sup>330</sup> The only exception is that the Governor of a correctional centre may 'require an unconvicted inmate to ensure that any yard or other section of the correctional centre that he or she uses is kept clean'.<sup>331</sup> CSNSW policy provides that remand inmates 'while not obliged to work are to be encouraged to participate in work and other programs for their own self development'.<sup>332</sup>

The inspection team was told that remand inmates were not able to work at South Coast CC and Dawn De Loas CC. At Mid North Coast CC, Bathurst CC and Broken Hill CC remand inmates were able to work alongside sentenced inmates.

In practice, correctional centres that permit remand inmates to work will generally prioritise the employment of sentenced inmates. Consequently, the inspection team heard that there may be no available positions for many remand inmates who register to work. In addition, many of the industries in correctional centres rely on a stable workforce and there appears to be a reluctance to employ too many remand inmates as they may be moved or released with little, or no, notice. Sentenced inmates who are placed at their gaol of classification are generally less likely to be moved to a different correctional centre.

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

327 Corrective Services NSW, *Policy for Prioritising Offender Services and Programs in Custody* (8 December 2016) 8.

328 Information provided by Corrective Services NSW on 4 November 2019.

329 Information provided by Corrective Services NSW on 4 November 2019.

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

331 *Crimes (Administration of Sentences) Regulation 2014* cl 38(2).

332 Corrective Services NSW, *CSI Policy Manual: 8.2 Inmate Wages System* (July 2018) 2.



The Inspector considers that it is important for correctional centres to be vigilant in maintaining the distinction between accused and convicted inmates. However, this needs to be balanced against the benefits of allowing remand inmates to access work while they are in custody. During this inspection, the inspection team spoke to a number of inmates who wanted to work in order to earn money for phone calls and 'buy-ups' and minimise boredom and idle time.

**Recommendation 24: Corrective Services NSW should increase work opportunities for remand inmates.**

### 7.3.2 Inmates in protective custody

Section 12 of the Act provides that an inmate in segregated or protective custody is to be detained in isolation from all other inmates or in association with other inmates as determined by the Commissioner or Governor. An inmate held in segregated or protective custody is not to suffer a reduced diet or be deprived of any rights or privileges, other than those determined by the Commissioner or Governor and those lost as an unavoidable consequence of segregated or protective custody.

A person will be placed in segregated custody where the Governor (or delegate) is of the view that segregation is necessary for the personal safety of any other person, the security of the correctional centre or the good order and discipline within the correctional centre.<sup>333</sup> In contrast, a person will be placed in protective custody where their personal safety is at risk from other inmates. This may be due to the nature of their offence, previous occupation or 'inability to cope with the normal correctional centre environment'.<sup>334</sup>

Protection inmates cannot freely associate with other inmates and therefore are unable to participate in programs, work or education with groups of other inmates. Small groups of protection inmates may be able to safely associate, but it is difficult for correctional centres to provide programs, work and education to these small groups. Consequently, there may be insufficient numbers of eligible protection inmates to support the delivery of additional programs or education or to support an area of work.

The infrastructure of a correctional centre may also have an impact on the ability of staff to facilitate programs, education or work either due to a lack of program and education rooms or difficulties safely moving protection inmates from one part of the correctional centre to another. A number of programs, including IDATP/Yallul Kaliarna, require inmates to 'sign off' from protective custody. Inmates who cannot or will not exit protective custody do not satisfy the suitability criteria to participate in these programs.<sup>335</sup>

As at the end of 2018, 22.6% of all inmates were in protective custody. Of the inspected correctional centres, Bathurst CC (10.3%), Mid North Coast CC (13.1%) and South Coast CC (19.7%) all had significant protective custody populations.<sup>336</sup>

Mid North Coast CC was attempting to overcome these challenges to facilitate program access for protection inmates. At the time of the inspection, Mid North Coast CC was trialling the delivery of an EQUIPS Foundation program for these inmates for 2 days per week. During a subsequent liaison visit in August 2019, staff reported that eligible protection inmates had access to the EQUIPS Foundation and EQUIPS Addiction programs.

In addition, at the time of the inspection and at the August 2019 liaison visit, Mid North Coast CC also provided work for protection inmates in a Food Services unit and Buy-Up packaging. The inspection team was told that this Food Services unit would be moved to the extension of Mid North Coast CC, but that staff hoped to minimise the impact of this on the employment of protection inmates by expanding the Buy-Up packaging area.

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<sup>333</sup> Corrective Services NSW, *Custodial Operations Policy and Procedures – 3.4 Segregation* (16 December 2017).

<sup>334</sup> Corrective Services NSW, *Custodial Operations Policy and Procedures – 3.2 Protective Custody* (16 December 2017) 5.

<sup>335</sup> Corrective Services NSW, *Compendium of Offender Behaviour Change Programs in New South Wales* (June 2016) 20, 22.

<sup>336</sup> Information provided by Corrective Services NSW on 2 July 2019.

It was encouraging to see a correctional centre attempting to provide opportunities to a group of inmates that otherwise would not be able to work or undertake programs. The Inspector hopes to see more such examples in the future.

### 7.3.3 Aboriginal inmates

After taking into account difference in the age profiles of Aboriginal and non-Aboriginal peoples, the national imprisonment rate for Aboriginal people is almost 12 times higher than for the non-Aboriginal population.<sup>337</sup>

Aboriginal people were over-represented at all of the correctional centres inspected for this report. As at the end of 2018, the proportion of Aboriginal inmates at the inspected correctional centres was:

- OMMPPC – 13.8%
- South Coast CC – 26.1%
- Bathurst CC – 31.4%
- Mid North Coast CC – 42.7%
- Broken Hill CC – 72.1%
- Dawn De Loas – 17.7%.<sup>338</sup>

The need for programs, work and education that addresses the needs of Aboriginal inmates has been raised by a number of inquiries. The Royal Commission into Aboriginal Deaths in Custody recommended that corrective services agencies ensure that Aboriginal inmates 'have the opportunity to perform meaningful work and to undertake educational courses in self-development, skills acquisition, vocational education and training including education in Aboriginal history and culture'.<sup>339</sup> The ALRC recommended that state and territory corrective services agencies 'develop prison programs with relevant Aboriginal and Torres Strait Islander organisations that address offending behaviours and/or prepare people for release'. This recommendation highlighted the need to make such programs available to Aboriginal and Torres Strait Islander inmates on remand and serving short sentences and Aboriginal and Torres Strait Islander women in custody.<sup>340</sup>

The ALRC outlined that culturally appropriate programs for Aboriginal people in correctional centres should be:

- designed, developed and delivered by Aboriginal and Torres Strait Islander organisations where possible
- trauma-informed, and
- focused on practical application to support reintegration, such as housing, financial literacy and employment support, especially for inmates on remand or serving short sentences.<sup>341</sup>

The Council of Australian Government's (COAG) report, *Prison to Work*, found that services and programs offering support to Aboriginal inmates should seek to be culturally competent and that more could be done to use time in custody to establish pathways to post-release employment.<sup>342</sup>

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<sup>337</sup> Productivity Commission, *Report on Government Services 2019: Chapter 8 - Corrective Services* (Report, 24 January 2019) 8.4.

<sup>338</sup> Information provided by Corrective Services NSW on 2 July 2019.

<sup>339</sup> *Royal Commission into Aboriginal Deaths in Custody* (Final Report, April 1991) vol 3, recommendation 184.

<sup>340</sup> Australian Law Reform Commission, *Pathways to Justice—An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Report No 133, 28 March 2018) recommendation 9–1.

<sup>341</sup> Australian Law Reform Commission, *Pathways to Justice—An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Report No 133, 28 March 2018) 296, 299–300.

<sup>342</sup> Council of Australian Governments, *Prison to Work Report* (Final Report, 9 December 2016) 8–9, 23–6, 29–31.

CSNSW's Aboriginal Strategy and Policy Unit is an advisory body on matters concerning Aboriginal offenders in correctional centres and subject to supervision in the community and Aboriginal staff. This unit is involved in the development and implementation of a number of programs that aim to address the needs of Aboriginal offenders, including:

- The **Aboriginal Birth Certificate project** which assists Aboriginal inmates to obtain identification documents.
- The **Bundian Way Project**, in which groups of Aboriginal inmates work on sections of an Aboriginal walking track that connects Targanfal (Kosciusko) in the mountains with Bilgalera (Fisheries Beach) in Eden.
- **Dubay Gunyah**, a 2-year pilot program that provides accommodation for women leaving custody in a home located in Western Sydney. Developed in partnership between CSNSW, Aboriginal Housing, Illawarra Aboriginal Corporation and Marrin Weejalli, the project aims to support the transition of women into the community and stable housing.
- The **Girrawa Arts Program** at Bathurst CC in which Aboriginal inmates create artwork.
- **Gundi** is a building construction program based at St Heliers Correctional Centre in which inmates construct buildings for Aboriginal communities.
- **Never Going Back**, in which inmates participate in the Clean Slate Without Prejudice initiative.<sup>343</sup>

The Aboriginal Strategy and Policy Unit is also involved in the development of programs for Aboriginal HIPU participants and the operation of Bolwara Transitional Centre for women nearing the end of their sentence; Balund-a, a residential diversionary program; and the Brewarrina (Yetta Dhinnakkal) Centre, a minimum security correctional centre for Aboriginal men.<sup>344</sup>

In addition, as part of the NSW Government's response to the *Prison to Work* report, CSNSW and the Aboriginal Strategy and Policy Unit are currently implementing several employment programs for Aboriginal women – the Gundanha Aboriginal Women's Employment Program at Wellington CC; the Aboriginal Mother's Work Readiness Program at Emu Plains CC; and an Employment and Training Hub at Bolwara Transitional Centre. The Australian Government has also established the Time to Work Employment Service – a national employment service to assist Aboriginal and Torres Strait Islander people in custody prepare for employment when they are released into the community.<sup>345</sup>

It is encouraging that CSNSW has a dedicated team working on addressing the needs of Aboriginal offenders and that a range of targeted initiatives have been developed and implemented. However, not every Aboriginal inmate will benefit from these programs, highlighting the importance of ensuring culturally competent programs, employment and education across the NSW correctional system. As COAG emphasised in its *Prison to Work* report:

Understanding the particular circumstances of Aboriginal and Torres Strait Islander prisoners' lives is crucial when designing services and programmes. Most importantly, Aboriginal and Torres Strait Islander prisoners require a particular kind of support prior to and after their release that recognises the underlying presence of trauma in their lives. This may have particularly significant manifestations for Aboriginal and Torres Strait Islander women.<sup>346</sup>

343 Corrective Services NSW, *Aboriginal Strategy & Policy Unit Information Compendium* (undated).

344 Corrective Services NSW, *Aboriginal Strategy & Policy Unit Information Compendium* (undated). On 26 September 2019, the NSW Government announced that Brewarrina Correctional Centre would cease operations in mid-2020. See 'Safer, Purpose-built Prison to Open Under Expansion Program', *NSW Government* (Web Page, 26 September 2019) <<https://www.nsw.gov.au/news-and-events/news/safer-purpose-built-prison-to-open-under-expansion-program/>>.

345 'Time to Work Employment Service', *Department of Employment, Skills, Small and Family Business* (Web Page, 2 July 2019) <<https://www.employment.gov.au/time-work-employment-service>>.

346 Council of Australian Governments, *Prison to Work Report* (Final Report, 9 December 2016) 5.

**Recommendation 25: Corrective Services NSW ensure that mainstream programs, employment and education delivered in NSW correctional centres are culturally competent.**



Art works from Girrawa Art Centre at Bathurst CC

#### 7.3.4 Women

At 2 June 2019, women comprised 7% (947 inmates) of the total adult prison population in NSW.<sup>347</sup> Women may be imprisoned in correctional centres that only hold women or that hold men and women in different sectors. Of the correctional centres inspected for this report, Mid North Coast CC and Broken Hill CC had small populations of women inmates. As a consequence of the size of these groups and competing demands from the predominantly male inmate population, these women experienced difficulty accessing programs, employment and education.

At the time of the inspection of Mid North Coast CC the women's sector had a capacity of up to 54 women and a current state of 42 women. A HIPU for up to 20 women was officially opened in the women's sector the day prior to the inspection and at that time 16 women were undertaking HIPU programs. In 2018, 36 women commenced and 28 completed EQUIPS Foundation and 21 women commenced and 13 completed EQUIPS Addiction at Mid North Coast CC.

At the time of the inspection, Broken Hill CC's women's unit had a capacity of up to 12 women. In 2018, no women completed an EQUIPS program at Broken Hill CC. However, nine women had been allocated to a RUSH group which was due to start in September 2018.

In 2018, only small numbers of women at Mid North Coast CC and Broken Hill CC had access to Foundation Skills Programs. Table 18 shows the number of women who were enrolled in and who completed Foundation Skills Programs in 2018.<sup>348</sup> At the time of the inspection, there was only one BSI Learning trainer delivering Foundation Skills Programs at Mid North Coast CC. Due to Mid North Coast CC's daily routine, a lack of appropriate facilities, and the requirement to provide 8 hours per week of LLN courses, the trainer was only delivering courses in the male maximum security sector. An additional trainer had been recruited to provide 12 hours of Foundation Skills Programs to women but had not commenced at the time of the inspection.

<sup>347</sup> Corrective Services NSW, *Offender Population Report* (2 June 2019) 2.

<sup>348</sup> Information provided by Corrective Services NSW on 12 April 2019.



**Table 18: Number of women who enrolled in and completed Foundation Skills Programs in 2018 at inspected correctional centres**

		Mid North Coast CC		Broken Hill CC	
		Enrolled	Completed	Enrolled	Completed
<b>Pre-Certificate LLN</b>	Total	0	0	3	3
	Aboriginal	0	0	3	3
<b>Level 1 LLN</b>	Total	2	1	3	3
	Aboriginal	2	1	3	3
<b>Level 2 LLN</b>	Total	12	7	5	4
	Aboriginal	7	4	5	4
<b>Level 1 Digital Literacy</b>	Total	7	3	0	0
	Aboriginal	3	0	0	0
<b>Level 2 Digital Literacy</b>	Total	0	0	0	0
	Aboriginal	0	0	0	0

The inspection team was advised at both Mid North Coast CC and Broken Hill CC that it was difficult to provide work to women inmates. At Mid North Coast CC, women had access to work in the laundry, creating ration packs, doing ground maintenance or cleaning the accommodation wings. Up to 30 women were able to work in the laundry. However, the number of women attending work would be reduced to 15 if there was only one supervising staff member. At the time of the inspection 35 women were working, including 18 in the laundry.<sup>349</sup> This number had increased by the end of 2018, at which time 42 women were employed at Mid North Coast CC.<sup>350</sup>

At Broken Hill CC women were able to work in the storage room creating reception packs, folding laundry and organising food stocks. Some women were also employed to clean the women's unit. Generally, Broken Hill CC did well to find small jobs for most inmates, allowing them to earn a wage and engage in some activity, although a number of jobs may only offer a few hours of work a day. At the time of the inspection 11 women were employed.<sup>351</sup> However, as at the end of 2018, no women at Broken Hill CC were employed.<sup>352</sup>

Key issues and recommendations concerning women in custody can be found in the ICS Women on Remand report. This includes recommendations concerning the accessibility of programs, employment and education.

## 7.4 Work and Development Orders

The Work and Development Order (WDO) scheme is administered by Revenue NSW. WDOs enable people experiencing difficulty paying their fines due to their personal or financial circumstances to pay off or reduce a fine by performing unpaid work, undertaking a course or receiving treatment.<sup>353</sup>

Each correctional centre in NSW is an approved WDO sponsor.<sup>354</sup> Inmates with a fine-related debt will be eligible for a WDO if they:

<sup>349</sup> Information provided by Corrective Services NSW on 2 August 2018.

<sup>350</sup> Information provided by Corrective Services NSW on 12 April 2019.

<sup>351</sup> Information provided by Corrective Services NSW on 15 August 2018.

<sup>352</sup> Information provided by Corrective Services NSW on 12 April and 24 May 2019.

<sup>353</sup> Revenue NSW, 'Can't Pay Your Debt?', *Fines and Fees* (Web Page) <<https://www.revenue.nsw.gov.au/fines-and-fees/cant-pay-your-debt>>.

<sup>354</sup> Corrective Services NSW, *Policy for Supporting Offenders to Manage Fine-related Debts through Work and Development Orders* (16 August 2018) 5.



- have an intellectual disability or cognitive impairment
- have a mental illness or personality disorder
- were homeless in the period prior to entering custody, including people with unstable or temporary accommodation arrangements such as hostels or staying with friends
- were experiencing acute economic hardship in the period prior to entering custody, including people receiving Centrelink payments or with a household income below the thresholds provided for in section 5.5.3 of the Work and Development Order Guidelines 2017, or
- have a serious addiction to drugs, alcohol or volatile substances.<sup>355</sup>

Approved WDO activities that can be undertaken in NSW correctional centres include:

- medical and mental health treatment in Long Bay Hospital, Mental Health Screening Unit, Mum Shirl Unit or Acute Crisis Management Unit
- education courses, vocational training or life skills courses, including most offender programs.
- financial or other counselling
- drug and alcohol treatment, including EQUIPS Addiction and IDATP, and
- being a mentee or a mentor in the Young Adult Offender Mentoring Program at Oberon Correctional Centre.<sup>356</sup>

Paid employment, educational and vocational courses undertaken as part of a traineeship, or activities ordered by a sentencing court are not included in the WDO scheme.<sup>357</sup> Hours of activities undertaken before a WDO commences cannot be included toward a WDO.<sup>358</sup>

The reduction in fine-related debt is based on an inmate's compliance with a treatment or mentoring program or their hours of attendance, at a rate of \$50 per hour, depending on the type of activity undertaken by the inmate.<sup>359</sup> A debt can be reduced by a maximum of \$1,000 per month.<sup>360</sup>

As at the end of 2018, there were 303 inmates with an active WDO across all NSW correctional centres, including two inmates at OMMPPC; eight at South Coast CC; 27 at Bathurst CC; 14 at Mid North Coast CC; 21 at Broken Hill CC and 12 at Dawn De Loas CC.<sup>361</sup> During 2018, the WDOs of 2,135 inmates were closed for reasons including the completion of a program or treatment, changed circumstances of the inmates, and non-compliance. The WDOs of a further 863 inmates were categorised as 'closed satisfied', which means the person has been credited with the required hours or value of the WDO.<sup>362</sup>

<sup>355</sup> Corrective Services NSW, *Policy for Supporting Offenders to Manage Fine-related Debts through Work and Development Orders* (16 August 2018) 7.

<sup>356</sup> Corrective Services NSW, *Policy for Supporting Offenders to Manage Fine-related Debts through Work and Development Orders* (16 August 2018) 10 and Annexure 6.

<sup>357</sup> Corrective Services NSW, *Policy for Supporting Offenders to Manage Fine-related Debts through Work and Development Orders* (16 August 2018) 11.

<sup>358</sup> Corrective Services NSW, *Policy for Supporting Offenders to Manage Fine-related Debts through Work and Development Orders* (16 August 2018) 11.

<sup>359</sup> Corrective Services NSW, *Policy for Supporting Offenders to Manage Fine-related Debts through Work and Development Orders* (16 August 2018) 10–11, 29, 31.

<sup>360</sup> Corrective Services NSW, *Policy for Supporting Offenders to Manage Fine-related Debts through Work and Development Orders* (16 August 2018) 10–11, 29–32.

<sup>361</sup> Information provided by Corrective Services NSW on 12 April 2019.

<sup>362</sup> Information provided by Corrective Services NSW on 12 April and 24 May 2019.

WDOs are an important initiative that can contribute toward an offender's reintegration into the community. Encouraging inmates to pay their fine-related debts during their time in custody by engaging with behaviour change programs, education and other activities is a positive approach to helping inmates address the causes of their offending and may support their desistance from offending when they are released. It is therefore important to ensure that all eligible inmates are registered for WDOs.

**Recommendation 26: Corrective Services NSW ensure all offenders eligible for Work and Development Orders are registered.**





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