

Inspector of
Custodial Services

Inspector of Custodial Services

Inspection of Kirkconnell Correctional Centre

November 2023

Acknowledgement of Country

The Inspector of Custodial Services acknowledges the Traditional Custodians of the lands where we work and live. We celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of NSW.

We pay our respects to Elders past, present and emerging and acknowledge the Aboriginal and Torres Strait Islander people that contributed to the development of this report.

We advise this resource may contain images, or names of deceased persons in photographs or historical content.

Inspector of Custodial Services

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Inspector's overview

This is the second inspection of Kirkconnell Correctional Centre (Kirkconnell CC) undertaken by my office. Kirkconnell CC is a minimum security facility for men located between Bathurst and Lithgow. As with the last inspection, I was impressed by the physical surroundings of the centre and the rehabilitation opportunities it provided. It has many elements of a very good minimum security centre; the highest number of traineeships per capita of any prison in NSW, well run education, a functioning library and an accessible yarnning circle. It is well suited to the cohort that it manages, allowing inmates who have had difficulty with placement due to the nature of their convictions, to serve their sentence without the need to be subject to a restrictive protection regime.

I have made commentary in this report in relation to staffing issues, professionalism, and the need for cultural change at this centre. It emerged after our last inspection in 2019 that unprofessional behaviour by staff was not just being directed towards inmates. Following serious allegations by female staff of inappropriate sexual conduct by male colleagues, the then Minister for Corrections announced a review led by Barrister Jane Seymour in 2022. The review examined inappropriate sexual conduct against female staff at Bathurst and Kirkconnell CCs over a 10-year period, and management failures to address it, which highlighted the need for cultural change at the centre.¹

At the time of this inspection, the management team were trying to implement cultural change. However, not surprisingly we identified many staff related issues. Staff absences caused by long term sick leave, workers compensation, and staff suspensions, had resulted in inmates being regularly locked in their accommodation and unable to participate in the rehabilitation opportunities on offer at the centre.²

We also identified several areas where there were staff training deficits and became aware of several concerning staff practices, including reprisal action and threats against inmates for making complaints. This is not unique to Kirkconnell CC³ and we have made recommendations to address these issues at Kirkconnell CC.

There is significant work to do to address the staff culture at Kirkconnell CC and support female staff at the centre. It would be disappointing if staffing issues resulted in the closure of this centre, as it has much to offer the NSW correctional system. I would prefer to see CSNSW support local management to achieve real cultural change at the centre. In that regard, CSNSW is currently expanding the Staff Support, Culture and Wellbeing Team. This team assists managers and leaders across CSNSW to address key workplace issues and is part of CSNSW's commitment to building and maintain a respectful work environment.⁴ Moreover, it is pleasing to see that CSNSW has been actively working with centre management at Kirkconnell CC to commence the implementation of our recommendations before this report is published.

I would like to acknowledge the staff at Kirkconnell CC who assisted and participated in the inspection process. I would also like to thank the inmates at Kirkconnell CC who shared their experiences.

Fiona Rafter

Inspector of Custodial Services

1 *Special Commission of Inquiry into Offending by Former Corrections Officer Wayne Astill at Dillwynia Correctional Centre* (Final Report, February 2024) 257-258.

2 Information provided by Kirkconnell Correctional Centre, 13 November 2023.

3 *Special Commission of Inquiry into Offending by Former Corrections Officer Wayne Astill at Dillwynia Correctional Centre* (Final Report, February 2024) 406.

4 Information from Corrective Services NSW, 1 July 2024.

Glossary of terms and acronyms

Aboriginal	includes Aboriginal and Torres Strait Islander people
AIC	Aboriginal Inmate Committee
APO	Assessment and Planning Officer
AVL	Audio Visual Link
CAS Act	<i>Crimes (Administration of Sentences) Act 1999</i>
CMO	Case Management Officer
CMU	Case Management Unit
COPP	Corrective Services Policy and Procedure
COVID-19	Coronavirus disease 2019, the disease caused by the SARS-CoV-2 virus.
CPORT	Child Pornography Offender Risk Tool (CPORT)
CRES	Corrections Research Evaluation Statistics
CSI	Corrective Services Industries
CSNSW	Corrective Services NSW
CSSL	Corrective Services Support Line
EQUIPS	Explore, Question, Understand, Investigate, Practise, Succeed suite of programs
ESC	Education Support Coordinator
GP	General Practitioner
HISOP	High Intensity Sex Offender Program
IB	Investigations Branch
ICS	Inspector of Custodial Services
IDC	Inmate Development Committee
JH&FMHN	Justice Health and Mental Health Network
K-PMP	Kirkconnell -Peer Mentoring Program
Lockdown	Securing all or some inmates into their cells or accommodation unit outside of a correctional centre's normal routine.
Lock-in	Securing inmates into their cell or accommodation unit.
MFAU	Multi-Function Assessment Unit
MISOP	Medium Intensity Sex Offender Program
MOSP	Manager of Services and Programs
OS&P	Offender Services & Programs
PSB	Professional Standards Branch
RIT	Risk Intervention Team
RUSH	Real Understanding of Self-Help program
SAPO	Services and Programs Officer
SAPTL	Services and Programs Team Leader
SCMO	Senior Case Management Officer
SOP	Sex Offender Programs
STATIC-99R	A ten-item actuarial sex offender risk assessment
TRAS	Triage Risk Assessment Scale

Executive summary

Kirkconnell CC is a minimum-security correctional centre located 180 kms west of Sydney⁵ between Lithgow and Bathurst. The centre was originally opened in 1958 as an afforestation camp and is set in pleasant physical surroundings. The centre closed in 2011 and reopened again in 2015 and has operated continuously since that time.⁶

The centre can accommodate 196 male inmates in two separate accommodation areas.⁷ The main accommodation area is located behind a secure perimeter fence and consists of 10 units with accommodation for up to 160 inmates. The second area is outside the secure perimeter and has accommodation for 36 inmates.⁸ Kirkconnell CC predominantly holds inmates with convictions for sexual assault or related offending. These inmates usually require protection from other inmates in most correctional centres, but Kirkconnell CC provides a place where sentenced minimum security inmates can serve their sentence without the need for protective custody.⁹ This is good practice and could be replicated in other locations. Most inmates are classified as minimum security C2 inmates and there are also minimum security C3 inmates.¹⁰

Most inmates at Kirkconnell CC were born in Australia and as at 30 June 2023, 13.6% of inmates were Aboriginal people. Kirkconnell CC accommodates an older population with 56.7% of the inmate population aged from 45–65+.¹¹

Kirkconnell CC was previously inspected in 2019 and we made eight recommendations:

- officer training to ensure the use of professional language
- replacement of furniture in accommodation areas that was not fit for purpose
- a review of CCTV coverage
- ensuring that inmate reception clerks did not have access to confidential and personal information
- ensuring that the 6(2) permit application process was consistent with legislation and policy
- the installation of Audio Visual Link (AVL) facilities
- the provision of specialist programs
- JH&FMHN ensure that the GP service is provided on a regular basis.¹²

We were pleased to see recommendations from the previous inspection had been implemented (restricting inmate clerk access to confidential information, the installation of AVL facilities, improvement in GP services, and a review of CCTV coverage). However, there was a lack of progress in relation to others, notably furniture in accommodation areas, and use of professional language. We commend CSNSW for commencing work with local management at Kirkconnell CC following our inspection, to address the issues we have identified in this report and implement our recommendations.

Staffing shortages at the time of inspection due to workplace injury claims, sick leave, and suspension, contributed to the need to utilise staff overtime, or lockdown the centre if there were insufficient staff. Inmates at Kirkconnell CC should have long out of cell hours reflective of a

5 Corrective Services NSW, website accessed 22 February 2024, URL:<https://correctiveservices.dcj.nsw.gov.au/correctional-centres/find-a-correctional-centre/kirkconnell-correctional-centre.html>

6 Inspector of Custodial Services, *Kariong and Kirkconnell Correctional Centres and the Integration Support Centre*, (Report November 2020) 31.

7 Information provided by Kirkconnell Correctional Centre, 15 September 2023.

8 Information provided by Kirkconnell Correctional Centre, 15 September 2023.

9 Information provided by Corrective Services NSW, 13 September 2023; See also Inspector of Custodial Services, *Kariong and Kirkconnell Correctional Centres and the Integration Support Centre*, (Report November 2020) 31.

10 Information provided by Corrective Services NSW, 13 September 2023.

11 Information provided by Corrective Services NSW, 13 September 2023.

12 Inspector of Custodial Services, *Kariong and Kirkconnell Correctional Centres and the Integration Support Centre*, (Report November 2020) 10.

minimum-security environment, however unscheduled lock ins due to staff absences was impacting out of cell hours. Inmates had access to well-appointed activities and recreation spaces, although staffing absences had impacted access at times.¹³ This has prompted us to recommend CSNSW address staff shortages to ensure that the centre can operate effectively.

Inmate telephones are mostly located outside the accommodation units at Kirkconnell CC. Not surprisingly the roll out of inmate tablets had been positively received as they allow access to phone calls during the evening. Recent lock-ins had fuelled a desire for tablet access during the day to be able to make calls and access services. Kirkconnell CC would appear to be a centre where this could be facilitated. We have recommended that inmates are given access to inmate tablets when locked in accommodation units to enable inmates to make telephone calls, and access other services.

A review announced in 2022 following allegations by female staff of inappropriate sexual conduct by male staff, and management failures at Bathurst and Kirkconnell CC's, highlighted the need for cultural reform at the centre.¹⁴ During our inspection, centre management were engaged in efforts to change the culture at the centre. A monthly onsite counselling service was available to staff to address vicarious trauma/compassion fatigue. We have recommended that CSNSW also provide counselling services for female staff who have been victims of their male colleagues at Kirkconnell CC.

Whilst most staff at Kirkconnell CC behaved professionally it was disappointing to hear staff using unprofessional language, referring to inmates as "sex pests", and continuing to refer to the Multi Function Accommodation Unit (MFAU) as "the pound". We also heard custodial staff conveying health information to nursing staff inappropriately.

The accommodation at Kirkconnell CC is of a reasonable standard but reflects its age. Maintenance needs to be routinely undertaken in the accommodation units to ensure that the standard of accommodation remains acceptable. It was disappointing to see furniture in accommodation units that was worn and no longer fit for purpose, having made recommendations around these issues at the time of the last inspection.

Inmates had access to chaplaincy services, a very good library and a senior psychologist. Inmates also had access to sufficient clothing and bedding, a TV rental scheme, as well as in-cell tablets. The planned installation of a water filtration unit is a positive development to ensure staff and inmates have access to clean water. Its commissioning was much anticipated. It was also pleasing to see the installation of Audio Visual Link (AVL) facilities at Kirkconnell CC since our last inspection. There are now two AVL suites for court and professional visits, which is a significant improvement since our last inspection. This has addressed our concern about the unnecessary and costly transportation of inmates to Bathurst Correctional Centre to use AVL facilities, where they could stay for extended periods (days or weeks). The installation of AVL facilities has also allowed AVL family/social visits, enabling inmates to re-establish and maintain connection with family and friends.

It was positive to see that additional CCTV had been installed, however we have recommended that CSNSW undertake an annual review of CCTV coverage and install additional CCTV cameras where risks are identified.

We were also pleased to see that inmate reception clerks were no longer being used at the centre, and no longer accessing confidential information of other inmates. This was in response to our recommendation to ensure privacy and confidentiality. It was also positive to see that the centre had an inmate handbook, an improvement from our last inspection. However, this handbook needs to be given to inmates on reception, and induction occur in accordance with legislative requirements.

It was also positive to see that incidents of assault, use of force, self-harm, the detection of contraband, and drug use were all low. Inmate discipline breaches, and the use of separation, segregation, and protective custody were also low.¹⁵ However, whilst the recorded numbers of

13 Information provided by Corrective Services NSW, 13 September 2023.

14 *Special Commission of Inquiry into Offending by Former Corrections Officer Wayne Astill at Dillwynia Correctional Centre* (Final Report, February 2024) 258-259.

15 Information provided by Kirkconnell Correctional Centre, 15 September 2023.

inmate discipline breaches were low, we believe this may have been due to recording and reporting issues. We observed an inmate discipline hearing that was deferred to hear additional evidence from the reporting correctional officer. The records relating to the correctional centre offence, and these proceedings were not able to be located by the centre. We also heard from inmates that they are routinely threatened with being transferred out of the centre for alleged misconduct without charge, or a hearing. As such we have recommended that staff at Kirkconnell CC engage in refresher training in relation to inmate discipline offences including report writing, procedural fairness, and the maintenance of accurate records. It appears these poor practices relating to disciplinary proceedings are not unique to Kirkconnell CC as identified in an investigation by the NSW Ombudsman.¹⁶ CSNSW have commenced an internal review to ensure that staff are trained in and adhere to all parts of the process.¹⁷

Of concern, inmates expressed a reluctance to make complaints for fear that they will be moved to another correctional centre. 278 inmates were transferred into the centre and 166 transferred out of the centre in the 2022-2023 financial year.¹⁸ The management of inmate enquiries and complaints is an area which Kirkconnell CC should pay close attention to. Inmates expressed frustration that enquiries and complaints go unresolved. It is important that inmates can submit enquiries, applications, or complaints and have confidence that they will be acted upon, without fear of retribution or reprisal action. This issue is not unique to Kirkconnell CC. The recent *Special Commission of Inquiry into Offending by Former Corrections Officer Wayne Astill at Dillwynia Correctional Centre* report made a recommendation that CSNSW ensure that adequate information in relation to complaint mechanisms is provided to inmates when received into a correctional centre; that inmates are aware they can make confidential complaints to external bodies not controlled by CSNSW; this information is repeated on admission to each correctional centre; and the information should be provided to an inmate in a language they understand.¹⁹ The use of inmate tablets should have a positive impact in this area. Information should also be clearly displayed in the centre outlining avenues for inmates to lodge an enquiry, application, or complaint. This has been addressed following the Special Commission of Inquiry.

Concerns were raised by inmates that mail from exempt people and bodies was being opened by staff. The opening of such mail is unlawful and erodes confidence that their correspondence is treated confidentially. We have recommended that staff undertake refresher training in the handling of privileged mail.

We also found the Inmate Development Committee (IDC) had not met consistently prior to the inspection, and records of some meetings were unable to be located. This also appears to be a systemic issue across the NSW correctional system as we have found similar issues at other centres including Glen Innes CC and Mannus CC.²⁰ Aboriginal inmates expressed a desire for additional inmate representation, and the establishment of the Aboriginal Inmate Committee (AIC) would facilitate further engagement. As such we have recommended that CSNSW ensure that the IDC meets regularly, and records of meetings and outcomes are retained. Additionally, we have recommended the establishment of an Aboriginal Inmate Committee. We acknowledge the progress that has been made to implement this recommendation.²¹ Kirkconnell CC has a lower proportion of Aboriginal inmates than is often held in maximum or medium security correctional centres, but consistent with other minimum security correctional centres.²² We have also recommended that CSNSW consider placing eligible Aboriginal men at Kirkconnell CC who have family in the area and a connection to Country. We were pleased to see the installation of a yarning circle near the library and recommend that CSNSW appoint an Aboriginal Elder to attend the centre on a regular basis. CSNSW have confirmed the subsequent appointment of an Aboriginal mentor to the centre.²³

16 Ombudsman NSW, *Investigation into inmate discipline in NSW correctional centres* (21 August 2024).

17 Letter from CSNSW to ICS dated 5 April, received 7 May 2024.

18 Information provided by Corrective Services NSW, 22 July 2024.

19 *Special Commission of Inquiry into Offending by Former Corrections Officer Wayne Astill at Dillwynia Correctional Centre* (Final Report, February 2024) Recommendation 16, 42.

20 Inspector of Custodial Services, *Inspection of Mannus and Glen Innes CC* (Report, March 2024) 4.

21 Information from Corrective Services NSW, 1 July 2024.

22 Inspector of Custodial Services, *Inspection of Mannus and Glen Innes CC*, (Report March 2024) 3.

23 Information from Corrective Services NSW, 1 July 2024.

Inmates at Kirkconnell CC were receiving their evening meal in the early afternoon which should not occur in a minimum security environment. As such, we have recommended that the evening meal should be served in the late afternoon. Many inmates complained about the quality and quantity of food, although they could supplement their meals with meat and eggs that were available for purchase. Inmates can purchase other groceries with their own money, however inflationary pressures have impacted the affordability of such purchases. We recommend that CSNSW review the prisoner wages system to ensure inmates are not financially disadvantaged by increases in the cost of groceries. This is a system wide issue we have raised in other reports.²⁴

COVID-19 saw numerous risk mitigation strategies implemented to prevent its spread. None more so than inmate visits. Whilst many of these risk mitigation strategies have been discontinued, the ambiguity of the relevant Commissioners Instruction, and the discretion afforded to local management has resulted in inconsistency amongst minimum security correctional centres in relation to inmate visits. Inmate visits at Kirkconnell CC were limited to one hour, when Bathurst CC was facilitating five-hour visits for minimum security inmates. Inmates and visitors were unable to consume food or drink, vending machines were non-operational, and the outdoor visits area was not being used. This was a significant change from our last inspection and visits should be returned to pre-COVID-19 arrangements as soon as possible. This is also a systemic issue that we have raised in other reports.²⁵ Inmates were primarily pat searched upon completion of their visit, but in the absence of an x-ray body scanner, inmates were being randomly strip searched. Whilst inmates are not required to wear overalls to visits, it is a local practice at Kirkconnell CC that inmates must wear tracksuit pants to visits irrespective of the climatic conditions. This practice is inconsistent with the COPP and should be discontinued. We have recommended that CSNSW install body scanners at minimum security centres and record when and why strip searches are undertaken. We have also recommended that CSNSW revert the length of visits back to pre-COVID-19 arrangements as soon as possible at Kirkconnell CC. We acknowledge CSNSW has taken action at Kirkconnell CC to respond to our recommendations relating to visits.²⁶

JH&FMHN provide health services to inmates at Kirkconnell CC seven days per week. An ageing population at Kirkconnell CC presents challenges for health staff, as these inmates often have comorbidities and chronic conditions that need to be managed. We recommended in our last inspection that JH&FMHN ensure that a regular GP service is provided to inmates. Most GP services are provided by telehealth, combined with in-person consultations. JH&FMHN is delivering 16 hours per month in GP services and a regular Primary Health Nurse Practitioner. This reflects an increase in service delivery from our last inspection.²⁷ We found that inmates with significant health conditions were reluctant to pursue treatment to avoid being moved out of Kirkconnell CC, preferring to be treated locally. This is something we identified in our inspection of health services.²⁸

We made a recommendation following our last inspection of Kirkconnell CC in relation to the provision of specialist offender programs to address offending behaviour. The Medium Intensity Sex Offenders Program (MISOP) was delivered on two occasions. CSNSW do not intend to deliver any more sex offender programs at Kirkconnell CC as CNSW believe many of the inmates at Kirkconnell CC are not suitable to participate in sex offender programs as they are assessed as a low risk of reoffending. Where inmates are identified as high risk and requiring sex offender programs, CSNSW must transfer them to either the Metropolitan Special Programs Centre (MSPC) or South Coast Correctional Centre (South Coast CC).²⁹ We have recommended that CSNSW ensure inmates required to engage in sex offender programs are identified prior to being transferred to Kirkconnell CC and sent to a centre where programs are available.

Despite not delivering sex offender programs, Kirkconnell CC contributes to inmate rehabilitation and reintegration through programs, education and employment. During the 2022–2023 financial year two of the Explore, Question, Understand, Investigate, Practise, Succeed (EQUIPS) suite of

24 Inspector of Custodial Services, *Inspection of John Morony CC, (Report March 2024)* 40.

25 Inspector of Custodial Services, *Inspection of Mannus and Glen Innes CC, (Report March 2024)* 3.

26 Information provided by Corrective Services NSW, 1 July 2024.

27 Inspector of Custodial Services, *Kariong and Kirkconnell Correctional Centres and the Integration Support Centre, (Report November 2020)* 37; Information provided by Justice Health and Forensic Mental Health Network, 13 October 2023.

28 Inspector of Custodial Services, *Health Services in NSW Correctional Facilities (Report, March 2021)* 99.

29 Information provided by Corrective Services NSW, 24 November 2023.

programs were delivered, as was the Real Understanding of Self-Help (RUSH) program.³⁰ Kirkconnell CC also facilitates the Kirkconnell-Peer Mentoring Program (K-PMP). A five-day intensive adventure/experiential learning and theory-based program which draws on principles and activities from Oberon Correctional Centres Gurnang Life Challenge and the Young Adult Offender Satellite Program.³¹ We were surprised to see the program running as we recommended a review of the program following our inspection of Oberon CC.³² During this inspection concerns were identified in relation to the program content and inmate disclosures relating to offending behaviour. The program is not an accredited program, and we have recommended that CSNSW suspend the program pending a review. Inmates at Kirkconnell CC can also engage in education. Inmates can access language, literacy, numeracy and digital literacy, as well as vocational training courses, traineeships and distance education.³³ Kirkconnell CC also provides opportunities for peer led education on topics including languages, maths, art, and guitar.

Kirkconnell CC also provides inmate employment in engineering, grounds maintenance, horticulture, food services/laundry, and community projects, and offers the highest percentage of traineeships in the State. After our last inspection of Kirkconnell CC we recommended that CSNSW ensure that the 6(2) permit application process, that allows inmates to work on or off the complex, was consistent with legislation and policy. Prior to the inspection the majority of inmates (67%) had a C2 classification, making them eligible for a 6(2) permit. Whilst only currently available for five inmates, Kirkconnell CC remains committed to the work release program, enabling inmates to build skills, and resources to assist with their reintegration into the community.³⁴ There is also access to external leave programs. These are all key elements to rehabilitation and successful reintegration into society and it was positive to see these continuing to be offered at Kirkconnell CC.

30 Information provided by Corrective Services NSW, 24 November 2023.

31 Information provided by Kirkconnell Correctional Centre, 15 September 2023.

32 Inspector of Custodial Services, *Inspection of Oberon CC*, (Report November 2020) 8.

33 Information provided by Corrective Services NSW, 13 September 2023.

34 Information provided by Kirkconnell Correctional Centre, 15 September 2023.

Recommendations

The Inspector recommends:

1. Corrective Services NSW address staffing shortages at Kirkconnell Correctional Centre, to ensure the centre can operate effectively, and minimise lockdowns.
2. Corrective Services NSW provide counselling services to female staff at Kirkconnell Correctional Centre.
3. Corrective Services NSW address maintenance issues within inmate accommodation units and replace furniture that is damaged or unfit for purpose.
4. Corrective Services NSW undertake an annual review of CCTV coverage at Kirkconnell Correctional Centre and install additional CCTV cameras where risks are identified.
5. Corrective Services NSW ensure that staff at Kirkconnell Correctional Centre undertake refresher training in relation to inmate discipline offences, including report writing, procedural fairness, and the maintenance of accurate records.
6. Corrective Services NSW ensure inmate induction/orientation occurs in accordance with legislative requirements.
7. Corrective Services NSW ensure Kirkconnell CC provides information in relation to complaint mechanisms to inmates on admission including the ability to make complaints to external bodies not controlled by Corrective Services NSW; the ability to make complaints on a confidential basis; the ability to access an interpreter, and the ability to raise any concerns in relation to reprisals with external bodies following the making of a complaint.
8. Corrective Services NSW ensure that the Inmate Development Committee at Kirkconnell CC meets regularly, and records of meetings and outcomes are retained.
9. Corrective Services NSW ensures that Kirkconnell Correctional Centre establishes an Aboriginal Inmate Committee.
10. Corrective Services NSW ensure that evening meals at Kirkconnell Correctional Centre are served in the late afternoon.
11. Corrective Services NSW put in place a wages system which ensures that inmates (and their families) are not financially disadvantaged by price increases in buy-up goods.
12. Corrective Services NSW ensure that sufficient staff are rostered to enable inmates to have access to the activities centre and the oval.
13. Corrective Services NSW ensure that Kirkconnell Correctional Centre appoints and pays an Aboriginal Elder to attend the centre on a regular basis.
14. Corrective Services NSW consider placing eligible Aboriginal men at Kirkconnell Correctional Centre who have family in the area and a connection to Country.
15. Corrective Services NSW ensures Kirkconnell Correctional Centre gives inmates access to inmate tablets when inmates are locked-in accommodation units to enable inmates to make telephone calls, and access other services.
16. Corrective Services NSW ensure that staff at Kirkconnell Correctional Centre receive refresher training in the handling of privileged mail.
17. Corrective Services NSW ensures Kirkconnell Correctional Centre complies with CSNSW policy and ceases forcing inmates to wear tracksuit pants to visits.
18. Corrective Services NSW install body scanners at minimum security centres and record when and why strip searches are undertaken.

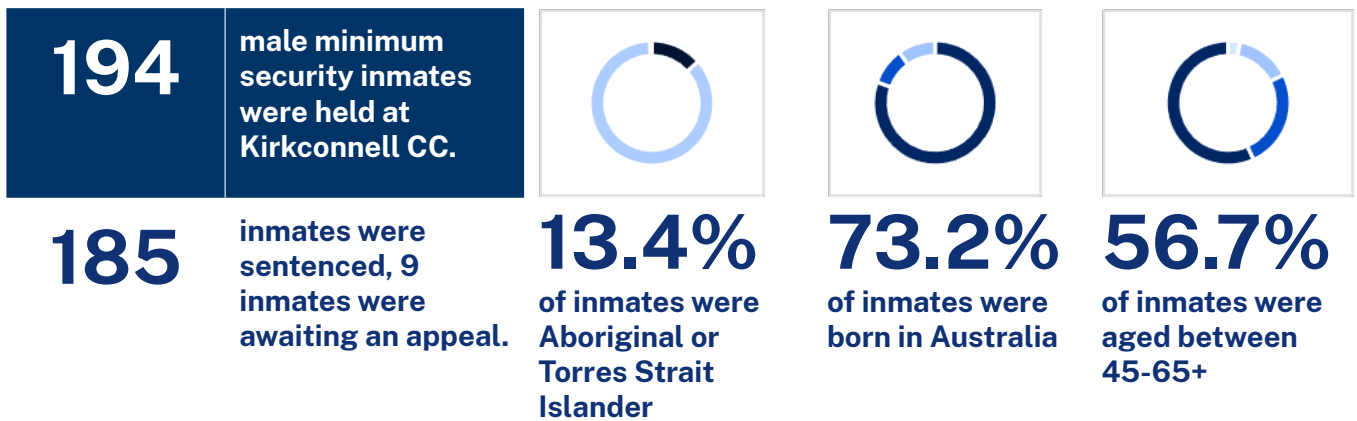
19. Corrective Services NSW revert the length of visits back to pre-COVID-19 arrangements as soon as possible at Kirkconnell Correctional Centre.
20. Corrective Services NSW ensure inmates required to engage in sex offender programs are identified prior to being transferred to Kirkconnell Correctional Centre and placed at a centre where programs are available.
21. Corrective Services NSW suspend the K-PMP program and undertake a review.
22. 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*.

Kirkconnell Correctional Centre profile

Kirkconnell CC is a male minimum security correctional centre, which can accommodate 196 inmates. The centre is located approximately 180 kilometres west of Sydney.

Kirkconnell CC accommodates sentenced inmates who can participate in programs, education, and employment including work release or external leave programs.

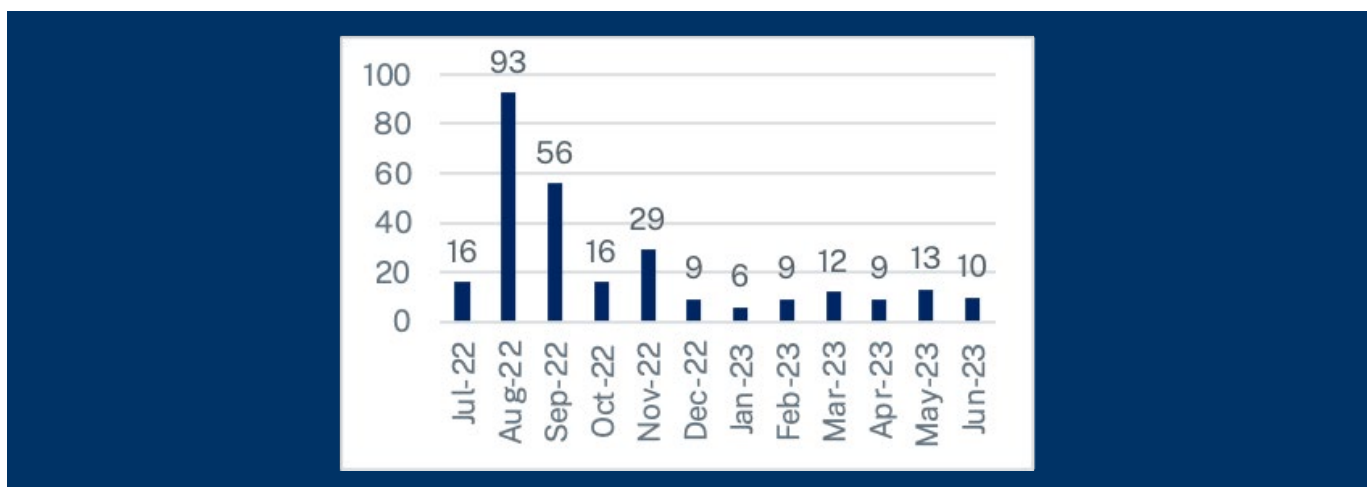
As of 30 June 2023:



As of 30 June 2023:

171	inmates were at Kirkconnell CC for sexual assault and related offences
67%	of inmates at Kirkconnell CC were public interest inmates.
278	Inmates were transferred into Kirkconnell CC between 1 July 2022 – 30 June 2023

Figure 1: Transfers to Kirkconnell CC between 1 July 2022 – 30 June 2023



Inspection process

The office of the Inspector of Custodial Services (ICS) was established by the *Inspector of Custodial Services Act 2012* (the ICS Act) in October 2013. The mandate of the office is to provide independent scrutiny of the conditions, treatment and outcomes for people in custody, and to promote excellence in staff professional practice. The Inspector is required to inspect each adult custodial centre at least once every five years and report on each such inspection to the NSW Parliament with relevant advice and recommendations.³⁵

Inspection provides independent information gathering and analysis concerning what is working well and which areas require improvement. Prior to, and after the onsite inspection, a range of information was obtained from CSNSW and JH&FMHN. During the onsite inspection, observations were made, documentation was obtained, and discussions were held with individual and groups of men in custody (including the Inmate Development Committee) and CSNSW and JH&FMHN staff at Kirkconnell CC.

A pre-inspection liaison visit was undertaken on 12 September 2023, which enabled engagement with staff and inmates prior to the inspection. This visit coincided with the centres NAIDOC celebrations. The onsite inspection took place between 12 – 15 November 2023. The inspection team consisted of a Principal Inspection and Research Officer, Senior Inspection and Research Officer, Inspection and Research Officer and Research Assistant.

It is acknowledged that inspections capture a snapshot in time, with understanding and observations limited by time spent on site. It should be noted that inspections of custodial facilities that occurred since the COVID-19 pandemic may still be impacted by ICS staff and centre staff being unavailable at short notice due to illness; centre lockdowns due to COVID-19 outbreaks; and changes to routines and practices to prevent or mitigate the risk of COVID-19 transmission. The length of time onsite and ability to observe all functions of a centre can also be impacted, often at short notice.

The inspection involved a debrief with the governor where an overview of findings addressing the strengths of the centre and areas for improvement were discussed. Information obtained onsite during inspection was complemented by additional data obtained post-inspection. CSNSW provided updated data and information to the ICS which was considered and included in the report. Conclusions are therefore drawn from the period of observation and additional data.

The inspection considered sensitive information and methodologies. In accordance with section 15 of the ICS Act, information that could prejudice the security, discipline or good order of any custodial centre, identify or allow the identification of a person who is or was detained at a youth justice centre or in custody in a juvenile correctional centre, or identify or allow the identification of a custodial centre staff member, has been removed in the public interest.

A draft report or relevant parts thereof was provided to CSNSW and JH&FMHN in accordance with section 14(2) of the ICS Act. Submissions were received from CSNSW and JH&FMHN. In accordance with section 14(1) of the ICS Act, the Inspector provided the Minister for Corrections, Anoulack Chanthivong with the opportunity to make a submission in relation to the draft report. In accordance with section 14(3)(b) of the ICS Act, each submission and the Minister's response was considered before the finalisation of the report for tabling.

³⁵ *Inspector of Custodial Services Act 2012* s 6.

1 Kirkconnell Correctional Centre

1.1 Introduction

Kirkconnell CC is a minimum-security correctional centre located at Kirkconnell, NSW, approximately 180 kilometres west of Sydney.³⁶ Built in 1958, the centre initially operated as the Kirkconnell Afforestation Camp.³⁷ The centre closed in October 2011, but was reopened again in 2015 and has operated continuously since that time.³⁸ At the time of inspection the centre could accommodate 196 male minimum-security inmates.³⁹

This is the second inspection of Kirkconnell CC, having been last inspected in March 2019. The findings of the first inspection are outlined in our inspection report published in 2020, which looked at *Kariong and Kirkconnell Correctional Centres and the Integration Support Centre*. We made eight recommendations relating to Kirkconnell CC during this inspection which included that Corrective Services NSW:

- provide staff with training to ensure the use of professional language, reflective of contemporary correctional practice.
- ensure that furniture in inmate accommodation areas is fit for purpose.
- review CCTV coverage at Kirkconnell CC.
- ensure that personal information relating to other inmates is confidential and not accessible by inmate reception clerks.
- ensure that the 6.2 permit application process is consistent with legislation and policy.
- return inmates to Kirkconnell CC from Bathurst Correctional Centre on the same day, if transferred there to attend court via AVL, until a suitable AVL option is installed at Kirkconnell CC.
- provide specialist offender programs to address offending behaviour.

We also recommended that Justice Health & Forensic Mental Health (JH&FMHN) ensure that a GP service is provided on a regular basis at Kirkconnell CC.⁴⁰

36 Corrective Services NSW, (Web Page, 31 July 2024) << <https://correctiveservices.dcj.nsw.gov.au/correctional-centres/find-a-correctional-centre/kirkconnell-correctional-centre.html> >>.

37 Inspector of Custodial Services, *Kariong and Kirkconnell Correctional Centres and the Integration Support Centre*, (Report November 2020) 31.

38 Inspector of Custodial Services, *Kariong and Kirkconnell Correctional Centres and the Integration Support Centre*, (Report November 2020) 31.

39 Information provided by Kirkconnell Correctional Centre, 15 September 2023.

40 Inspector of Custodial Services, *Kariong and Kirkconnell Correctional Centres and the Integration Support Centre*, (Report November 2020) 10.

1.2 Staffing

Kirkconnell CC is staffed by 77 people, consisting of 65.73% male and 32.47% female staff. 5.19% of staff at Kirkconnell CC are Aboriginal. At the time of inspection, the centre was experiencing staffing shortages, with staff on long term sick leave, workers compensation or suspended from duty.⁴¹ The casual employment pool had been exhausted requiring existing staff to perform overtime. Financial records provided by CSNSW show that in the 2022/2023 financial year Kirkconnell CC's expenditure on overtime was \$645,000. In October 2023 the year-to-date expenditure for overtime was \$183,000 being almost a third of the previous year's expenditure in the beginning of the second quarter of the financial year.⁴²

Staffing shortages at Kirkconnell CC were identified as causing the centre to be locked down on a regular basis and exacerbated by the need to perform medical escorts.⁴³

Recommendation: CSNSW address staffing shortages at Kirkconnell CC, to ensure the centre can operate effectively, and minimise lockdowns.

1.2.1 Staff culture and professionalism

In our last inspection of Kirkconnell CC we recommended that CSNSW provide staff with training to ensure that professional language is used that reflects contemporary correctional practice.⁴⁴ During our recent inspection, we observed many staff who conducted themselves professionally, and role modelled pro social behaviours. However, we did observe some behaviour that highlighted the need for ongoing work in relation to staff training and cultural reform. Inmates were referred to as "sex pests", and the Multi-Function Assessment Unit (MFAU) was referred to as the "pound". These are examples of some of the things we heard that were unprofessional and not reflective of contemporary correctional practice. The language used in correctional environments influences and reflects the culture that exists.

Information was provided by CSNSW in relation to the number of misconduct reports or referrals received between 1 January – 31 December 2023. Nine referrals were received during this period. One referral related to the mistreatment of an inmate and three referrals related to conduct of staff towards other staff. Of these three, one was for bullying and harassment and two related to sexual harassment.

The CSNSW Culture and Wellbeing Framework was endorsed in April 2024 and is being implemented across CSNSW from July 2024. It includes a key focus area of reducing Negative Workplace Behaviours. Key initiatives include a Respectful Workplaces Campaign; Upstander Development Program and Resources; and Workplace Culture and Wellbeing Assessments to determine location based plans for priority mitigation. CSNSW advises that together with mandatory sexual harassment training, these initiatives form part of the ongoing work to build respectful and inclusive environments.⁴⁵

1.2.2 Seymour review

In March 2022, a review was undertaken by Barrister Jane Seymour, at the request of the Minister for Corrections and the Commissioner. The review examined allegations that inappropriate sexual conduct towards female staff by male staff had been ongoing at Bathurst and Kirkconnell CCs for 10 years, and that management was aware of but did not address the allegations.

41 Information provided by Kirkconnell Correctional Centre, 13 November 2023; the centres management plan identifies that they have 68 staff, however some staff work between two correctional centres.

42 Information provided by Kirkconnell Correctional Centre, 13 November 2023.

43 Information provided by Kirkconnell Correctional Centre, 13 November 2023.

44 Inspector of Custodial Services, *Kariong and Kirkconnell Correctional Centres and the Integration Support Centre*, (Report November 2020) 33.

45 Information provided by Corrective Services NSW, 1 July 2024.

Ms Seymour advised there was a prima facie case to answer with respect to two of the 'in scope' complaints. Ms Seymour advised that the managers who initially received those two complaints had relevant responsibilities under the CSNSW and DCJ policies that were not complied with, including the obligation to escalate, report or otherwise manage alleged incidents of potential sexual harassment or assault. Ms Seymour advised this potentially constituted misconduct.⁴⁶

In her supplementary advice Ms Seymour identified the following systemic themes in relation to the prevalence, reporting and management of complaints of inappropriate sexual conduct identified during the review:

- a) *poor workplace culture: complainants variously described their experience of CSNSW's workplaces as 'undesirable', 'stressful', 'toxic', 'unprofessional and abusive', 'belittling', and 'a terrible system in desperate need of change'. Management was perceived, at best, to ignore inappropriate conduct, and at worst, to condone/participate in it and protect those who engage in it;*
- b) *lack of confidence in CSNSW management: perception of local management was particularly poor. Multiple complainants described a 'club' or 'boys club' of officers who were seen as 'protective' members of their club against complainants. This lack of confidence extended to the executive level. There was a perception that statements/announcements were periodically made but action was not taken;*
- c) *reluctance to raise concerns of sexual assault for reasons that are common to victims of such conduct, such as that they will not be believed;*
- d) *lack of knowledge about where to go/absence of process outside local management: Ms Seymour advised that, at the relevant times, there was no clear alternative pathway to raise a concern outside local management. If there was, complainants did not appear to know it existed;*
- e) *lack of confidence in internal investigations, i.e., those conducted by the PSB and IB;*
- f) *lack of confidence in CSNSW taking action arising from the Seymour Review;*
- g) *other unlawful discrimination and workplace culture: some complainants raised concerns about conduct that did not constitute sexual harassment or assault but would constitute another form of unlawful discrimination; and*
- h) *nature of workplace: the nature of the correctives environment requires staff to work in numerous discrete secure areas, to contain inmates and promote the security of staff. This is unique and the physical nature of the workplace is a factor to be taken into account in CSNSW identifying and managing health and safety risks to staff.⁴⁷*

The management team at Kirkconnell CC were trying to implement cultural change at the centre. However, given the scale of the issue and the history of management inaction, we believe greater support from the CSNSW executive is required. CSNSW have advised that the Staff Support, Culture and Wellbeing Team will assist managers and leaders with support in addressing psychological risks and implement action plans. In addition, the CSNSW executive have approved a People Matter Employee Survey Collaboration group to address negative workplace behaviours.⁴⁸

1.2.3 Staff counselling service

Kirkconnell CC had a counsellor attending the centre monthly to provide counselling services to staff. Not surprisingly, given the systemic themes identified in the Seymour Review, the counselling provided to staff covers a wide range of issues including inter-personal work relationships, and personal relationships. The counsellor was well received by staff and had access to spaces within the correctional centre to engage in confidential counselling sessions. At the time of inspection, the

46 Special Commission of Inquiry into Offending by Former Corrections Officer Wayne Astill at Dillwynia Correctional Centre (Final Report, February 2024) 257-258.

47 Special Commission of Inquiry into Offending by Former Corrections Officer Wayne Astill at Dillwynia Correctional Centre (Final Report, February 2024) 258-259.

48 Information provided by Corrective Services NSW, 1 July 2024.

service had been available to staff for almost a year and had been extended. In view of the findings of the Seymour Review, the availability of a counsellor onsite at Kirkconnell CC is an important initiative to support staff.

We were told the counsellor was initially engaged due to vicarious trauma or compassion fatigue from staff having to manage convicted sex offenders. We believe a counsellor is required to offer a discrete service to female staff who have been victims of inappropriate sexual conduct by their male colleagues. CSNSW have advised that counselling services are available for any staff member.⁴⁹

Recommendation: CSNSW provide counselling services to female staff at Kirkconnell Correctional Centre.

⁴⁹ Information provided by Corrective Services NSW, 1 July 2024.

2 Custody

2.1 Custodial Infrastructure

Kirkconnell CC is located in a rural setting, with views of the nearby pine forest. The centre takes pride in its gardens and common areas, which are a source of employment for some inmates.

The centre has two accommodation areas. The main accommodation area is secured by a perimeter fence and monitored by officers both physically and through CCTV. This accommodation area consists of 10 accommodation units, each with a central common room, kitchen, bathroom, and inmate rooms. The second accommodation area is located outside the secure perimeter and consists of three single level accommodation units.

2.1.1 Main accommodation

The main accommodation area was constructed in 1958 and can accommodate 16 inmates per unit. Generally, two inmates are accommodated per cell which are fitted with two beds, a writing desk and chair. Whilst inmates are secured into their units each night, they are not confined to their cell and have access to the common room, kitchen and bathroom.

Correctional centre infrastructure should be built and maintained to recognised building standards.⁵⁰ At the time of our last inspection we noted that the accommodation units were in reasonable condition; however, there were units which needed painting, and holes in the fibrous cement sheeting which required repair.

Units 1-8 within the main accommodation area are the original accommodation units that were constructed when the centre opened. Units 9 and 10 are more modern two storey brick buildings. These accommodation units are regarded as better and inmates residing in the main accommodation area can progress to these units through compliance with centre routine and good behaviour.

Whilst the accommodation at Kirkconnell CC was generally of a reasonable standard, having regard to its age, the accommodation units need routine maintenance. Plumbing and drainage issues were identified, as was resultant black mould in one of the units. Damage to internal walls was observed, as were damaged or missing fly screens. Inmates reported delays in having maintenance issues resolved.

In our 2019 inspection, furniture was observed to have extensive wear and tear, with some chairs so badly damaged they were no longer fit for purpose. This prompted us to recommend that CSNSW ensure furniture in inmate accommodation areas is fit for purpose.⁵¹

It was evident that some of the furniture in common rooms within the accommodation units had been replaced consistent with our previous recommendation. However, we found some inmate furniture which was subject to extensive wear and tear and needed to be replaced. This was disappointing because CSNSW had reported that the previous recommendation had been achieved.

During the inspection we also heard from inmates that some beds and mattresses in the main accommodation units were no longer fit for purpose and needed to be replaced. CSNSW have advised a review is underway to address maintenance issues, including furniture. The plumbing and drainage issues have been rectified and the centre has commenced replacing furniture in all accommodation areas.⁵²

Inmates in the main accommodation units were generally in shared rooms and many inmates had access to televisions within their rooms. It was positive to see that inmates had access to TVs, and a rental scheme was in place if inmates could not afford to purchase their own TV.

⁵⁰ Inspector of Custodial Services, *Inspection Standards for Adult Custodial Services in New South Wales* (May 2020) standard 29.

⁵¹ Inspector of Custodial Services, *Kariong and Kirkconnell Correctional Centres and the Integration Support Centre*, (Report November 2020) 33.

⁵² Information provided by Corrective Services NSW, 1 July 2024.

Recommendation: CSNSW address maintenance issues within inmate accommodation units and replace furniture that is damaged or unfit for purpose.

2.1.2 External accommodation units

Units 11-13 are located outside the secure perimeter. Each of the accommodation units can house 12 inmates in single occupancy rooms. At the time of our last inspection 24 inmates were housed in each unit in double occupancy rooms. Operational capacity was reduced as part of the Prison Bed Capacity Program.⁵³

Inmates residing in this accommodation have been granted a section 6(2) permit enabling them to live outside the secure perimeter.⁵⁴ Many of these inmates also work on the community projects team, and some were participating in work release.

Accommodation units 1-8



Accommodation unit 9



Common room with new furniture



Common room with furniture not fit for purpose



⁵³ Public Service Association, *POVB: Prison Bed Capacity Adjustment Program update*, (August 2020).

⁵⁴ *Crimes Administration of Sentences Act 1999* s 6(2).

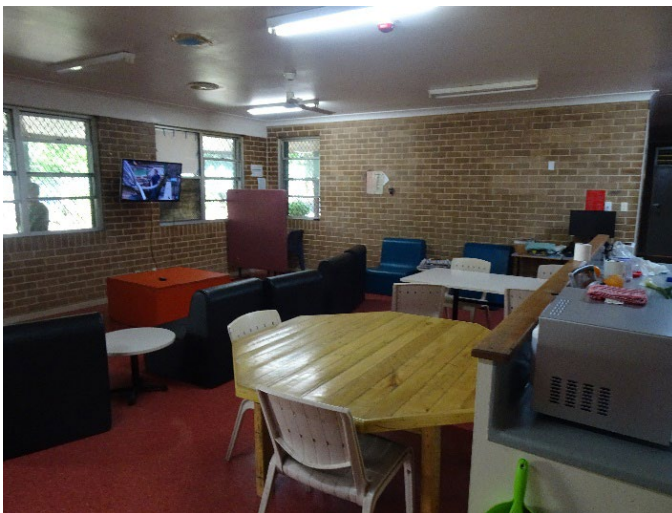
Main accommodation cell



External accommodation cell



External accommodation common room



External accommodation kitchen



2.1.3 Water filtration

During our last inspection we heard that water at Kirkconnell CC is supplied from a bore. We received complaints about water quality and the build-up of lime scale within kettles.⁵⁵ Similar complaints were heard during this inspection.

CSNSW was in the final stages of commissioning a water filtration plant, to ensure a safe water supply is available to inmates and staff. The filtration plant was estimated to cost \$600 000. The plant was installed by trade qualified overseers, with the assistance of inmates. It was claimed this resulted in substantial savings when compared to cost estimates provided by other vendors. Given the substantial cost, we assume there was compliance with government procurement processes.

2.1.4 Audio Visual Link

At the time of our last inspection of Kirkconnell CC, there were no AVL facilities. This necessitated inmates to be transferred to Bathurst CC for AVL court appearances, often resulting in them remaining at Bathurst CC for an extended period (days or weeks) before being transferred back to Kirkconnell CC. We recommended that inmates transferred to Bathurst CC to attend court via AVL be returned to Kirkconnell CC on the same day, pending installation of AVL facilities at Kirkconnell CC.⁵⁶

⁵⁵ Inspector of Custodial Services, *Kariong and Kirkconnell Correctional Centres and the Integration Support Centre*, (Report November 2020) 35.

⁵⁶ Inspector of Custodial Services, *Kariong and Kirkconnell Correctional Centres and the Integration Support Centre*, (Report November 2020) 37.

It was positive to see Kirkconnell CC had installed two functioning AVL suites. There is a court suite and a legal/family/social visits suite. There is also another suite that is not yet operational. The non-operational suite is a virtual studio which will enable inmates to participate in programs remotely. It was anticipated this would be operational in June 2024.⁵⁷

Between 1 July 2022 and 30 June 2023, 95 court appearances or legal professional visits were facilitated by AVL.⁵⁸ Not surprisingly, given all inmates at the centre are sentenced the court suite is used infrequently, however the suite is also used for Parole hearings and meetings with the Serious Offenders Review Council (SORC). The AVL rooms were also used by inmates to make legal telephone calls using a cordless phone.

2.2 Security

Dynamic security plays an important role in all custodial facilities. The inspection standards identify that correctional centre regimes should be designed to facilitate extensive opportunities for communication between staff and inmates.⁵⁹ It was reported during inspection that inmates regularly engage with executive staff when they are walking through the correctional centre.

Correctional officers are stationed within an office in the main accommodation area during the day and inmates can seek assistance from these officers and make enquiries. Officers are also located within the gate house and have contact with inmates who need to leave and return to the secure perimeter. An officer is also located within the activities area Wednesday to Sunday between 8.15-10.00, 10.15 –12.30, 13.00 –15.30.

Effective systems should be implemented to control access to the correctional centre, including the identification of persons entering the correctional centre.⁶⁰ All visitors to Kirkconnell CC must sign in at the administration building located outside the secure perimeter of the centre. To access the main accommodation area, visitors must enter through the main gate, where they sign in, and are searched.

We recommended after our last inspection that Kirkconnell CC undertake a review of CCTV.⁶¹ It was positive to see that additional CCTV had been installed, however there were still some areas that would benefit from CCTV coverage.⁶² An annual review of CCTV is recommended.

Recommendation: CSNSW undertake an annual review of CCTV coverage at Kirkconnell Correctional Centre and install additional CCTV cameras where risks are identified.

2.3 Incidents and contraband

The rate of incidents at Kirkconnell CC was low. There were 11 inmate assaults, no staff assaults, or uses of force and two incidents of self-harm between 1 July 2022 to 30 June 2023.

Prescription medication was found during a search on one occasion during the same period. Urinalysis identified some use of prescription medications, methadone and buprenorphine.⁶³

57 Information provided by Correctives Services NSW, 18 December 2023.

58 Information provided by Corrective Services NSW, 13 September 2023.

59 Inspector of Custodial Services, *Inspection Standards for Adult Custodial Services in New South Wales* (May 2020) standard 30.

60 Inspector of Custodial Services, *Inspection Standards for Adult Custodial Services in New South Wales* (May 2020) standard 34.

61 Inspector of Custodial Services, *Kariong and Kirkconnell Correctional Centres and the Integration Support Centre*, (Report November 2020) 31.

62 Information provided by Corrective Services NSW, 13 November 2023.

63 Information provided by Corrective Services NSW, 13 September 2023.

2.4 Disciplinary offences and penalties

The *Crimes (Administration of Sentences) Act 1999* (CAS Act) provides that if it is alleged that an inmate of a correctional centre has committed a correctional centre offence, the governor of the correctional centre may charge the inmate with the offence and conduct an inquiry into the allegation.⁶⁴

After conducting an inquiry, if the governor is satisfied beyond reasonable doubt that the inmate is guilty of a correctional centre offence, the governor may impose one (but not more than one) of the following penalties.

- a. reprimand and caution,
- b. deprivation, for up to 56 days of such withdrawable privileges as the governor may determine,
- c. confinement to a cell for up to 7 days, with or without deprivation of withdrawable privileges,
- d. cancellation of any right to receive payments under section 7 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.⁶⁵

The governor may also

- a. dismiss the charge, or
- b. defer imposing a penalty on condition that the inmate be of good behaviour for a specified period (not exceeding 2 months) and, if the condition is complied with, dismiss the charge after the end of that period.⁶⁶

Where the governor is not satisfied beyond a reasonable doubt that the inmate is guilty of a correctional centre offence, the governor must dismiss the charge.⁶⁷

Data provided by CSNSW showed that between 1 July 2022 and 30 June 2023, the top five most common inmate discipline offences were, charges against good order (16), fighting or assault (10), other drugs charges (7), abusive behaviour (3) and property damage (3). The top five most common penalties imposed included, off buy ups (13), confinement to cells (11), off contact visits (4), and off phone calls (2).⁶⁸

We observed an inmate discipline hearing during the inspection. The inmate had been charged with an offence for damaging correctional centre property. Curtains made from correctional centre linen were found in his cell. The inmate pleaded not guilty to the charge and asserted that he did not damage or destroy correctional centre property and that the curtains were already in the cell. The functional manager deferred the hearing of the charge to hear evidence from the reporting officer as there was a lack of information within the officer's report. The inmate was informed of his right to call witnesses. We tried to ascertain the outcome of this inmate discipline hearing. However, the inmate charge package and hearing documents could not be located by the centre and there was no record of it on the Offender Integrated Management System (OIMS).

We consistently heard from inmates, that they are threatened with reclassification and a change of correctional centre placement for alleged misconduct or when they raise issues or complaints. Although the centre advised that only three inmates had been transferred out of the centre following an incident or offence in custody between October 2022 and 31 October 2023,⁶⁹ we read case notes that confirm what inmates told us. This is a practice that is not unique to Kirkconnell and should cease immediately. Further staff training is required in the legislative requirements relating to disciplinary proceedings and complaints management.

64 *Crimes (Administration of Sentences) Act 1999*, s 52(1).

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

66 *Crimes (Administration of Sentences) Act 1999*, s 53(2).

67 *Crimes (Administration of Sentences) Act 1999*, s 53(3).

68 Information provided by Corrective Services NSW, 13 September 2023.

69 Information provided by Corrective Services NSW, 13 November 2023.

We were advised that CSNSW had commenced a review into the current inmate disciplinary process and its application in 2023, having particular regard to:

- ensuring that staff are trained in and adhere to all parts of the process,
- the delegation of decision makers, and
- consideration of including an appropriate review mechanism in the process.⁷⁰

On 21 August 2024, the NSW Ombudsman published its *Investigation into inmate discipline in NSW correctional centre*. Findings included inmates being subject to multiple penalties for the same offence and that the standard of record keeping for disciplinary matters was ‘exceptionally poor’.⁷¹ The NSW Ombudsman made a number of recommendations including that CSNSW undertakes a comprehensive review of the inmate discipline framework and accompanying processes to improve its fairness and effectiveness.⁷²

Recommendation: CSNSW ensure that staff at Kirkconnell CC undertake refresher training in relation to inmate discipline offences, including report writing, procedural fairness, and the maintenance of accurate records.

2.5 Segregation, protective custody, and separation

Section 10 of the CAS Act provides that the Commissioner may direct that an inmate be held in segregated custody if it is necessary to secure:

- a. The personal safety of any other person, or
- b. The security of the correctional centre, or
- c. Good order and discipline within a correctional centre.⁷³

Section 11 of the CAS Act allows for an inmate to be held in protective custody if in the Commissioner’s opinion the association of the inmate with other inmates constitutes or is likely to constitute a threat to the personal safety of the inmate. An inmate may also request in writing to be held in protective custody.⁷⁴

⁷⁰ Letter from A/Commissioner CSNSW to the ICS received 7 May 2024.

⁷¹ Ombudsman NSW, *Investigation into inmate discipline in NSW correctional centres* (21 August 2024) 4–5.

⁷² Ombudsman NSW, *Investigation into inmate discipline in NSW correctional centres* (21 August 2024), 55.

⁷³ *Crimes (Administration of Sentences) Act 1999*, s 10(1).

⁷⁴ *Crimes (Administration of Sentences) Act 1999*, s 11(1).

The governor of a correctional centre may exercise the Commissioner's functions in relation to the making of a segregated or protective custody direction and, on each occasion, notify the Commissioner of such a decision and the grounds on which the direction was given.⁷⁵

An inmate subject to a segregated or protective custody direction is to be detained:

- a. in isolation from all other inmates, or
- b. in association only with such other inmates as the Commissioner (or the governor of the correctional centre in the exercise of the Commissioner's functions under section 10 or 11) may determine.

An inmate held in segregated or protective custody:

- a. is not to suffer any reduction of diet, and
- b. is not to be deprived of any rights or privileges other than those determined by the Commissioner (or the governor in the exercise of the Commissioner's functions under section 10 or 11), either generally or in a particular case, and other than those the deprivation of which is necessarily incidental to the holding of the inmate in segregated or protective custody.

In addition to segregation and protective custody directions. Inmates may be separated under section 78A of the CAS Act. The Act identifies that an inmate or group of inmates in a correctional centre may be held separately from other inmates in the correctional centre for the purposes of the care, control or management of the inmate or group of inmates.⁷⁶ Placement of inmates in segregation or protective custody should only occur in accordance with the legislative provisions.⁷⁷

The design of special accommodation for inmates at risk of suicide should incorporate therapeutic environmental principles that include regard for a good level of amenity and activity, natural light, high levels of staff/inmate interaction and appropriate monitoring facilities.⁷⁸

Inmates subject to segregation, protection, and separation directions at Kirkconnell CC are held in the Multi-Function Assessment Unit (MFAU). The MFAU has three cells each of which can accommodate two inmates. There is a large indoor exercise/recreational space, adjoining the cells, but no access to sunlight. There is no WIFI signal in the MFAU, so inmates held in this area are not provided with tablets (and in cell phone calls) but can have access to television. The cells are fitted with CCTV cameras, and cell call buttons. The MFAU is located within proximity to the officer's station, and health clinic, but officers are not stationed in the MFAU. There is no telephone located in the MFAU. Inmates held in the MFAU are given a portable telephone by officers after lock in, and if an inmate needs to make professional calls during the day this is facilitated in an office. The Aboriginal delegate is permitted to speak with Aboriginal inmates when they are held in the MFAU.

We were informed that inmates are not held in the MFAU frequently, which reflects data provided by CSNSW. Between 1 July 2022 – 30 June 2023, three inmates were placed on a segregated custody direction, and spent between three-five days in segregation.⁷⁹ No protective custody directions were made during the period. However, six inmates were separated pursuant to s78A during this period and spent between 2-14 days subject to separation.⁸⁰

Inmates at risk of self-harm or suicide are also placed in the MFAU, to ensure their safety. Between 1 July 2022 – 30 June 2023 the centre had 17 inmates with a history of mental illness and 51 inmates were placed on a Risk Intervention Team management plan.⁸¹

The MFAU has minimal amenity and activity, and limited natural light, making interaction with staff and monitoring essential. After our last inspection of Kirkconnell CC we recommended that CSNSW provide staff with training to ensure that professional language is used that reflects contemporary

75 *Crimes (Administration of Sentences) Act 1999*, s 11(2).

76 *Crimes (Administration of Sentences) Act 1999*, s 78(2).

77 Inspector of Custodial Services, *Inspection Standards for Adult Custodial Services in New South Wales* (May 2020) standard 11.

78 Inspector of Custodial Services, *Inspection Standards for Adult Custodial Services in New South Wales* (May 2020) standard 28.

79 Information provided by Corrective Services NSW, 13 September 2023.

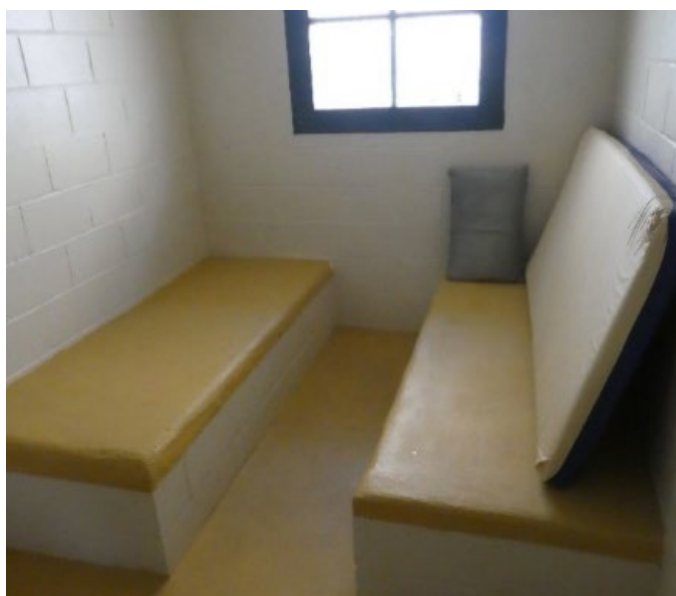
80 Information provided by Corrective Services NSW, 13 September 2023.

81 Information provided by Corrective Services NSW, 13 September 2023.

correctional practice. This recommendation was made because we heard multiple staff refer to the MFAU as the “pound”. This is concerning, particularly given that inmates who are at risk of self-harm and suicide or are vulnerable are placed in the MFAU. It was disappointing that despite our previous recommendation, staff during this inspection continued to refer to the MFAU as the “pound”. CSNSW advises that it has conducted a quality assurance review of the use of language in custodial centres to inform the development of standards for language and interactions with people in custody.⁸²

There is an inherent risk that staff through unconscious bias will fail to appreciate that not all inmates who are placed in the MFAU, have been placed there because they have done something wrong, or that they pose a risk to staff or the good, order and discipline of the correctional centre. The MFAU is also a place where inmates who need protection or who are at risk of self-harm or suicide are held. It is vital that staff understand the legal order and reason why individual inmates are held in the MFAU. Further staff training is required to ensure that inmates are cared for appropriately and not treated in a way that diminishes trust in custodial officers and increases the risk of inmates harming themselves.

Multi-Function Assessment Unit Cell



82 Information provided by Corrective Services NSW, 1 July 2024.

Incidents

11	0	0	2
inmate assaults were recorded between 1 July 2022 – 30 June 2023.	Staff assaults were recorded between 1 July 2022 – 30 June 2023.	Uses of force were recorded between 1 July 2022 – 30 June 2023.	Self-harm incidents were recorded between 1 July 2022 – 30 June 2023.

Inmate discipline offences and penalties

Figure 2: Most common inmate discipline offences (Top 5) 1 July 2022 – 30 June 2023

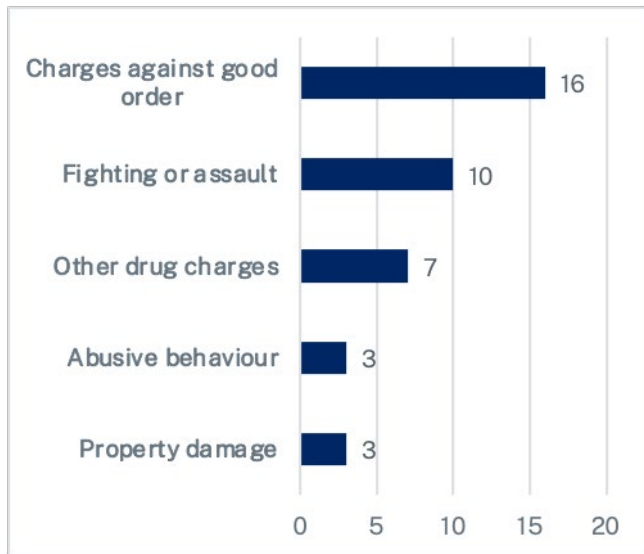
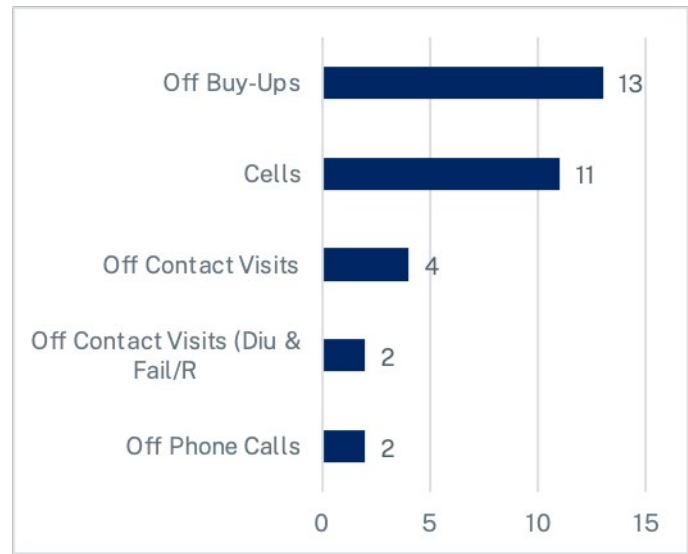


Figure 3: Most common penalties imposed (Top 5) 1 July 2022 – 30 June 2023



Separation, segregation, and protection

3	inmates were placed on a segregation order between 1 July 2022 and 30 June 2023, and were held in segregation for between 3-5 days.	6	inmates were placed on a separation order between 1 July 2022 and 30 June 2023, and were held in separation for between 2-14 days.
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Information provided by Corrective Services NSW, 13 September 2023.

2.6 Reception and induction

2.6.1 Reception

Inmates at Kirkconnell CC have been sentenced and have been transferred from another correctional centre. 278 inmates were received into Kirkconnell CC between 1 July 2022 and 30 June 2023.⁸³

Kirkconnell CC has an established reception room. Upon entry to the reception room there is a workstation fitted with a computer and camera, which enables inmates to be assessed and processed in and out of the centre. At the rear of the reception room is a property storage area where inmate property (canvas bags, property tubs, and court clothing) is stored. There is also a lockable valuables room containing lockers in which individual locked valuable bags can be secured.

We observed inmate linen packs being provided to inmates at reception. The linen pack consisted of two sheets, two blankets, two towels, washbag, plate, bowl, and a cup. Inmate clothing supplies are not kept in the reception room, they are held in the clothing store located in the industries area. Inmates identify their clothing sizes on reception and are provided with clothing.

During our last inspection we observed inmate clerks being given access to other inmate's personal information and recommended that personal information relating to inmates should be secure and confidential and not accessible by inmate reception clerks.⁸⁴ It was positive to see our recommendation had been implemented and that inmates were no longer involved in the reception/discharge process.

2.6.2 Induction/Orientation

The CAS Regulation identifies that as soon as practicable after an inmate is first received into a correctional centre, the governor must ensure that the inmate is informed of the following:

- (a) the correctional centre rules,
- (b) the inmate's obligations relating to discipline and conduct,
- (c) the inmate's rights of legal representation and appeal in relation to proceedings under the Regulation,
- (d) the case management process,
- (e) the authorised methods of seeking information and making complaints,
- (f) the role of an Official Visitor,
- (g) the functions of the Review Council in relation to the segregation and protective custody of inmates,
- (h) any other matter necessary to enable the inmate to understand the inmate's rights and obligations and adapt to living in the centre.⁸⁵

The COPP identifies that all inmates must participate in a screening and induction program. Governors must be satisfied that the screening and induction program in their correctional centre includes all relevant information. As part of the induction process, inmates must be provided with the inmate handbook which outlines the various services and programs available to inmates while they are in custody.⁸⁶

The inspection standards identify that correctional centres should conduct formal induction programs which provide all inmates with an orientation to the centre, its operations, and services to facilitate informed choices.⁸⁷

⁸³ Information provided by Corrective Services NSW, 13 September 2023.

⁸⁴ Inspector of Custodial Services, *Kariong and Kirkconnell Correctional Centres and the Integration Support Centre*, (Report November 2020) 8.

⁸⁵ *Crimes (Administration of Sentences) Regulation 2014*, clause 5.

⁸⁶ Corrective Services NSW, *Custodial Operations Policy and Procedures: 1.1 Reception procedures* (version 1.12 March 2024) 25.

⁸⁷ Inspector of Custodial Services, *Inspection Standards for Adult Custodial Services in New South Wales* (May 2020) standard 16.

Kirkconnell CC has a reception induction committee which meets with newly received inmates on a Tuesday and Thursday, as inmates are generally received into the centre on a Wednesday and Friday. This means that some inmates wait up to four days before they are seen by the reception induction committee.

The reception, screening, induction, and orientation policy identifies that induction is aimed at providing a new inmate information about the overall correctional system, as well as information about the specific correctional centre where the inmate has been received. The policy identifies that induction should occur within 4 days (96 hours) from when the inmate was received.⁸⁸

Orientation is for inmates who are transferred from one correctional centre to another. It is a meeting where local information is given about the specific correctional centre and should occur weekly or as required with regard to the frequency of transferred inmates.⁸⁹

The inspection team observed the inmate induction/orientation process. The reception induction committee was run by a functional manager and service and programs officer (SAPO). The inmate was provided with important information about his classification, work location, and afforded the opportunity to ask questions in a space that enabled confidential discussions. The inmate was given the Kirkconnell CC welcome guide/inmate handbook during this meeting which was a good resource and one that was not available at the time of the last inspection.⁹⁰ The inmate had already been in custody at Kirkconnell CC for several days and had not been given this booklet at the time of reception. This results in inmates relying on receiving information about the centre, its routines, and services from other inmates. This booklet should be given to inmates at reception to ensure inmates are adequately informed. These sentiments were echoed by other inmates during the inspection. In response to this feedback, CSNSW has undertaken to have the inmate handbook uploaded to inmate tablets to enable access to this information upon reception. Whilst this is positive, other ways of ensuring the timeliness of inmate induction and orientation should be explored.

During the reception induction committee meeting the inmates were told that inmates are only allowed to make one request/inquiry per week. This practice has no foundation in legislation or policy and should cease immediately. This practice could exacerbate risk for some inmates and inhibit their ability to feel comfortable, ask questions or seek support in addressing legitimate needs, at a time when they may be vulnerable. Engaging with inmates and addressing their needs reflects good correctional practice and contributes to dynamic security. CSNSW have provided assurances that this practice will cease.⁹¹

Recommendation: CSNSW ensure inmate induction/orientation occurs in accordance with legislative requirements.

2.7 Inmate classification and placement

The inspection standards identify that CSNSW must have an accurate and transparent classification system that enables inmates to be individually assessed and placed into the lowest classification level commensurate with safety.⁹² Part 3 of the CAS Regulation provides for the classification, placement and designation of inmates held in custody. All inmates held at Kirkconnell CC are sentenced minimum security inmates. As of 30 June 2023, 67% (130) of inmates at Kirkconnell CC had a C2 classification, 20.1% (39) had a C1 classification and 12.9% (25) were C3 inmates, which is the lowest classification level in NSW for male inmates.⁹³

The classification and placement team appeared to have a comprehensive understanding of the classification and placement system, and related policies. The inspection team observed a classification review of a serious offender. It was pleasing to see a person-centred approach to

88 Corrective Services NSW, *Reception, screening, induction, and orientation policy* (Accessed May 2024, Intranet).

89 Corrective Services NSW, *Reception, screening, induction, and orientation policy* (Accessed May 2024, Intranet).

90 Inspector of Custodial Services, *Kariong and Kirkconnell Correctional Centres and the Integration Support Centre*, (Report November 2020) 8.

91 Information provided by Corrective Services NSW, 1 July 2024.

92 Inspector of Custodial Services, *Inspection Standards for Adult Custodial Services in New South Wales* (May 2020) standard 10.

93 Corrective Services NSW, *Inmate Classification and Placement Policy and Procedure – Section 6 orders* (version 2.0, 2 February 2021) 4.

inmate classification with the inmate involved in the process given the ability to express his opinion in relation to placement options. It was also positive to hear that his application for a classification review was the result of discussions he had with his case management officer (CMO). Inmates can request to see classification staff and individual meetings are held with inmates each Wednesday to discuss classification and answer any questions they have.

2.7.1 Work orders and permits

The CAS Act allows for the governor of a correctional centre to make an order directing any convicted inmate in the correctional centre to carry out work the governor considers suitable.⁹⁴

A governor may direct a convicted inmate to carry out community service work, or any work for CSNSW or a public or local authority.

- a) within the correctional centre or
- b) within the correctional complex, but outside the correctional centre or
- c) outside the correctional complex.⁹⁵

The Inmate Classification Policy and Procedure identifies that C1 classified inmates are eligible to work or participate in programs only within the grounds of a correctional complex/property where a section 6(2) order –on complex has been made. The inmate must be under the direct supervision of a correctional officer or other person authorised by the Commissioner.⁹⁶

C2 & C3 male inmates are eligible to work or participate in programs, outside a correctional centre. Where a section 6(2) order –off complex has been made, the inmate need not be in the direct company of a correctional officer, or some other person authorised by the Commissioner but must still be supervised.⁹⁷

To make a section 6(2) order, the governor or their delegate must be satisfied that the inmate does not pose a security risk, and that the inmate's behaviour and attitude justify an approval, and that the proposed activity is reflected in a requirement of the inmate's case plan.⁹⁸

The Serious Offenders Review Council (SORC) is responsible for providing advice in relation to the management of serious offenders to the Commissioner. When the SORC considers that a serious offender should be given the opportunity to participate in a work activity or program on or off the correctional complex the SORC makes as a recommendation to the Commissioner. If the Commissioner concurs with the recommendation, the SORC will advise the governor in writing, thereby enabling the governor to make an order.⁹⁹

We recommended after our last inspection of Kirkconnell CC that CSNSW ensure that the 6(2) permit application process was consistent with legislation and policy. The Kirkconnell CC inmate handbook identifies that all inmates with a C1 classification automatically receive a 6 (1) work order to work in a secure location. Engineering and hygiene are the only secure work locations at Kirkconnell CC. The inmate handbook states that a risk assessment to determine eligibility for a 6(2) order will occur after an inmate has been at the centre for two weeks, provided they have no further court proceedings. The risk assessment can take between 2 –12 weeks, depending on the length of an inmate's sentence, and the nature of offences.¹⁰⁰ In addition to being able to work in different locations, a 6(2) order enables inmates to access the oval.¹⁰¹

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

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

96 Corrective Services NSW, *Inmate Classification and Placement Policy and Procedure – Section 6 orders* (version 2.0, 2 February 2021).

97 Corrective Services NSW, *Inmate Classification and Placement Policy and Procedure – Section 6 orders* (version 2.0, 2 February 2021).

98 Corrective Services NSW, *Inmate Classification and Placement Policy and Procedure – Section 6 orders* (version 2.0, 2 February 2021) 6.

99 Corrective Services NSW, *Inmate Classification and Placement Policy and Procedure – Section 6 orders* (version 2.0, 2 February 2021) 6.

100 Information provided by Kirkconnell CC, 13 November 2024; See also Assistant Commissioners Memorandum Custodial Corrections, 2015/04 *Assessment of inmates prior to issuing of 6(2) Order On/Off Correctional Centre Complex or Property*.

101 Information provided by Kirkconnell CC, 13 November 2024.

3 Care and wellbeing

3.1 Inmate enquiries, complaints, and advocacy

Inmates must have an opportunity to make requests, lodge complaints and where these are not satisfactorily resolved, in a timely manner, be able to take matters to an independent competent authority, without being victimised.¹⁰²

The CAS Regulation places an obligation on the governor of a correctional centre, as soon as practicable after an inmate is first received into custody to ensure that the inmate is informed of the authorised methods of seeking information and making complaints.¹⁰³

Inmates can raise issues or complaints in several ways. An inmate application can be made to raise significant concerns affecting their incarceration within the correctional system.¹⁰⁴ Inmates can also make requests to resolve minor issues or make an enquiry at a local level by submitting an inmate request form.¹⁰⁵ Inmates can also make requests using their tablets. This function was enabled at Kirkconnell CC at the time of inspection.

Inmates can make complaints via the Corrective Services Support Line (CSSL). The CSSL is a telephone service which receives, records, and resolves complaints and inquires made by inmates. Calls to the CSSL line are free of charge. Phone calls to the CSSL can be made via phones in common areas or through inmate tablets.

Inmates may also raise complaints with Official Visitors who are appointed by the Minister for Corrections and are independent of CSNSW. Official Visitors try to resolve inmate complaints at the local level through discussions with staff, or by raising them with the governor or centre management.¹⁰⁶

Inmates can also access a number of external agencies via the free telephone call system, including the NSW Ombudsman, the Health Care Complaints Commission, the Independent Commission Against Corruption (ICAC), the Law Enforcement Conduct Commission (LECC), Legal Aid NSW, and Aboriginal Legal Service. Inmates can make a complaint to the Ombudsman in writing, by telephone, or in person when a staff member from the NSW Ombudsman visits a correctional centre. Communications between an inmate and the NSW Ombudsman should not be monitored or read by staff.¹⁰⁷

The COPP outlines the various complaint mechanisms available to inmates. We note that the COPP still references the long defunct internal Inspector-General position.¹⁰⁸ CSNSW should review its policies and procedures relating to complaints.¹⁰⁹

Inmates at Kirkconnell CC reported being familiar with mechanisms to make enquiries, and lodge complaints, including making an inmate enquiry, contacting the CSSL, speaking with an Official Visitor, or making a complaint to the NSW Ombudsman. However, inmates reported an unwillingness to make complaints for fear that they would be moved to another centre. One inmate told the inspection team that “complaints don’t exist”. This is not unique to Kirkconnell CC.

The recent *Special Commission of Inquiry into Offending by Former Corrections Officer Wayne Astill at*

102 Inspector of Custodial Services, *Inspection Standards for Adult Custodial Services in New South Wales* (May 2020) standard 48.

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

104 Corrective Services NSW, *Custodial Operations Policy and Procedures: 9.1 Inmate Applications and Requests* (version 1.5, 15 September 2023) 4.

105 Corrective Services NSW, *Custodial Operations Policy and Procedures: 9.1 Inmate Applications and Requests* (version 1.5, 15 September 2023) 7.

106 Corrective Services NSW, *Custodial Operations Policy and Procedures: 10.8 Visits from Officials, Agencies and Professionals* (version 1.3, 7 September 2020) 7.

107 Corrective Services NSW, *Custodial Operations Policy and Procedures 9.6 Inmate Complaints to the Ombudsman* (version 1.1, 12 March 2020) 4.

108 Corrective Services NSW, *Custodial Operations Policy and Procedures: 9.7 Corrective Services Support Line* (version 1.1, 12 March 2020) 4.

109 *Special Commission of Inquiry into Offending by Former Corrections Officer Wayne Astill at Dillwynia Correctional Centre* (Final Report, February 2024) 327.

Dillwynia Correctional Centre observed that ‘the inmates’ fear of retribution is at least partly linked to the issue of perceived lack of privacy and confidentiality, as inmates believe that other inmates or correctional officers will find out that they have made a complaint or report of wrongdoing’.¹¹⁰

Following the inquiry, CSNSW has reviewed, amended and distributed information directed at inmates about the complaint mechanisms available to them, both internal to CSNSW and external oversight bodies. This information is now provided at reception and included in the inmate handbook, displayed in common areas of correctional centres, and is available on inmate tablets.¹¹¹

At the time of inspection, the e-forms function had been enabled on inmate tablets allowing inmates to submit inmate enquiries through their tablets. One benefit of this system is an electronic audit trail which shows when an inquiry has been made, who actioned the enquiry, and when.

Recommendation: CSNSW ensure Kirkconnell CC provides information in relation to complaint mechanisms to inmates on admission including the ability to make complaints to external bodies not controlled by Corrective Services NSW; the ability to make complaints on a confidential basis; the ability to access an interpreter, and the ability to raise any concerns in relation to reprisals with external bodies following the making of a complaint.

3.1.1 Enquiries and complaints to the Official Visitor

The Official Visitor’s report for the period 1 July –31 December 2022 identifies that the highest number of complaints received related to visits (12), followed by complaints related to correctional centre routine, medical issues, and phones (3).

During the period 1 January –30 June 2023, issues with inmate visits received the highest number of complaints (7) along with correctional centre routine (7), followed by phones (4). The issues identified by the Official Visitor had not been resolved at the centre level and were identified as issues during the inspection.

3.1.2 Complaints to the NSW Ombudsman

Data received from the NSW Ombudsman for the period 1 July 2022 –30 June 2023 identified that they received 11 contacts and actionable complaints during this period. The highest number of complaints received related to transfers and visits. Specifically delays with transfers/transfer requests and access to/or time limits on visits and visitor restriction.¹¹² This was consistent with Official Visitor complaints and our observations on inspection.

3.1.3 Inmate Development Committee

An IDC is an inmate-nominated body established at each correctional centre to provide an opportunity for inmates to meet with senior management to discuss problems and concerns about inmate services, programs, and activities within the correctional centre.¹¹³ IDC meetings should occur monthly. The Kirkconnell CC inmate handbook contains information about the IDC at Kirkconnell CC and informs inmates that they can raise issues with their delegate.¹¹⁴

We requested copies of the IDC meetings prior to the onsite inspection. We were told that due to an administrative error the only meeting minutes available were those for May and June 2023.¹¹⁵ However, during the inspection inmates reported that there was a period where the IDC had not met for six months and that it only met four times in the first half of 2023. This is consistent with the report from the Official Visitor in the period 1 July –31 December 2022 which identified that IDC meetings had not been running for some time and this had been the subject of inmate complaints.

110 *Special Commission of Inquiry into Offending by Former Corrections Officer Wayne Astill at Dillwynia Correctional Centre* (Final Report, February 2024) 324.

111 Information provided by Corrective Services NSW, 1 July 2024.

112 Information provided by the NSW Ombudsman, 14 September 2023.

113 Corrective Services NSW, *Custodial Operations Policy and Procedures: 9.8 Inmate Development Committee* (version 1.3, 12 March 2020) 4.

114 Information provided by Kirkconnell Correctional Centre, 13 November 2023.

115 Information provided by Kirkconnell Correctional Centre, 10 November 2024.

The Official Visitor reported that during the period 1 January – 30 June 2023 the IDC meetings were held inconsistently.

In May and June 2023, the IDC raised concerns about the following issues: meat buy up affordability, activities opening hours and staffing, progress of the water filtration unit, provision of cleaning supplies, inmate purchases, progress of fibre optic cable, and maintenance issues.¹¹⁶ Inmates expressed frustration that issues raised by the inmate development committee (IDC) were not addressed. In May 2023 the IDC also sought the implementation of a receipt process relating to inmate enquiries and applications, and related outcomes. This was to enable follow up on applications and prevent duplicate enquiries from being submitted.¹¹⁷ This request from the IDC is significant, as it indicates that inmates at Kirkconnell CC did not have confidence that inmate enquires would be received, recorded, and responded to.

At the time of the inspection the centre had one Aboriginal inmate delegate however he did not attend IDC meetings, a practice that is inconsistent with CSNSW policy.¹¹⁸ Aboriginal inmates at Kirkconnell CC expressed a desire to have additional inmate representation and to receive regular updates regarding issues affecting them. CSNSW have advised there are now two Aboriginal delegates on the IDC.¹¹⁹ The COPP provides that in addition to the IDC a correctional centre can have an Aboriginal Inmate Committee (AIC) unless approval is sought not to have such a committee.¹²⁰ The inmate handbook identifies that an AIC should meet monthly to discuss culturally specific issues as well as to organise NAIDOC, Sorry Day, and Survival Day events. An AIC should be established at Kirkconnell CC. CSNSW advise that the AIC has been established and commenced on 19 June 2024.¹²¹

IDC's play an important role in ensuring information is exchanged between inmates and the centres management team and allow for action to be taken. Kirkconnell CC have advised that the IDC has met regularly since the inspection and minutes recorded.¹²²

Recommendation: CSNSW ensures the Inmate Development Committee at Kirkconnell CC meets regularly, and records of meetings and outcomes are retained.

Recommendation: CSNSW ensures that Kirkconnell CC establishes an Aboriginal Inmate Committee.

3.2 Clothing and bedding

Inmates should be provided with presentable clothing suitable for the climate and adequate to keep them in good health.¹²³ Inmates must also be provided with sufficient clean bedding to suit the climatic conditions.¹²⁴

The COPP provides that the quantity of clothing issued to an inmate at initial reception into custody will be the minimum level to be maintained throughout their sentence.¹²⁵

The inspection team checked inmate clothing supplies and found that the centre had sufficient supplies of inmate clothing. A newly received inmate confirmed that he was given adequate clothing on arrival to the centre. Inmates also reported being given a winter jacket during the winter months, which was needed due to the cold climate experienced at the centre.

Inmate linen packs provided on reception to the centre were observed by the inspection team. Inmates were provided with sheets, towels, and two blankets. Inmates at Kirkconnell CC are also able to buy a second-hand doona. This is good practice.

116 Information provided by Kirkconnell Correctional Centre 10 November 2024.

117 Information provided by Kirkconnell Correctional Centre, 10 November 2024.

118 Corrective Services NSW, *Custodial Operations Policy and Procedures: 9.8 Inmate Development Committee* (version 1.3, 12 March 2020) 4.

119 Information provided by Corrective Services NSW, 1 July 2024.

120 Corrective Services NSW, *Custodial Operations Policy and Procedures: 11.3 Aboriginal Inmate Committees* (version 1.3, 12 March 2020) 4.

121 Information provided by Corrective Services NSW, 1 July 2024.

122 Information provided by Corrective Services NSW, 1 July 2024.

123 Inspector of Custodial Services, *Inspection Standards for Adult Custodial Services in New South Wales* (May 2020) standard 71.

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

125 Corrective Services NSW, *Custodial Operations Policy and Procedures: 1.5 Issuing correctional centre clothing and linen* (version 1.4, June 2023) 4.

Inmate clothing store



Inmate linen reception pack



3.3 Food and nutrition

Inmates receive cereal for breakfast, and sandwiches and salads for lunch during the week. Pies or sausage rolls are provided for lunch on weekends. For dinner inmates are provided with meals prepared by Corrective Services Industries (CSI). These meals are snap frozen, and transported to Kirkconnell CC, where they are reheated in the centre kitchen by inmate workers.

Similar to maximum security centres, the evening meal was served in the early afternoon. This should not occur in a minimum security centre and CSNSW has confirmed evening meals are now being served later.¹²⁶ Inmates had access to kitchens and cooking utensils in their accommodation units and supplement the food supplied to them with groceries purchased through buy ups.

Recommendation: CSNSW ensure that evening meals at Kirkconnell CC are served in the late afternoon.

3.4 Inmate purchases

Inmates at Kirkconnell CC have access to a grocery buy up, activities buy up, and meat and egg buy up. Inmates are also able to purchase newspapers and other groceries on special occasions.¹²⁷ Kirkconnell CC also has a special buy up that allows family or friends to purchase from an approved list of items from an online retailer, and for those items to be sent to the correctional centre.¹²⁸

Grocery items can be purchased from a pre-approved list of items from eight categories (stationery and miscellaneous, confectionary, drinks and snack foods, nicotine replacement products, toiletries and hygiene, healthier options, culturally friendly, and grocery) once per week. Inmates can spend up to \$120.00 of their own money each week on grocery items.¹²⁹

In addition to the weekly buy up, inmates at Kirkconnell CC can purchase a pre-approved list of items from the activities buy up, once per month. Inmates can spend up to \$150.00 of their own money each month. Inmates are allowed to exceed the spending limit to purchase art and craft items, or for one-off purchases of expensive items that have a reasonable life expectancy such as electrical goods or running shoes.¹³⁰

¹²⁶ Information provided by Corrective Services NSW, 1 July 2024.

¹²⁷ Corrective Services NSW, *Custodial Operations Policy and Procedures: 8.14 Inmate buy ups*, (version 1.4, 11 October 2023) 6.

¹²⁸ Clause 177 of the *Crimes (Administration of Sentences) Regulation 2014* allows the governor of a correctional centre to permit an inmate to purchase or rent goods beyond those on the buy up lists. However, permission must be sought to ensure consistency across the state, and to prevent inmates being transferred to a correctional centre while in possession of goods that are not approved for that centre.

¹²⁹ Corrective Services NSW, *Custodial Operations Policy and Procedures: 8.14 Inmate buy ups*, (version 1.4, 11 October 2023) 4.

¹³⁰ Corrective Services NSW, *Custodial Operations Policy and Procedures: 8.14 Inmate buy ups*, (version 1.4, 11 October 2023) 4.

Inmates at Kirkconnell CC also have a fortnightly meat buy up and egg buy up, on alternate weeks. The purchase of these perishable food items is included in the \$120 weekly grocery buy up expenditure limit.¹³¹ Concerns were raised by inmates in relation to the cost of buy up items. Inflationary pressures are acutely felt by inmates and their families as inmates receive minimal remuneration for the work they perform, and generally rely on external family support to purchase groceries. This is a system wide issue and is not unique to Kirkconnell CC.¹³² This issue was identified in our inspection of Mannus and Glen Innes Correctional Centres, where we recommended that CSNSW review the spend limit on buy ups. We also raised the issue in our inspection of John Morony Correctional Centre (JMCC), where we recommended that CSNSW put in place a wages system which ensures that inmates (and their families) are not financially disadvantaged by price increases in buy-up goods).¹³³ After our inspection of JMCC the buy up spend limit was raised to \$120.00.¹³⁴

CSNSW has advised that inmate allowances are reviewed annually, and the Commissioner determines if an increase is appropriate. If the Commissioner determines that an increase is appropriate allowances are increased by 25% of CPI. Buy up prices are reviewed annually against the market and approved suppliers based on CPI.¹³⁵

Recommendation: CSNSW put in place a wages system which ensures that inmates (and their families) are not financially disadvantaged by price increases in buy-up goods.

3.5 Out of cell hours and inmate recreation

Between 1 July 2022 and 30 June 2023 average out of cell hours at Kirkconnell CC were 10.1 hours per day.¹³⁶ In 2021–2022 the national average for time out of cells in open custody was 12.8 hours. In NSW the average for inmates in open custody was 10.3 hours.¹³⁷ This is an area in which CSNSW and Kirkconnell CC should make improvements.

Inmates are let out of their accommodation at 7.10am and are secured in their units from 5.30pm.¹³⁸ The inspection team observed the final head count and lock in which was done efficiently.

The centre has an activities centre within the main accommodation area, which has a well-equipped gym and recreation area. There is also an external gym and recreation area outside the secure perimeter for inmates that live in the external units.

The activities centre operates Wednesday to Sunday between 8.15–10.00, 10.15–12.30, and 1.00–3.30pm, however the activities centre is closed if the activities officer is required to perform other duties. For example, during the inspection, the activities centre was closed in the afternoon to allow the activities officer to process the grocery buy up. This can mean that inmates who are engaged in work throughout the day are unable to access the activities centre if the activities officer is reassigned to undertake other duties.

There is also a large oval located outside the secure perimeter which inmates can access under the supervision of a correctional officer. However, if the officer is required to assist with other activities such as medical escorts or weekend visits there is no access to the oval.

Recommendation: CSNSW ensure that sufficient staff are rostered to enable inmates to have access to the activities centre and the oval.

131 Corrective Services NSW, *Custodial Operations Policy and Procedures: 8.14 Inmate buy ups*, (version 1.4, 11 October 2023) 9.

132 Inspector of Custodial Services, *Inspection of Mannus Correctional Centre and Glen Innes Correctional Centre* (Report, February 2024) 32-33.

133 Inspector of Custodial Services, *Inspection of John Morony Correctional Centre* (Report, February 2024) 40.

134 Inspector of Custodial Services, *Inspection of John Morony Correctional Centre* (Report, February 2024) 39-40.

135 Information provided by Corrective Services NSW, 1 July 2024.

136 Information provided by Corrective Services NSW, 13 September 2023.

137 Productivity Commission, *Report on Government Services 2023–8 Corrective Services*, (January 2023).

138 Information provided by Corrective Services NSW, 13 November 2023.

3.6 Psychology services

Health and correctional staff can refer an inmate to the psychologist. As of 2 November 2023, 57 inmates were being provided with psychology services. Of these, 21 required comprehensive assessment and reporting.¹³⁹

At the time of inspection Kirkconnell CC had one senior psychologist at the centre. This staffing arrangement has been in place since July 2022. Prior to that there was a senior psychologist and an intern psychologist at the centre, who was supervised by the senior psychologist. The intern position was moved to Wellington CC in 2022.¹⁴⁰

The senior psychologist at Kirkconnell CC was also assisting Lithgow CC by undertaking Static-99R assessments. The Static-99R examines static (unchanging) risk factors which predict the potential for sexual re-offending. The assessments completed for Lithgow CC were in addition to those completed for Kirkconnell CC.

The resignation of the senior psychologist following our inspection left the centre with limited access to remote psychology services, pending recruitment to fill the vacancy.¹⁴¹

3.7 Religious and spiritual needs

As of 30 June 2023, 59% of inmates at Kirkconnell CC had no preferred religion or no religion, 32% of inmates identified as Christian from varying denominations, 3.1% of inmates were Muslim and 2% of inmates were Buddhist.¹⁴²

A chaplain works at the centre five days per week. Christian chapel services are delivered on a Sunday and bible study groups are delivered though the week. The chaplain also delivers the Positive Lifestyles Program, developed by The Salvation Army, on an individual basis to inmates at Kirkconnell CC.

At the time of inspection Muslim inmates expressed concern that there was no Muslim chaplain and inmates were not able to access the chapel for Friday prayers. Muslim inmates also voiced concerns about arrangements for Ramadan in March 2024 and expressed a desire for cooking mats to place on communal cooking equipment, to enable them to prepare food in a way that allowed for religious observance. A Muslim chaplain was subsequently employed on a part time basis and access to the chapel for Friday prayers has been resolved.¹⁴³ This is a positive development.

The chaplain also coordinates an inmate band at Kirkconnell CC and facilitates their opportunity to practice together. The inmate band plays at special events within the centre during the year such as ANZAC day or Christmas Day.

Where inmates have served significant sentences and are preparing for release, they require a sponsor to be eligible for day leave. If an inmate does not have a suitable sponsor, the chaplain will offer to take the inmate out on day leave. This was estimated to occur approximately once per month.

3.8 Cultural connection for Aboriginal inmates

As of 30 June 2023, 13.4% (26) inmates at the centre were Aboriginal.¹⁴⁴ This is a lower percentage of Aboriginal people than in most medium and maximum security centres and is consistent with what we have found in other minimum security centres in regional locations.¹⁴⁵ Aboriginal people should be provided with opportunities to be placed at minimum security centres and participate in rehabilitation

139 Information provided by Kirkconnell Correctional Centre, 13 November 2023.

140 Information provided by Kirkconnell Correctional Centre, 13 November 2023.

141 Information provided by Corrective Services NSW, 1 July 2024.

142 Information provided by Corrective Services NSW, 13 September 2023.

143 Information provided by Corrective Services NSW, 1 July 2024.

144 Information provided by Corrective Services NSW, 13 September 2023.

145 Inspector of Custodial Services, *Inspection of St Heliers Correctional Centre* (Report, November 2022) 21; Inspector of Custodial Services, *Inspection of Mannus Correctional Centre and Glen Innes Correctional* (Report, February 2024) 18.

opportunities. CSNSW advise that CSNSW has a dedicated Aboriginal classification and placement officers to assist Aboriginal people in custody and consider placement requests.¹⁴⁶

The centre recently installed two yarning circles, one located within the main accommodation area, and one located outside the secure perimeter. It was positive to see that both yarning circles were accessible to inmates.

Our office attended NAIDOC celebrations in September 2023 prior to the inspection. The event was well attended by Elders and other guests. Inmates were able to celebrate Aboriginal culture, through art and dance. At that time, the centre was negotiating the engagement of an Aboriginal Elder to take up a position as an Aboriginal community mentor. Aboriginal community mentors provide and promote connection with Aboriginal culture through music, art, horticulture, and language. They also promote participation in CSNSW education, training, and treatment programs, as well as reintegration into the community.¹⁴⁷ Kirkconnell CC appointed an Aboriginal community mentor in December 2023.¹⁴⁸

Recommendation: CSNSW ensure that Kirkconnell CC appoints and pays an Aboriginal Elder to attend the centre on a regular basis.

Recommendation: CSNSW consider placing eligible Aboriginal men at Kirkconnell CC who have family in the area and a connection to Country.

Aboriginal yarning circle in the main accommodation area



External yarning circle



3.9 Inmate telephones and tablets

Inmate telephones are generally located outside of the accommodation units at Kirkconnell CC. This means that when inmates are locked in their accommodation units, they are unable to make telephone calls. The roll out of inmate tablets has helped address this issue with inmates able to make telephone calls through their tablets from evening lock in until 10.00pm. This allows inmates to maintain contact with family and friends. However, the cost of inmate telephone calls is limiting the number of phone calls which can be made. Inmates pay \$2.60 for a 10-minute call. For those who are yet to gain employment within the centre the cost of phone calls is prohibitive. This issue is not unique to Kikconnell CC.¹⁴⁹

146 Information provided by Corrective Services NSW, 1 July 2024.

147 Corrective Services NSW, *Custodial Operations Policy and Procedures: 11.3 Aboriginal inmate committees* (version 1.1, 12 March 2020) 5.

148 Information provided by Corrective Services NSW, 1 July 2024.

149 Inspector of Custodial Services, *Inspection of John Morony Correctional Centre* (Report, February 2024) 39-40.

Not all features of the tablets were available to inmates at Kirkconnell CC. Entertainment packages that are generally available via tablets for additional cost are not accessible at Kirkconnell CC due to internet connectivity issues experienced at the centre. Fibre optic cable was being laid at the time of inspection and it was hoped that this would dramatically improve internet connectivity.

Inmate tablets at Kirkconnell CC are charged during the day and are locked in charging stations within the accommodation units. A series of lock-ins prior to the inspection and the inability for inmates to access telephones or tablets to make phone calls during the day was a significant issue. Kirkconnell CC should allow inmates to have tablets in their rooms when they are locked in accommodation units during the day, and unable to access communal phones.

Recommendation: CSNSW ensures Kirkconnell CC gives inmates access to inmate tablets when inmates are locked-in accommodation units to enable inmates to make telephone calls, and access other services.

3.10 Inmate mail

It is important for inmates to be able to send and receive correspondence, enabling them to maintain relationships with family and friends, correspond with legal representatives, and with independent external bodies.

The *Crimes (Administration of Sentences) Regulation 2014* (CAS Regulation) identifies that the governor of a correctional centre or a nominated officer may:

- a. copy any written or pictorial matter contained in a letter or parcel sent to an inmate that has been opened, inspected or read, and
- b. deal with the original written or pictorial matter in accordance with the directions of the Commissioner, and
- c. deliver a copy of the written or pictorial matter to the inmate instead of the original matter.¹⁵⁰

This clause does not apply to exempt bodies or exempt persons.¹⁵¹ Exempt bodies include, NSW Ombudsman, Judicial Commission, NSW Crime Commission, Law Enforcement Conduct Commission, Anti-Discrimination Board, Civil and Administrative Tribunal, Independent Commission Against Corruption, Inspector of Custodial Services, Privacy Commissioner, Information Commissioner, Legal Aid Commission, Legal Services Commissioner or the Legal Services Tribunal, or the Commonwealth Ombudsman, Australian Human Rights Commission or the Australian Crime Commission.

An exempt person includes a Member of Parliament, a legal practitioner or a police officer.

The CAS Regulation provides that:

- (1) *As soon as practicable after receiving from an inmate any letter or parcel addressed to an exempt body or exempt person, a nominated officer must post the letter or parcel to the addressee, without opening, inspecting or reading it.*
- (2) *As soon as practicable after receiving from an exempt body or exempt person any letter or parcel addressed to an inmate, a nominated officer must deliver the letter or parcel to the inmate, without opening, inspecting or reading it.*
- (3) *The letter or parcel that is contained in an envelope or package that is addressed to the governor together with a note to the effect that the letter or parcel is to be delivered to the inmate without being opened, inspected or read by any person other than the inmate.*

¹⁵⁰ Crimes (Administration of Sentences) Regulation 2014, clause 112(4).

¹⁵¹ Crimes (Administration of Sentences) Regulation 2014, clause 112(5)(a)

(4) *In the case of a letter or parcel from an exempt person, a nominated officer may require the letter or parcel to be opened by the inmate in his or her presence if of the opinion that it may contain prohibited goods and, if it does so, may confiscate the letter or parcel and its contents and deal with them in accordance with the directions of the Commissioner.*

(5) *This clause does not apply to any letter or parcel to which clause 115 applies.*¹⁵²

At the time of inspection, inmates alleged that privileged or legal mail is routinely opened at the centre. When questioned by the inspection team, staff knew that privileged or mail from exempt bodies should not be opened. Staff knew it should be delivered to an inmate unopened and the inmate should sign the coversheet to say that it was received unopened.

The opening of privileged or mail from exempt bodies is unlawful and should not occur as it erodes confidence that inmates can correspond with an exempt person, or body and that the contents of that correspondence will remain confidential. This was reported to the governor immediately after the Inspection.

Recommendation: CSNSW ensure that staff at Kirkconnell CC receive refresher training in the handling of privileged mail.

3.11 Inmate visits

Inmates should be encouraged to maintain and develop relationships with family and friends. Families and communities play an important role in assisting people to successfully reintegrate into society upon release. They often play an important role in supporting an inmate's mental health whilst they are incarcerated.¹⁵³

In person family/social visits were operating at Kirkconnell CC at the time of inspection, after a significant period in which face to face visits were suspended due to the COVID-19 pandemic. Between 1 July 2022 – 30 June 2023 there were 942 in person family/social visits.¹⁵⁴

The visits area at Kirkconnell CC is quite large, surrounded by well-maintained gardens and consists of an indoor and outdoor visiting area. The indoor area has tables and chairs set out for visits, and the outdoor area is grassed and has outdoor tables and chairs and a BBQ area. At the time of the last inspection inmates with a 6(2) permit were able to use the outdoor visits area. During this inspection visits were confined to the indoor area.

At the time of inspection in-person family/social visits were being facilitated on the weekends. There were four visit sessions, each one hour in duration at 8.30-9.30, 10.00-11.00, 11.30-12.30, and 2.30-3.30. During our last inspection Kirkconnell CC facilitated extended family/social visits, and throughout this inspection inmates advocated for the return of extended visits. It is noted that the issue of extended visits has been the subject of enquires and complaints to the Official Visitor, NSW Ombudsman, and through the IDC. We note Bathurst CC, the neighbouring correctional centre to Kirkconnell CC, was facilitating 5-hour long visits for minimum security inmates the month prior to our inspection of Kirkconnell CC.

At the time of inspection, the relevant Commissioners Instruction identified that visits would run for a maximum of 60 minutes but could be extended at the discretion of the governor. This instruction had been the primary justification for not having longer visits.

152 Crimes (Administration of Sentences) Regulation 2014, clause 113 (1–5).

153 Inspector of Custodial Services, *Inspection Standards for Adult Custodial Services in New South Wales* (May 2020) standard 108 and 108.1.

154 Information provided by Corrective Services NSW, 13 September 2023.

It appeared that the governor of Kirkconnell CC had misinterpreted the Commissioner's instruction to mean that an extended family/social visit could be granted on a case-by-case basis.¹⁵⁵ The inspection team observed family/social visits on the first day of the inspection and observed an extended visit for an interstate visitor.

Both visitors and inmates reported that many people are required to travel extensive distances for a visit, and it is uneconomical and tiring to travel for an extended period for a one-hour visit. Visits at Kirkconnell CC should return to pre-COVID-19 arrangements that are in keeping with a minimum security correctional centre. CSNSW have confirmed that five hour visits have commenced at Kirkconnell CC.¹⁵⁶

3.11.1 Access to food and drink

At the time of inspection visitors and inmates at Kirkconnell CC were not able to access food or drinks during visits. Restrictions on the consumption of food and drink during visits were implemented during the pandemic as a means of mitigating the risk of transmitting COVID-19. The absence of food and drink stands in stark contrast with our last inspection of Kirkconnell CC. Prior to the COVID-19 pandemic inmates were able to use a barbeque in the outdoor visits area and were able to purchase a BBQ pack to cook and share with their visitors.

Vending machines were also inoperable during visits. We observed an elderly diabetic visitor who wished to consume food and drink but was unable to do so. Despite a Commissioner's Instruction allowing the consumption of food and drinks during visits at the discretion of local management, having been issued in October 2022, there appears to be a reluctance to return to pre-COVID visit arrangements at Kirkconnell CC. CSNSW have confirmed that the vending machines are now operational.¹⁵⁷

3.11.2 Inmate clothing and searches

It was positive to see that minimum security inmates were not required to wear overalls during visits which reflects CSNSW policy and procedure for minimum security inmates. CSNSW policy and procedure states that inmates in minimum security centres may wear their standard correctional centre clothing on a visit whether body-scanners are used or not.¹⁵⁸ However, it appeared that management and staff at Kirkconnell CC did not agree with CSNSW policy. A local practice had been implemented at Kirkconnell CC requiring inmates to wear track suit pants to visits irrespective of the climatic conditions. This practice appears to be an attempt to utilise inmate clothing as a means of preventing the trafficking of contraband during visits. This practice is inconsistent with CSNSW policy and procedure and should be discontinued.

The CAS Regulation provides that a correctional officer has authority to conduct a pat search, strip search, or body scan on an inmate where the governor directs for the search to occur, or a correctional officer considers it appropriate. An inmate must not resist or impede a search, and failure to comply with a search constitutes a correctional centre offence.¹⁵⁹

CSNSW policy and procedure provides that minimum security inmates may be randomly body scanned or strip searched, after each visit. Strip searching is only undertaken when body scanning is not available or practicable, or when a body scan indicates the presence of contraband.¹⁶⁰ Kirkconnell CC does not have a body scanner, and inmates are generally pat searched after a visit.

During our observation of visits an officer indicated an intention to strip search an inmate. No other inmates were observed to have been strip searched throughout the day. The reason cited for the decision to search was that inmates can be randomly strip searched and they like "to keep them

155 Corrective Services NSW, *Commissioners Instruction 2023/14 Novel Coronavirus (COVID-19) Interim Measure – Update to resumption of family and friends visits* (3 September 2023).

156 Information provided by Corrective Services NSW, 1 July 2024.

157 Information from Corrective Services NSW, 1 July 2024.

158 Corrective Services NSW, *Custodial Operations Policy and Procedures: 10.1 Visits to inmates by family and friends* (version 1.10, 24 May 2023) 11.

159 *Crimes (Administration of Sentences) Regulation 2014*, clause 46.

160 Corrective Services NSW, *Custodial Operations Policy and Procedures: 17.1 Searching inmates* (version 1.10, 24 May 2023) 11.

[inmates] honest". The reason for a strip search taking place should be recorded to ensure there are reasonable grounds for conducting a strip search.

Most maximum and medium security correctional centres have body scanners, enabling inmates with higher security classifications to be body scanned, and routine strip searches minimised. However, many minimum-security correctional centres do not have body scanners which means that inmates with the lowest levels of security classification are subject to strip searches. Strip searches are invasive, and largely ineffective in identifying internally secreted contraband. Strip searches could be avoided if CSNSW were to roll out body scanners to minimum security correctional centres.

Recommendation: CSNSW ensure Kirkconnell Correctional Centre complies with CSNSW policy and ceases forcing inmates to wear tracksuit pants to visits.

Recommendation: CSNSW install body scanners at minimum security centres and record when and why strip searches are undertaken.

Recommendation: CSNSW revert the length of visits back to pre-COVID-19 arrangements as soon as possible at Kirkconnell CC.

3.11.3 Treatment of visitors and professionalism of staff

Most visitors informed the inspection team that they were happy with the way they were treated by staff at Kirkconnell CC, when compared to other larger metropolitan and regional correctional centres that they had visited. It is important that correctional officers remain cognisant that some people have never visited a correctional centre before, or if they have the process can be stressful.

We observed some ambiguity around the acceptance of digital drivers' licences at Kirkconnell CC. As of 27 February 2023, CSNSW started accepting digital drivers' licences as an acceptable form of identification. However, visitors are still encouraged to bring their physical licences as some correctional centres utilise mobile phone jamming technology or have connectivity issues.¹⁶¹ The CSNSW website says that Kirkconnell CC is unable to accept digital drivers' licences. Although we observed staff accept them,¹⁶² it was apparent that this was not normal practice for Kirkconnell CC.

We also observed unprofessional behaviour from staff in the form of inappropriate jokes and sarcasm during visits. An officer expressed a desire to cancel a visit for a visitor with significant health needs, and failed to identify communication barriers for a culturally and linguistically diverse visitor.

3.11.4 Family/Social video visits

The availability of family and social video visits at Kirkconnell CC is a positive for inmates at the centre.¹⁶³ Between 1 July 2022 and 30 June 2023, there were 1,448 video family/social visits; an average of 120.6 per month. 61% of family/social visits during this period occurred by video.¹⁶⁴

Video visits are available Monday–Friday between 8.30–11.00am, and 3.00–5.00pm for a half an hour visit and are facilitated in the AVL room. Between 11.30 and 3.00pm the professional AVL suite is used for legal/professional calls.

Both inmates and visitors identified that AVL times slots can book out very fast. Visitors reportedly must stay up until midnight to book an AVL visit. Whilst demand for family/video visits was reported to be high, CSNSW identified that over a six month period between 18 June 2023–18 December 2023 the professional suite utilisation rate was only 61%. This is not surprising as the inmates at Kirkconnell CC are sentenced. On a positive note, this allowed CSNSW to increase the number of family/social video visits offered.¹⁶⁵

161 Corrective Services NSW, Deputy Commissioner's Memorandum Security and Custody 2023/02, *Acceptance of NSW digital drivers licence as identification* (2 February 2023).

162 Corrective Services NSW, website, accessed 28 March 2024, < <https://correctiveservices.dcj.nsw.gov.au/correctional-centres/find-a-correctional-centre/kirkconnell-correctional-centre.html> >.

163 During our last inspection of the centre AVL facilities were not available.

164 Information provided by Corrective Services NSW, 13 September 2023.

165 Information provided by Corrective Services NSW, 18 December 2023.

Inmates at Kirkconnell CC who leave the centre to participate in community projects or work release reported their visits were cancelled automatically because they had “left” the centre. CSNSW have advised that this is a technology issue, and they are working to resolve it.¹⁶⁶ In the interim, visits data is being entered manually to resolve the issue.¹⁶⁷

Indoor visits room



Inoperable vending machine



Outdoor visits area



Visits BBQ's



166 Information provided by Corrective Services NSW, 20 March 2023.

167 Information provided by Corrective Services NSW, 1 July 2024.

4 Health care

4.1 Health care services and the prison population

As outlined in our Health Services in NSW Correctional Facilities Report, inmates often experience poorer health compared to the general population. They are more likely to have chronic illness, post-traumatic stress, substance use issues and communicable diseases, dual diagnoses of mental health issues and physical or other health problems.¹⁶⁸ They are also more likely to have experience of mental health issues including anxiety, depression, psychosis and suicidal thoughts.¹⁶⁹

It is important that the health care available reflects the health needs of the prison population.¹⁷⁰ As of 30 June 2023, 56.7% of the inmate population at Kirkconnell CC were aged between 45–65+.¹⁷¹ Aged inmates experience ‘accelerated ageing’, where signs of ageing may occur 10 to 15 years earlier than for the rest of the population.¹⁷² They are defined as those over the age of 55 for non-Aboriginal people and over 45 years for Aboriginal people.¹⁷³ Older inmates often have more complex needs, including deteriorating cognition, higher rates of sub-acute chronic conditions requiring monitoring and increased risk of falls due to frailty.¹⁷⁴

4.1.1 Health centre staffing

Health Services at Kirkconnell CC are provided by JH&FMHN. The health centre operates between 8.00am to 4.30pm, seven days per week.¹⁷⁵ The health centre is staffed by a nursing unit manager (NUM), two registered nurses (RN), and a health centre clerk (HCC) during the week and on weekends the health centre is staffed by two RN’s. A chronic condition enrolled nurse (EN) also provides services to Kirkconnell, Lithgow and Bathurst Correctional Centres.¹⁷⁶

It is important that inmates have access to a 24-hour, on-call, or stand-by primary health service.¹⁷⁷ Centre staff can access further advice and assistance after hours by contacting the after-hours nurse manager, or the mental health helpline.¹⁷⁸

4.1.2 Health centre infrastructure

The health centre is located within the secure perimeter of the correctional centre, proximate to the gate house and MFAU. The health centre has a patient waiting area, two consultation rooms, (one of which is an interview room shared with CSNSW) and one treatment room. Telehealth facilities are available in these rooms. There is also a dental suite, equipped with a dental x-ray machine. There are no camera or assessment cells within the clinic. A centre level agreement with CSNSW allows for a maximum of five inmate patients in the health centre at any one time.¹⁷⁹

168 Australian Institute of Health and Welfare, *The Health of Australia's Prisoners 2018* (Report, 30 May 2019) vi, 49; The Royal Australian College of General Practitioners, *Standards for Health Services in Australian Prisons* (1st ed, April 2011) 2-3; Justice Health and Forensic Mental Health Network, *Year in Review 2016-17* (Department of Health (NSW), December 2017) 14; See also Inspector of Custodial Services, *Health Services in NSW Correctional Facilities* (Report, March 2021) 11.

169 Justice Health and Forensic Mental Health Network (NSW), 2015 Network Patient Health Survey Report (May 2017) 52-62, See also Inspector of Custodial Services, *Health Services in NSW Correctional Facilities* (Report, March 2021) 11.

170 Inspector of Custodial Services, *Inspection Standards for Adult Custodial Services in New South Wales* (May 2020) standard 76.

171 Information provided by Corrective Services NSW, 13 September 2023.

172 Australian Institute of Health and Welfare, *Australia's Health 2018* (Australia's Health Series No 16, 20 June 2019) 302; See also Inspector of Custodial Services, *Health Services in NSW Correctional Facilities* (Report, March 2021) 40.

173 Justice Health and Forensic Mental Health Network, *Year in Review 2016-17* (Department of Health (NSW), December 2017) 14; See also Inspector of Custodial Services, *Health Services in NSW Correctional Facilities* (Report, March 2021) 11.

174 Inspector of Custodial Services, *Health Services in NSW Correctional Facilities* (Report, March 2021).

175 Information provided by Justice Health and Forensic Mental Health Network, 13 October 2023.

176 Information provided by Justice Health and Forensic Mental Health Network, 13 October 2023.

177 Inspector of Custodial Services, *Inspection Standards for Adult Custodial Services in New South Wales* (May 2020) standard 80.

178 Information provided by Justice Health and Forensic Mental Health Network, 13 October 2023.

179 Information provided by Justice Health and Forensic Mental Health Network, 13 October 2023.

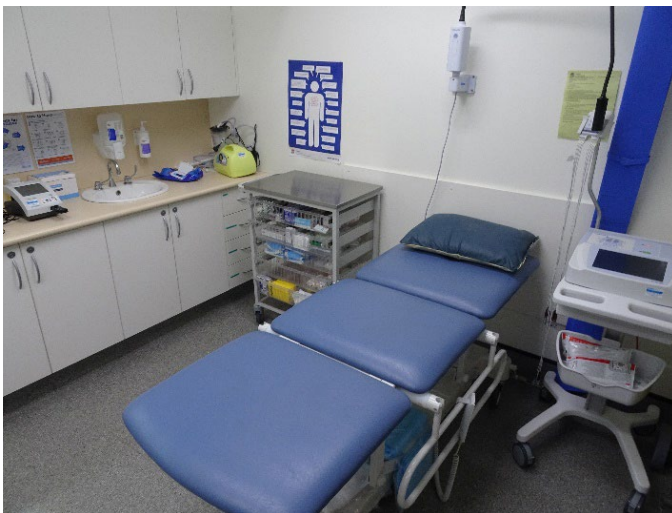
Medication dispensary



Health centre consult room with telehealth



Health centre treatment room



Dental treatment suite



4.2 Health service provision

Every inmate should have access to the services of specialist medical practitioners as well as psychiatric, dental, optical, and radiological diagnostic services, on medical referral.¹⁸⁰

The table below identifies the type of health services scheduled to be delivered at Kirkconnell CC and the number of actual hours delivered over a six month period between 1 April 2023-30 September 2023.

¹⁸⁰ Inspector of Custodial Services, *Inspection Standards for Adult Custodial Services in New South Wales* (May 2020) standard 82.

Table 1: Health services provided at Kirkconnell CC over 6 months¹⁸¹

Clinic	Scheduled clinic hours		Delivered clinic hours	
	Hours per week/month/other	Delivery format (In-person or telehealth)	Hours per month/week/other in last 6 months	Delivery format (In-person or telehealth)
GP	16hrs per month	In-person and Telehealth	16hrs per month	In-person & Telehealth
Mental Health Consultation Liaison Nurse	As required	Telehealth	16hrs per month	Telehealth
Mental Health Nurse	As required	Telehealth	16hrs per month	Telehealth
Psychiatrist	As required	Telehealth	3hrs per fortnight	Telehealth
Oral Health	8hrs per month	In-person	8hrs per month	In-person
Optometry	8hrs bi-monthly	In-person	4hrs per month	In-person
Population Health Nurse	As required [^]	In-person	8hrs per month	In-person
Physiotherapy	As required [^]	Telehealth	8hrs per month	Telehealth

Between 1 April to 30 June 2023, JH&FMHN recorded 1,075 unscheduled or walk-in type appointments occurred.¹⁸²

The following table identifies the number of people who attended their scheduled appointments between 1 July 2022 to 30 June 2023.

Table 2: Arrived appointments by provider and delivery type between 1 July 2022 and 30 June 2023¹⁸³

Arrived appointments by provider	Case conf/review			Total
	In-person	Telehealth	(No patient contact)	
Aboriginal Health Practitioner	1	-	-	1
Dental prosthetist	2	-	-	2
GP	183	303	6	492
Nurse	9166	352	91	9609
Nurse Practitioner*	5	-	-	5
Optometrist	65	-	-	65
Physiotherapist	15	56	-	71
Psychiatrist	1	69	-	70
Specialist doctor	45	-	-	45
Speech pathologist	1	1	-	2
Total	9484	781	97	10,362

181 Information provided by Justice Health and Forensic Mental Health Network, 13 October 2023.

182 Information provided by Justice Health and Forensic Mental Health Network, 13 October 2023.

183 Information provided by Justice Health and Forensic Mental Health Network, 13 October 2023.

4.2.1 General Practitioner service

Following our 2019 inspection of Kirkconnell CC we recommended that JH&FMHN ensure that the General Practitioner (GP) service is provided on a regular basis. At that time the GP service was scheduled to be delivered once per month for four hours but there had been no GP service in the two months prior to the inspection due to illness. Staff and inmates believed the service being delivered at the centre was not adequate to meet the health needs of Kirkconnell CC's 260 inmates.¹⁸⁴

At the time of our 2023 inspection the health centre staff told us that there had been a consistent GP for some time and more recently different GPs. It was positive to see the GP service at Kirkconnell CC was being delivered for 16 hours per month utilising both in-person consultations and telehealth. Whilst telehealth exceeded in-person delivery it was still positive to see improvements in this area. A Nurse Practitioner was also visiting the centre to see inmate patients from the GP waitlist where possible.

Despite four hours of GP service being delivered each week, inmates reported delays in accessing health services. JH&FMHN utilises a waitlist with an identified clinical priority. As of 9 October 2023, the waitlist for the GP/PC Nurse Practitioner had one inmate identified as a P2 (3-14 days), 35 inmates were identified as P3 (14 days – 3 months), 37 inmates were P4 (3 – 12 months), and 5 inmates were identified as P5 (no timeframe). JH&FMHN reported that all inmates were seen within the clinical priority timeframes. The frequency of the Primary Care Nurse Practitioner visits increased to a weekly clinic from February 2024, to support the timely care of patients on the GP waitlist.¹⁸⁵

Inmates said they were happy with the care they received when they were seen by health staff. Health centre staff reflected that they get good access to patients and share a positive working relationship with CSNSW.

4.2.2 Dental services

The oral health of inmates is generally poor.¹⁸⁶ Inmate patients can self-refer for dental treatment through the dental hotline and then patients are triaged according to their symptoms and placed on a waiting list.

At the time of inspection, it was reported that a dentist visits the centre 4-5 times in a year. As of 18 September 2023, 33 inmates were on the oral health assessment waiting list and 38 were on the treatment waiting list. Of those eight inmates on the assessment waiting list and 10 on the treatment waiting list were outside the recommended time to be seen.¹⁸⁷

Between 1 July 2022 and 30 June 2023 dental prosthetics were fitted on two occasions.¹⁸⁸

4.2.3 Health care for ageing inmates

During the inspection it was identified there are a significant proportion of ageing inmates, many of whom have chronic health conditions. Health staff seek to educate inmates about how to best manage these conditions.

Where concerns exist for ageing inmates in relation to declining physical or cognitive health, they can be referred to the aged care team for assessment. These assessments may result in an inmate being moved to another correctional centre.

Inmates with significant mobility issues are not considered suitable for placement at Kirkconnell CC due to the uneven ground at the centre. Falls are a significant risk for inmates with mobility issues. A 2017 coronial inquest into the death of an inmate from a fall at Kirkconnell CC, found that;

184 Inspector of Custodial Services, *Kariong and Kirkconnell Correctional Centres and the Integration Support Centre*, (Report November 2020) 37-38.

185 Information provided by Justice Health and Forensic Mental Health Network, 28 June 2024.

186 Inspector of Custodial Services, *Health Services in NSW Correctional Facilities* (Report, March 2021) 35.

187 Information provided by Justice Health and Forensic Mental Health Network, 13 October 2023.

188 Information provided by Justice Health and Forensic Mental Health Network, 13 October 2023.

While appropriate local changes were made after Mr Johnstone's death, there appears to be a more general need to prioritise the provision of appropriate environments to house an ageing prison population to mitigate the risk of falls and other preventable accidents. Comprehensive change will require commitment of significant resources by Corrective Services NSW.¹⁸⁹

4.2.4 Mental health

Correctional centres must make appropriate and adequate provision to meet the mental health care needs of inmates. Between 1 July 2022 – 30 June 2023, 17 inmates at Kirkconnell CC had a history of mental illness and 51 inmates were subject to a mandatory notification to the Risk Intervention Team (RIT).¹⁹⁰

Mental health services are provided as required at Kirkconnell CC. During the 6-month period between 1 April 2023 - 30 September 2023 the mental health consultation – liaison nurse and mental health nurse each delivered 16 hours of service per month, and the psychiatrist provided 3 hours of service per fortnight.¹⁹¹

Kirkconnell CC is not equipped to manage inmates who are acutely mentally unwell, and they will be transferred to another correctional centre. For example, an inmate who was engaging in self-harm and experiencing hallucinations prior to the inspection, was transferred to Bathurst CC. Between 1 July 2022 – 30 June 2023 there were two reported incidents of self-harm.¹⁹²

4.2.5 Health promotion

Health staff try to educate inmate patients about their conditions when assessing and treating them.

The NUM runs a monthly 'Speak to the NUM' session held during medication administration. This provides inmate patients with an opportunity to seek in-person health advice and information. In April 2023 JH&FMHN launched a statewide online patient health information portal which is accessible through the inmate tablets.¹⁹³

Health centre staff have continued to promote vaccination against COVID-19 and provide advice on the safety and benefits of vaccination. In April 2023, as part of the annual winter immunisation program, health staff engaged in a mass education and vaccination against influenza initiative. Vaccinations are offered to new inmate patients as they are received into the centre.

Close The Gap Day (CTG) was held at the centre on 23 March 2023. This included the provision of health advice, collection of basic observation measures and follow-up referrals, and health promotion resources. Quarterly CTG health promotion and education events commenced in December 2023. These events are an opportunity to focus on seasonal health and wellbeing. For example, during summer there is a focus on hydration, sun protection, signs of heat stroke, bushfire safety, and general health and exercise activities and resources.¹⁹⁴

4.2.6 Transfers for medical treatment

Inmates sometimes experience medical episodes or injuries that require medical intervention that cannot be provided at the health centre. Between 1 July 2022 – 30 June 2023 there were 44 unplanned transfers to hospital or an external health specialist.¹⁹⁵

During the same period there were 45 planned transfers to hospital or an external health specialist.¹⁹⁶ Inmates expressed a preference to receive care at a regional hospital proximate to the centre, so they could stay at Kirkconnell CC.

189 Inquest into the death of Glennon Johnstone, (Coroners Court of New South Wales, Magistrate Harriet Grahame, 20 November 2017) 6.

190 Information provided by Corrective Services NSW, 13 September 2023.

191 Information provided by Justice Health and Forensic Mental Health Network, 13 October 2023.

192 Information provided by Corrective Services NSW, 13 September 2023.

193 Information provided by Justice Health and Forensic Mental Health Network, 13 October 2023.

194 Information provided by Justice Health and Forensic Mental Health Network, 13 October 2023.

195 Information provided by Justice Health and Forensic Mental Health Network, 13 October 2023.

196 Information provided by Justice Health and Forensic Mental Health Network, 13 October 2023.

As discussed in the ICS report relating to Health Services in NSW Custodial Facilities inmates in regional centres will often be transferred to Long Bay correctional centre to access specialist appointments at the Prince of Wales Hospital in metropolitan Sydney.¹⁹⁷ We heard during inspection that the majority of inmates do not want to be transferred out of Kirkconnell CC to Long Bay Correctional Complex (LBCC) to receive specialist assessment or medical treatment. We spoke with two inmates with herniations who were actively delaying treatment to avoid being transferred to LBCC.

4.2.7 Service delivery challenges

The stability of internet connectivity was reported to be one of the most significant challenges for health service delivery at Kirkconnell CC. Network disruption was reported to occur frequently and when this occurs it inhibits the ability of health staff to see scheduled appointments, review and update medical records. Information must be recorded manually and then entered later, which is inefficient. Significant improvements to connectivity were anticipated at the time of inspection due to a planned upgrade to fibre optic cable. This took place in November 2023 resulting in significantly improved CSNSW connectivity at the centre. JH&FMHN is also partnering with eHealth and Telstra to install a standalone internet link for the health centre, so care delivery is not impacted by outages that may occur on the CSNSW network.¹⁹⁸

¹⁹⁷ Inspector of Custodial Services, *Health Services in NSW Correctional Facilities* (Report, March 2021), 99.

¹⁹⁸ Information provided by Justice Health and Forensic Mental Health Network 28 June 2024.

5 Rehabilitation

5.1 Offender Programs and Services

Services and programs at Kirkconnell CC are delivered by the Offender Services and Programs (OS&P) team. The OS&P team consisted of a manager of services and programs (MOSP), services and programs team leader (SAPTL) and three services and programs officers (SAPO).¹⁹⁹

At the time of inspection, the MOSP worked between Bathurst and Kirkconnell CC's. The MOSP role has since changed to a service integration manager position based at Kirkconnell CC.

Whilst the centre did not have an identified Aboriginal SAPO position, one of the SAPO's identified as Aboriginal and played an important role in engaging with Aboriginal men at the centre.

5.2 Programs

One of the objects of the CAS Act is to provide for the rehabilitation of offenders with a view to their reintegration into the general community.²⁰⁰ Similarly, the Guiding Principles identify that prisoners and offenders should be supported to change their behaviours and attitudes through participation in targeted programs and services which address criminogenic, and wellbeing needs and support their transition to a prosocial law-abiding lifestyle.²⁰¹

Between 1 July 2022 – 30 June 2023 the following programs were delivered at Kirkconnell CC. Although there were low participation rates there were high completion rates.

Table 3: Programs delivered between 1 July 2022 – 30 June 2023²⁰²

	No. of Programs Facilitated	No. of Participants commenced	No. of Participants who completed
EQUIPS Foundation	2	19	18
EQUIPS Addiction	1	12	12
RUSH	3	30	28

5.3 Sex offender programs

During our last inspection we recommended that CSNSW provide specialist programs to address offending behaviour.²⁰³ In response to our recommendation the Medium Intensity Sex Offender Program (MISOP) was facilitated twice at Kirkconnell CC, between November 2020 to June 2021 and November 2021 to June 2022.²⁰⁴

5.3.1 Assessment for sex offender programs

The general program eligibility for people in custody is determined by the Custody - Triage Risk Assessment Scale (TRAS). The TRAS is an actuarial (statistically based) screening tool/algorithm developed by CSNSW which reliably estimates the probability of inmates within each risk group returning to custody with a new sentence/offence(s) within two years of release.²⁰⁵

The STATIC-99R is an actuarial risk prediction instrument designed to estimate the probability of sexual and violent reconviction for adult males who have already been charged with or convicted of

199 Information provided by Kirkconnell Correctional Centre, 13 November 2023.

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

201 Corrective Services Administrators' Council, *Guiding Principles for Corrections in Australia* (February 2018) Outcome 5.

202 Information provided by Corrective Services NSW, 24 November 2023.

203 Inspector of Custodial Services, *Kariong and Kirkconnell Correctional Centres and the Integration Support Centre*, (November 2020) 10.

204 Information provided by Corrective Services NSW, 24 November 2023.

205 Information provided by Corrective Services NSW, 24 November 2023.

at least one sexual offence against a child or a non-consenting adult. Offenders assessed as very low risk and below average risk of sexual re-offending are ineligible for specific sex offender programs, as CSNSW does not offer low intensity sex offender specific programs.²⁰⁶

5.3.2 Eligibility for sex offender programs

Eligibility for the High Intensity Sex Offender Program (HISOP) requires that inmates must have a STATIC-99R score in the well above average risk range or score in the above average risk and have significant identified dynamic risk factors (e.g., chronic recidivists).²⁰⁷

To be eligible for the Moderate Intensity Sex Offender Program (MISOP) inmates must have a combined risk assessment in the above average risk range using a combined risk assessment when considering both dynamic risk factors and the STATIC-99R.²⁰⁸

The Self-Regulation Program: Sex Offending is for inmates with a cognitive impairment and must have a STATIC-99R score in the well above average risk range or have been assessed in the above average risk range using a combined risk assessment when considering both dynamic risk factors and the STATIC-99R.

Eligibility for the Deniers group program (for categorical deniers of their offence) requires inmates to have a have a STATIC-99R score in the well above average risk range, or above average risk range using a combined risk assessment when considering both dynamic risk factors and the STATIC-99R.²⁰⁹

As of 30 June 2023, 194 inmates were held at Kirkconnell CC. Of those, 179 inmates were assessed using relevant risk assessment tools and 139 or 77% of those inmates were assessed as ineligible to participate in sex offender specific programs. From the remaining cohort 16 people were identified as being eligible to participate in the High Intensity Sex Offender Program (HISOP) and were on a waitlist or identified for an alternate pathway because they had insufficient time remaining on their sentence to participate in sex offender programs.²¹⁰

There were 17 people identified as eligible to participate in MISOP, which was planned to run in mid-2024 at MSPC. Those that were eligible would have program participation identified in their case plan but would not have been made a treatment offer, as this occurs six-eight months before the program commences.²¹¹

The risk assessment tool utilised could not be used on the remaining five inmates due to typology or age offending. These inmates will be assessed through alternate pathways.²¹²

CSNSW does not intend to run sex offender specific treatment programs from Kirkconnell CC in the future. Men who meet the risk level for sex offence specific treatment will be transported to the Metropolitan Special Programs Centre or South Coast Correctional centre for these programs.²¹³

Given CSNSW does not intend to offer sex offender programs at Kirkconnell CC in the future, it would be preferable that inmates required to engage in sex offender programs are identified prior to being transferred to Kirkconnell CC and sent to a centre where programs are available.

Recommendation: CSNSW ensure inmates required to engage in sex offender programs are identified prior to being transferred to Kirkconnell CC and placed at a centre where programs are available.

206 Information provided by Corrective Services NSW, 24 November 2023.

207 Information provided by Corrective Services NSW, 24 November 2023.

208 Information provided by Corrective Services NSW, 24 November 2023.

209 Information provided by Corrective Services NSW, 24 November 2023.

210 Information provided by Corrective Services NSW, 24 November 2023.

211 Information provided by Corrective Services NSW, 24 November 2023.

212 Information provided by Corrective Services NSW, 24 November 2023.

213 Information provided by Corrective Services NSW, 24 November 2023.

5.3.3 Inmates convicted of commonwealth offences

Concerns were raised during the inspection that inmates convicted of commonwealth offences were routinely refused commonwealth parole because they have not undertaken sex offender specific treatment programs to address their offending behaviour.

As of 30 June 2023, there were 23 inmates at Kirkconnell CC that had been convicted of a commonwealth offence. CSNSW advised that they had met with the Commonwealth Attorney General's office (Commonwealth Parole) to develop processes for greater information sharing regarding processes that CSNSW has in place in relation to assessing eligibility for sex offender treatment programs. CSNSW also advised that they are examining if specific program content should be developed that would address non-contact or child exploitation offences.²¹⁴

CSNSW is also increasing the use of the Child Pornography Offender Risk Tool (CPORT) to better determine risk and program pathways for inmates convicted of child sexual exploitation material related offences. The CPORT is a newly developed tool, with a limited normative sample as well as limited validation studies to support its use. The CPORT can appropriately be utilised as a relative risk outcome measure, describing an individual's density of risk factors relative to other child abuse material offenders.²¹⁵

We heard during inspection that due to their ineligibility to complete programs through CSNSW some inmates were engaging in psychological treatment privately through the centres AVL system. We also heard that some inmates who had engaged in private treatment had been successful with their application for parole.

5.3.4 Alternate program pathways

CSNSW identified that inmates who are ineligible for sex offender programs, because they do not meet the risk threshold for intervention can engage in education, employment and general wellbeing programs, which would still be relevant to their needs.

Inmates' ineligible for sex offender programs can still be identified through their TRAS score as eligible for the following programs:

- EQUIPS Foundation
- EQUIPS Addiction
- EQUIPS Domestic and Family Violence
- RUSH
- CONNECT

In relation to inmates at the centre as of 30 June 2023, some offenders did not meet program eligibility criteria for sex offender programs but were afforded the opportunity to participate in interventions through an alternate program pathway due to their high needs.²¹⁶

Table 4: Participants enrolled in alternate programs pathways²¹⁷

Program	No participants	Notes:
RUSH	17	five had Commonwealth offences
EQUIPS Foundations	2	one had Commonwealth offences
EQUIPS Addictions	1	

214 Information provided by Corrective Services NSW, 24 November 2023.

215 Information provided by Corrective Services NSW, 24 November 2023.

216 Information provided by Corrective Services NSW, 24 November 2024.

217 Information provided by Corrective Services NSW, 24 November 2023.

5.4 Kirkconnell – Peer Mentoring Program

Kirkconnell CC facilitates the Kirkconnell-Peer Mentoring Program (K-PMP). The program is a five day intensive adventure/experiential learning and theory-based program aimed at developing skills in communication, trust, practical problem solving, decision making, social responsibility and personal responsibility. The K-PMP draws on principles and activities from Oberon CC's Gurnang Life Challenge and the Young Adult Offender Satellite Program and is delivered by correctional officers.²¹⁸

Like the Gurnang Life Challenge and Young Adult Offender Satellite Program, inmates who have participated may be asked to become peer mentors and assist other inmates who join the program. We heard concerns from both staff and inmates that inmates participating in the K-PMP are required to talk about their offending or risk factors for offending in a group setting. Staff involved in the delivery of the program said that was not the case. However, given the nature of offences of inmates managed at Kirkconnell CC, we became concerned about the delivery of this program, as it is not an accredited criminogenic program. In the circumstances we recommend the suspension of the K-PMP pending a review of its content and delivery by CSNSW.

Recommendation: CSNSW suspend the K-PMP program and undertake a review.

5.5 Education

Inmates should be encouraged to participate in education and training opportunities.²¹⁹ Inmates should have access to nationally recognised education programs, that are matched to the educational level and learning needs of the inmate. These programs should be aligned with vocational training that assists inmates to gain employment.²²⁰

There are two education staff at Kirkconnell CC, an education support coordinator (ESC) and an assessment and planning officer (APO). During our last inspection of Kirkconnell CC, we were pleased to see the inmates had access to education, including access to literacy and numeracy, digital literacy, vocational education, traineeships, distance education and peer led education. It was pleasing to see that this had continued since our last inspection.

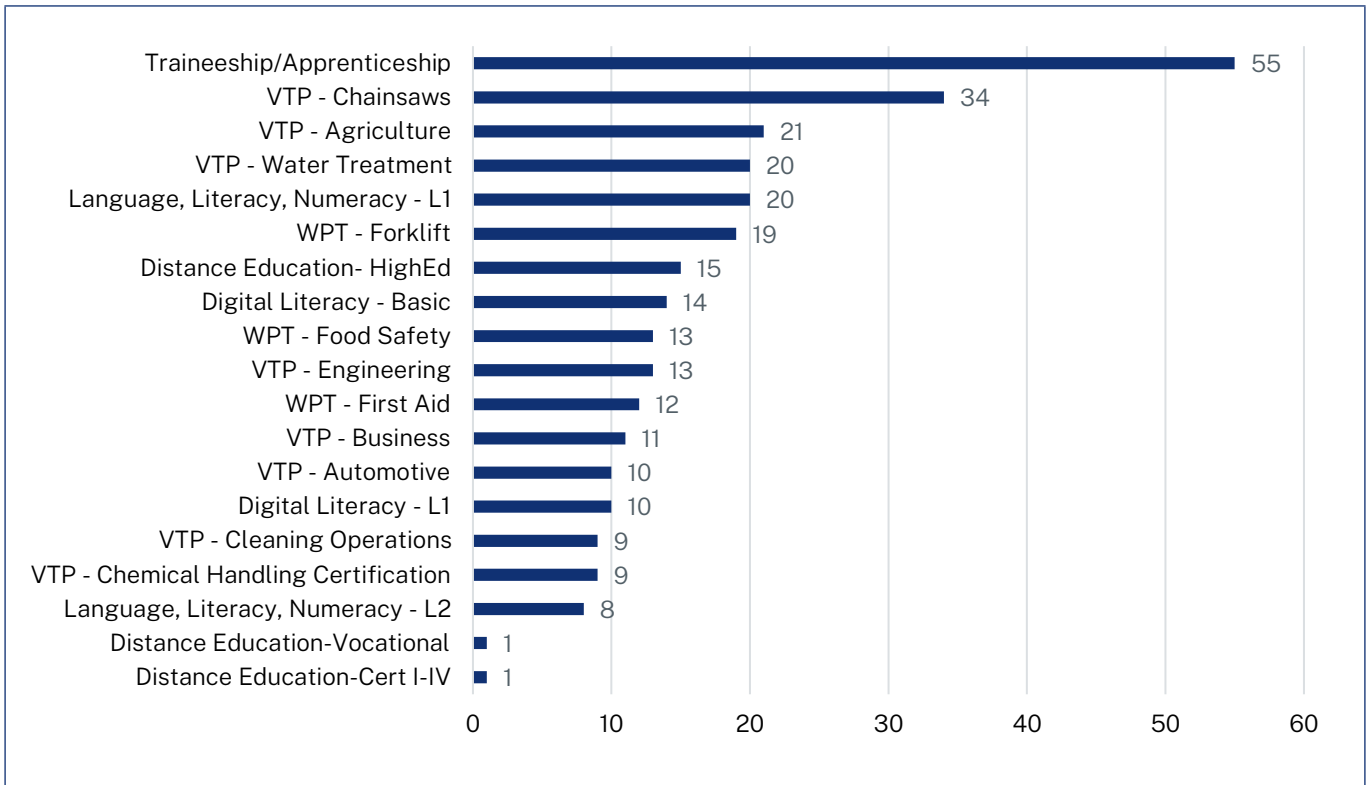
The table below outlines the enrolments in educational programs at Kirkconnell CC in the 2022-2023 financial year.

218 Information provided by Corrective Services NSW, 15 September 2023.

219 Inspector of Custodial Services, *Inspection Standards for Adult Custodial Services in New South Wales* (May 2020) standard 118.

220 Corrective Services Administrators' Council, *Guiding Principles for Corrections in Australia* (February 2018) Outcome 5.1.11.

Figure 4: Education enrolments between 1 July 2022 – 30 June 2023



Between 1 July 2022 – June 2023 Kirkconnell CC ran the following courses:

- Certificate II Horticulture
- Certificate II Engineering
- Certificate III Engineering
- Certificate II Logistics and Warehousing
- Certificate II Water conservation
- Certificate III Water treatment
- Certificate II Librarian
- Certificate II Construction pathways²²¹

The centre also had inmates enrolled in tertiary studies through a distance education provider. There were also peer tutored activities, including language, maths, literacy, guitar, and art.

5.5.1 Library

There are two libraries at Kirkconnell CC, one located in the main accommodation area and the other in a demountable building outside the secure perimeter between the external accommodation units and industries.

The library is open seven days a week between 12.00 – 3.00pm Monday to Friday, and 2.00 – 3.00pm Saturday and Sunday. The library contains a wide variety of books that can be borrowed. Newspapers and magazines are also available in the library. Peer led educational activities also occur in the library including, art and language classes.

²²¹ Information provided by Corrective Services NSW, 13 November 2023.

Education and library



Library



Computer classroom



Education classroom



5.6 Employment

The employment of inmates whilst in custody increases future employability, supports the achievement of nationally recognised qualifications, and complements educational and vocational training opportunities.²²²

The CAS Act provides that the governor of a correctional centre may make an order directing any convicted inmate of a correctional centre to carry out suitable work.²²³ Kirkconnell CC has capacity to employ 192 inmates in industries.²²⁴

Work opportunities at Kirkconnell CC include:

- Engineering
- Food services/Laundry
- Horticulture
- Grounds maintenance
- Community projects
- Work release

5.6.1 Engineering

The centre has a large engineering workshop which manufactures products for internal and external customers. Engineering is the largest employer of inmates at the centre employing up to 45 inmates.²²⁵ Engineering is generally the first work location inmates are employed in within the centre as it and centre hygiene are the only employment positions within a secure location. Inmates employed in engineering are given a section 6(1) work order and are escorted to and from work by correctional staff.

During our observations of engineering, there were two overseers supervising 30 inmates. Inmates in engineering are involved in the manufacturing of furniture for other correctional centres, the refurbishment of clothing donation bins for a charitable organisation, and the manufacturing of cattle crushes, ramps, or grids for a steel manufacturer in Bathurst.

All inmates working in engineering are required to go through a thorough safety induction prior to commencing work and can gain Certificate I, II & III qualifications in engineering. Short courses such as spray painting are available to inmates at the centre for shorter periods who do not have sufficient time to complete Certificate courses.

Inmates employed in engineering are paid a base rate of \$44.00 per week, and a piece rate or production bonus. Inmates expressed frustration that when they are unable to work, due to lack of work or lock ins, they miss out on income, as they are not able to earn the piece rate or production bonus. If there is sufficient work to do, inmates from engineering are generally allowed to attend work during lock-ins, as there is a need for a stable and skilled workforce to complete contract work for external customers.

5.6.2 Horticulture

Horticulture employs 14 inmates who tend to a market garden which grows flowers and vegetables. Flowers grown at the centre are donated to a cancer treatment service in Bathurst. Fruit and vegetables are donated to a not-for-profit soup kitchen to feed the homeless.

222 Corrective Services Administrators' Council, *Guiding Principles for Corrections in Australia* (February 2018) Outcome 5.1.12.

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

224 Information provided by Corrective Services NSW, 13 November 2023.

225 Information provided by Corrective Services NSW, 13 November 2023.

The horticulture area runs on a limited budget and utilises recycled materials including hardwood pallets and old fence posts, as well as recycled plastics to cover the green houses. Inmate milk containers are repurposed and used to set seedlings in the green houses.

Vocational education is linked to horticulture with inmates able to undertake traineeships in horticulture or skill sets. At the time of inspection, difficulties providing training were identified, when TAFE had difficulty recruiting and retaining casual horticulture teachers.

Inmates employed in horticulture must have a 6(2) permit to work on complex but outside the secure perimeter.

5.6.3 Food services

Food services can employ up to 15 inmates who reheat pre-prepared CSI meals in commercial ovens. No meals are produced at Kirkconnell CC. At the time of inspection 12 inmates were employed, and challenges were identified with ensuring that inmates had sufficient meaningful work each day.

The kitchen and laundry are supervised by the same overseer.²²⁶ The overseer appeared to have a positive relationship with the inmates that worked for him. Several improvements have been made in the food services area recently, including ensuring ovens and freezers were operational, installation of stainless steel benches, and providing uniforms to inmates.

The food services overseer provides food safety training, and inmates are able to complete a Certificate III in supply chain operations.

Inmates employed in food services work even when the centre is locked down and due to the location of the kitchen must have a section 6(2) permit to work outside the secure perimeter.

5.6.4 Laundry

The overseer for food services is also responsible for the laundry. Inmate laundry for Kirkconnell CC is undertaken by Bathurst CC. Inmates seal and place numbered identification tags on laundry bags which are collected each day and transported to Bathurst CC to be washed/dried.

We heard during the inspection that there have been problems with laundry going missing and being returned to Kirkconnell CC damp. Inmates spoke about an occasion where laundry was returned smelling like urine. It was confirmed by the management team that one inmate was compensated for damage done to clothing items he had purchased, and this was being addressed with Bathurst CC. CSNSW advise Kirkconnell CC is working with Bathurst CC to develop a laundry register and develop strategies for service improvement.²²⁷

5.6.5 Hygiene

Up to 15 inmates are employed to undertake cleaning throughout the centre. These inmates are colloquially known as 'sweepers'. A position in hygiene is an alternative position to engineering as it is in a secure location and does not require a section 6(2) permit to work outside the secure perimeter.

5.6.6 Grounds maintenance

Up to 30 inmates can be employed in grounds maintenance. The grounds at Kirkconnell CC are well maintained and are a source of pride for the centre. Inmates are engaged in grounds maintenance within the main accommodation area and outside the perimeter fence. Inmates employed to undertake external grounds maintenance must have a section 6(2) permit to work on the correctional complex.

226 Information provided by Corrective Services NSW, 13 November 2023.

227 Information provided by Corrective Services NSW, 1 July 2024.

5.6.7 Lithgow grounds maintenance

Up to 10 inmates can be employed in grounds maintenance at Lithgow CC. Inmates require a section 6(2) off complex permit to undertake this work. This employment is often utilised to enable inmates managed by the SORC to work off complex under supervision.

5.6.8 Community projects

One overseer manages the community projects team and up to 15 inmates can be employed in community projects.²²⁸ At the time of inspection 12 inmates were employed, five days per week. The community projects team primarily performs grounds or building maintenance work for local government, or community organisations. The community projects team is also involved in the maintaining the grounds of Oberon Correctional Centre, which is currently closed.

5.6.9 Work release

Work release provides an opportunity for inmates nearing release to utilise and develop skills in paid employment, that can be used upon release. At the time of inspection there were five work release positions available. Inmates on work release must have a section 6(2) off complex permit, and section 26 local leave permit.²²⁹

It was positive to see the centres ongoing support for the work release program with staff from the centre driving inmates to and from Bathurst to enable them to engage in work.

At the time of the inspection, it was estimated that there were approximately 25 inmates with a C3 classification who were eligible for work release and on the wait list. When opportunities become available employers can interview inmates and decide if they would like to make an offer of employment.

The centre was actively trying to increase the number of work release opportunities available for inmates at the centre. However, this was being balanced against the need to ensure centre-based employment locations such as the kitchen and external grounds maintenance maintained adequate staffing. We believe work release should be prioritised over staffing corrective services industries, as it provides a real job and real wages to inmates nearing release.

²²⁸ Information provided by Corrective Services NSW, 13 November 2023.

²²⁹ Section 6(2) of the CAS Act allows a governor to issue a permit enabling an inmate to work outside the correctional centre in which they are imprisoned. Section 26 of the CAS Act allows a governor to issue a local leave permit enabling an inmate to apply for work or attend a job interview, or to engage in approved employment.

Cattle crush



Kitchen retherm ovens



Horticulture green house



Horticulture gardens



5.7 Preparation for release

5.7.1 Case Management Unit

The Case Management Unit at Kirkconnell CC is staffed by a senior case management officer (SCMO) and four case management officers (CMO).²³⁰ The CMU undertakes assessments of inmates and develop case plans that outline programs and interventions that inmates should engage in. CMU staff also motivate inmates to engage in relevant interventions and assist with pre-release and reintegration planning.

Data provided by CSNSW identified that of 194 inmates, 173 inmates had an approved case plan.²³¹

²³⁰ Information provided by Corrective Services NSW, 13 November 2023.

²³¹ Information provided by Corrective Services NSW, 13 November 2023.

5.7.2 Day and weekend leave

Participation in external leave programs assist inmates to reintegrate to society, and to re-establish relationships with family and friends. Inmates with a C3 classification can apply for day or weekend leave 12 months before their earliest possible release date (EPRD). Inmates can apply for weekend leave four months from their EPRD after three successful day leaves.²³²

If inmates are not participating in work release, or education leave, they cannot apply for day leave until nine months before their EPRD. These inmates can only apply for weekend leave two months from their EPRD after completing three successful day leaves.²³³

Between 1 July 2022 and 30 June 2023, 25 day leave orders were made and five weekend leave orders were made.²³⁴

5.7.3 NEXUS

SAPOs assist inmates at Kirkconnell CC to prepare for release through the provision of reintegration planning. NEXUS is a scheduled activity at Kirkconnell CC and inmates nearing release are identified for participation. Inmates are assisted to think about family and relationships, housing, money, education and employment, wellbeing, connection, and their impact on their reintegration upon release.²³⁵ In the six months from 1 July 2023–30 December 2023, 78 inmates participated in NEXUS and 57 inmates were released from Kirkconnell CC.²³⁶

5.7.4 Time to Work Employment Service

Aboriginal and Torres Strait Islander inmates approaching release can engage with the time to work (TWES) pre-release employment service. The service is provided by video link, with the aim to prepare for employment upon release.²³⁷ At the time of inspection one inmate was engaged with this service provider.²³⁸ Between 1 July 2022 and 30 June 2023, 12 offenders attended sessions with TWES via AVL from Kirkconnell CC.²³⁹

5.8 Release

We observed the release of an inmate from custody to parole during the inspection. The release was undertaken by a functional manager and a correctional officer. The inmate being released had his orders explained to him, as well as reporting obligations under the *Child Protection (Offenders Registration) Act 2000*. He signed an acknowledgment that his obligations had been explained to him and was provided with the money held in his inmate trust account and a release certificate that can be used as identification. Staff confirmed that he had been seen by health staff prior to discharge.

The inmate was released through the vehicle entry/egress commonly referred to as the sally port, and walked down to the visitor's carpark by a correctional officer where his partner was waiting for him. It appears to be common practice in NSW for inmates to be released from custody through the sally port. This practice has been the subject of previous commentary from our office, and we consider it to be poor practice, as it has little regard for the dignity of the person being released.²⁴⁰ The release of the inmate was otherwise done in a professional and respectful manner.

232 Corrective Services NSW, *Inmate Classification and Placement Policy and Procedure, Progression to C3/Category 1 and External Leave Programs (ELP)* (version 2.5, 4 August 2023) 21.

233 Corrective Services NSW, *Inmate Classification and Placement Policy and Procedure, Progression to C3/Category 1 and External Leave Programs (ELP)* (version 2.5, 4 August 2023) 21.

234 Information provided by Corrective Services NSW, 13 September 2023.

235 Corrective Services NSW, *NEXUS*, Intranet accessed 28 March 2024.

236 Corrective Services NSW, *Custodial Movements Report*, (December 2023) 10-14, Information provided by Kirkconnell CC, 6 May 2024.

237 Information provided by Corrective Services NSW, 13 September 2023.

238 Information provided by Corrective Services NSW, 13 November 2023.

239 Information provided by Kirkconnell Correctional Centre, 6 May 2024.

240 Inspector of Custodial Services, *Inspection of John Morony Correctional Centre*, (Report, March 2024) 60.

Inspector of Custodial Services

PO Box R1769
Royal Exchange NSW 1225

Office hours:
Monday to Friday
9.00am to 5.00pm

M: 0427 739 287
E: custodialinspector@justice.nsw.gov.au
W: <https://www.inspectorcustodial.nsw.gov.au/>