

Inspector of
Custodial Services

Inspector of Custodial Services

Review of segregation and other measures
which confine and separate prisoners

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We advise this resource may contain images, or names of deceased persons in photographs or historical content.

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Published by the Inspector of Custodial Services

<https://www.inspectorcustodial.nsw.gov.au/>

First published: March 2026

ISBN/ISSN: 2207 0389

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Inspector's overview

Several of our correctional centre inspection reports have identified issues with the infrastructure used to keep prisoners separated from others and/or the procedural practices related to the use of segregation, separation, and confinement orders, and assessment cells (see Appendix A). This thematic inspection is the first time this office has conducted a review of these practices including the legal and policy frameworks which govern them, the records which document and support them, and the infrastructure which facilitates them.

Corrective Services NSW (CSNSW) policies generally describe these practices as measures of last resort for short-term use. This is because international research consistently finds that confining and isolating prisoners may damage their mental and physical health. While a range of factors, including access to fresh air, sunlight, exercise and other distractions provide some mitigation of the risk of harm, it is only by ensuring limited durations, regular reviews and meaningful interaction with other people, that this harm can be prevented.

It must be acknowledged that correctional centres can be highly challenging and, at times, dangerous places for both prisoners and staff. CSNSW has a duty of care to their staff and to all people in custody to keep them safe. The procedures which are the subject of this report are necessary tools for managing risks to security, good order, and the safety of the people who work and live within custodial environments. Some prisoners can be violent, others volatile and many are vulnerable. Many have limited capacities to emotionally self-regulate or to negotiate conflict in non-violent ways. This can pose a danger to other inmates and staff.

When inmates enter custody, those with possible links to organised crime networks or gangs need to be kept separate and assessed prior to placement within the population. Inmates charged or convicted of certain offences, who had certain occupations, or who are vulnerable or at risk of self-harm must also be kept separate to enable a thorough risk assessment to take place to ensure their safety. For some people, this will result in extended periods of isolation. Our review of records across eight correctional centres found the use of segregation units, multipurpose units and assessment cells to manage prisoners who either pose or face high levels of risk have become routine practices at most NSW correctional centres.

We found examples of good practices within the records we reviewed, indicating that decision making, reviews, record keeping and engagement with prisoners were performed with appropriate regard to the duty of care that Governors and their staff hold. However, we also found examples where procedures and record keeping were wholly inadequate and often appeared to be regarded as little more than a 'tick and flick' exercise. The high prevalence of errors within records indicates a need for refresher training in procedural basics, even at the level of the Governor. I have also recommended additional, targeted training for staff managing prisoners at risk of self-harm or suicide in courses already available through CSNSW's training academy.

As part of the review, we also inspected the infrastructure used to keep prisoners separated from others at ten correctional centres. We selected a cross-section of centres that hold men, women, remand, and sentenced inmates, in metropolitan and regional locations, some privately operated and the majority operated by the State. We were impressed by some of the newer purpose built infrastructure. However, we also found dilapidated cells with ligature points in some correctional centres. We acknowledge that CSNSW is currently undertaking a cell refurbishment and anti-ligature program and is committed to improving cell safety by removing obsolete cells from use and refurbishing existing cells to remove ligature points.¹

We also encountered many hard-working correctional staff who were completely overwhelmed by the volume of prisoners in segregation and protective custody they were expected to support, in cells that were not fit for purpose. On 1 May 2025 at MRRC, the number of prisoners in protective custody far exceeded the accommodation and staffing resources to properly manage and support them. More than 100 prisoners were being held in regular units where they had just 30 minutes every

¹ Information provided by Corrective Services NSW, 4 February 2026.

third day to shower, exercise and make phone calls. People in custody cannot be routinely denied their statutory rights and key safeguards for their mental health, due to inadequate infrastructure or staffing. I immediately raised my concerns with the Commissioner.

CSNSW and the private correctional centre operators can learn from those instances where they have performed well and ensure these standards are met on all occasions and at all locations. We are pleased that CSNSW has committed to undertaking a review of relevant sections of the Custodial Operations Policy and Procedures (COPP) in relation to the management of inmates subject to segregation, separated or otherwise confined including routine safety and security checks on inmates.²

I wish to acknowledge that CSNSW has committed to undertaking a comprehensive review of the policy and legislative framework in relation to inmate discipline in response to concerns raised in the Ombudsman's report *Investigation into inmate discipline in NSW correctional centres*. Of note, an amendment to the *Crimes (Administration of Sentences) Act 1999* was enacted in May 2025 to create an internal review mechanism for inmate disciplinary decisions.³

I also wish to acknowledge the assistance of CSNSW's Parliamentary and Executive Services and Corrections Research, Evaluation and Statistics (CRES) teams who compiled and provided a substantial volume of records and data. I also extend my thanks to the correctional centre staff who took time out of their days to explain the operations of the accommodation units and to allow us to meet privately with people in custody.

Fiona Rafter
Inspector of Custodial Services

2 Information provided by CSNSW, 4 February 2026.

3 Information provided by CSNSW, 4 February 2026.

Glossary of terms and acronyms

Aboriginal	When used in this report, 'Aboriginal' includes Aboriginal and Torres Strait Islander people
ASU	Additional support unit (at MSPC)
BIU	Behaviour intervention unit (at Dillwynia CC)
CAS Act	<i>Crimes (Administration of Sentences) Act 1999</i>
CAS Regulation	<i>Crimes (Administration of Sentences) Regulation 2014</i>
CCRM	Complex case review meeting
COPP	Custodial Operations Policy and Procedures
CRES	Corrections Research, Evaluation and Statistics
CSNSW	Corrective Services New South Wales
FM	Functional manager
GARA	Governor's assessment and review advice
GM, SWO	General Manager, statewide operations
ICS	Inspector of Custodial Services
ICS Act	<i>Inspector of Custodial Services Act 2012</i>
ISP	Immediate support plan
ISU	Intensive support unit
JH&FMHN	Justice Health and Forensic Mental Health Network
MRRRC	Metropolitan Remand and Reception Centre
MPU	Multipurpose unit
MSPC	Metropolitan Special Programs Centre
Nelson Mandela Rules	<i>United Nations Standard Minimum Rules for the Treatment of Prisoners</i>
NIC	Nurse in charge
NUM	Nursing unit manager
PRLA	Protective custody with limited associations
PRNA	Protective custody with nil associations
Protective custody	Separation of a prisoner from all others due to a risk to their personal safety which cannot be managed in another way
RAPO	Regional Aboriginal pathways officer
SAPO	Services and programs officer
SDS	Statewide Disability Services (part of CSNSW)
SHU	Secure housing unit (at MSPC)
SMAP	Special management area placement
SORC	Serious Offenders Review Council

Executive summary

This inspection examined the management of people in custody under arrangements which restrict their time out of cells and isolate them from other inmates. These arrangements include:

- segregation
- protective custody
- separation
- confinement
- assessment cells (for people assessed to be at risk of self-harm or suicide).

At times, the isolation of prisoners in cells is a necessary measure to manage risks to security, good order, and the safety of the people who work and live within custodial environments. All of the practices reviewed in this report can result in prisoners spending extended periods of time alone locked in a cell.

CSNSW policies generally describe these practices as measures of last resort for short-term use. This is because international research consistently finds that confining and isolating prisoners for extended periods of time may damage their mental and physical health. Meta-analyses of the literature have repeatedly found a broad consensus on the harmful mental health impacts of these practices. These include perceptual distortions, paranoia, persecutory delusions, depression, anxiety, anger, oversensitivity to stimuli, impaired memory and attention, sleep disturbances, and an intolerance of social interaction.

There is significant evidence that the likelihood and degree of psychological harm correlates strongly with duration. This is why regular reviews as required by legislation are important. If a prisoner continues to require placement in isolation, the best mitigation strategy is to ensure regular, meaningful human interaction. Engagement with custodial and mental health staff can have significant benefits to the prisoner's mental health,⁴ especially when the prisoner cannot interact with other prisoners.

Segregation

Section 10(1) of the *Crimes (Administration of Sentences) Act 1999* (CAS Act) allows a Governor to place an inmate in segregated custody when, in the opinion of the Governor, it is necessary to ensure:

- a) the personal safety of any other person;
- b) the security of a correctional centre; or
- c) good order and discipline within a correctional centre.

During the six months from 1 July 2023 to 31 December 2023, 1,885 periods of segregation commenced, a ratio of 8.4 segregations for every 100 people in custody. The majority of segregation periods (1,353) lasted 14 days or fewer. However, 97 instances of segregation exceeded 3 months.⁵ We found two instances of segregation exceeding six months in the records we obtained from correctional centres.

Aboriginal people (51.1%), people with confirmed or suspected intellectual disabilities (26.4%) and people with mental health concerns (46.7%) are heavily overrepresented in segregation data.⁶

CSNSW policy and procedures on the use of segregation are robust. They enshrine various principles, safeguards and procedural fairness to protect the well-being of prisoners in segregation and include particular reference to Aboriginal people, people with disabilities and people with mental illnesses.

4 Hans Toch, 'The future of supermax confinement' (2001) 81(3) *Prison Journal* 376; Craig Haney and Mona Lynch, 'Regulating prisons of the future: a psychological analysis of supermax and solitary confinement' (1997) 23 *Law and Social Change* 477; Peter Suedfeld et al., 'Reactions and attributes of prisoners in solitary confinement' (1982) 9 *Criminal Justice and Behaviour* 303.

5 Information provided by Corrective Services NSW, 11 April 2024.

6 Information provided by Corrective Services NSW, 11 April 2024.

However, the policies and procedures are not well understood by correctional centre staff. We found it was common for custodial staff, and even Governors, to incorrectly describe segregation as a punishment for misbehaviour. This misunderstanding needs to be corrected. Confinement to cell is the procedure available in NSW legislation as a punishment when a prisoner has been found guilty of a correctional centre offence and is limited to seven days. Using segregation to punish a prisoner for a longer period is an unlawful use of the procedure.

Governors should make every effort to safely remove prisoners from segregation as soon as possible, especially when it has exceeded 14 days. This means ensuring that reviews are conducted on time, the local segregation review committee undertakes regular and meaningful discussions about the progress and well-being of segregated prisoners, and directions are only extended when an ongoing threat has been demonstrated. This also means that when a threat cannot be managed or resolved by the correctional centre, plans for the prisoner's transfer are initiated in a timely manner and managed centrally, not through negotiations between two Governors who may not want a challenging prisoner at their facility.

We acknowledge that among the prisoners placed in segregation are many people who present significant and complex challenges to the staff tasked with managing them. However, greater emphasis should be placed on resolving the issues which led to their segregation so that they can be safely and effectively reintegrated into the normal routine of the correctional centre as quickly as possible.

We found inconsistent compliance with various aspects of the segregation procedure and legislation including the conducting of daily welfare checks and recording of case notes, access to property, access to daily exercise, and security procedures including the use of restraints during internal movements. Of particular concern was the complete failure to acknowledge that CSNSW's own policy refers to the segregation of Aboriginal people as 'undesirable in the highest degree'⁷, a description derived from a recommendation of the Royal Commission into Aboriginal Deaths in Custody.

Justice Health and Forensic Mental Health Network (JH&FMHN) policy requires that a person in segregation must be reviewed within 24 hours and then daily by a primary care nurse in-person.⁸

It is also evident that CSNSW needs to do more to reduce the number and duration of people with intellectual disabilities in segregation. Segregation is a particularly vulnerable time for this group as they are removed from their usual sources of support and opportunities to self-regulate.

Protective custody

Section 11 of the CAS Act allows the Commissioner or a Governor to remove a prisoner from associating with other prisoners if they believe there is a threat to their personal safety or if the prisoner has requested this in writing.

During the six months from 1 July 2023 to 31 December 2023, a prisoner was placed in protective custody 484 times, a ratio of 2.2 times for every 100 people in custody. 210 (43.4%) of protective custody directions (1,353) lasted 14 days or fewer. 176 (36.4%) exceeded 3 months.⁹ We found 14 people, across just eight correctional centres, had been in protective custody for more than a year. One person's time in protective custody was approaching five years, another exceeded three and a half years and another exceeded 18 months.

Current policy precludes people in protective custody from associating with any other prisoner. The long-term denial of any opportunity for interaction with other people in custody carries serious risks of psychological harm. We believe it would be worthwhile to review the current protective custody cohort to assess whether the reinstatement of the previous form of protective custody with limited associations (PRLA) would allow at least some of these prisoners to have a level of safe interaction

7 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.4 Segregation (version 1.6, 14 August 2024) 14.

8 Justice Health and Forensic Mental Health Network, *Justice Health NSW Policy*, 1.360 Segregated custody and mandated protection (version 8, 2 November 2023), 6.

9 Information provided by Corrective Services NSW, 11 April 2024.

with their peers. It may be possible, for example, to safely co-locate prisoners who are at risk for similar reasons following a careful assessment of risk. We have previously recommended that CSNSW considers reinstating PRLA due to concerns for prisoner safety arising from the mixing of different cohorts within special management area placement (SMAP) populations.¹⁰

We were pleased to find that one correctional centre had successfully reintegrated a number of prisoners into the population after long periods of isolation in protective custody.

While Aboriginal people (28.9%) are slightly underrepresented in protective custody, people with confirmed or suspected intellectual disabilities (20.2%) and people with mental health concerns (50%) are heavily overrepresented.¹¹

The protective custody policy is reasonably robust and includes similar procedures and safeguards to the segregation policy. However, it does not require staff to conduct daily welfare checks and enter daily case notes, nor does it make any specific reference to Aboriginal people or people with disabilities, despite imposing similar conditions to segregation. We found several examples of prisoners in protective custody at MRRC with intellectual disabilities and/or serious mental health concerns without daily welfare checks or case notes.

JH&FMHN policy requires that a person in protective custody on the direction of a Governor must be reviewed within 24 hours and then daily by a primary care nurse in-person.¹²

At MRRC, the number of prisoners in protective custody far exceeded the accommodation and staffing resources to properly manage and support them. More than 100 prisoners were being held in regular units where they had 30 minutes access every third day to shower, exercise and make phone calls. The Inspector immediately contacted the Commissioner of CSNSW to raise her concerns about this situation.

Separation

Section 78A of the CAS Act allows for an inmate or groups of inmates to 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. Section 78A does not appear to provide an exhaustive list of grounds within the meaning of 'care, control or management' but states at section 78A(3):

In particular, inmates may be separated because of a requirement of this Act or the regulations, because of the classification or designation of the inmates, because of the nature of any program being undertaken by the inmates or because of any intensive monitoring that is required of the inmates.

Until it was removed in early 2025, the COPP outlined five specific grounds for separation:

- Gender – where, in special circumstances, an inmate is held in a centre which does not ordinarily house inmates of their gender;
- Health – where there is a risk to the general population from infectious or contagious disease;
- Risk - from others but only pending re-classification or relocation;
- Affiliation with an outlaw motorcycle gang or organised crime network; or
- Any other reason, but only with the approval of the Assistant Commissioner, Custodial Corrections.¹³

Other than gender and health (authorised by clauses 34 and 35 of the CAS Regulation), it is not clear that these grounds for separation were authorised by legislation.

10 For example, Inspector of Custodial Services, *Inspection of Shortland Correctional Centre and Cessnock Correctional Centre 2023*, 30.

11 Information provided by Corrective Services NSW, 11 April 2024.

12 Justice Health and Forensic Mental Health Network, *Justice Health NSW Policy*, 1.360 Segregated custody and mandated protection (version 8, 2 November 2023), 6.

13 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.1 Separation of inmates (version 1.6, 14 August 2024) 4.

CSNSW appears to have acknowledged this and suspended the use of separation directions on 19 December 2024, noting that section 78A of the CAS Act 'on its own does not give the power to separate inmates'. CSNSW staff were directed to use segregation or protective custody directions instead.¹⁴

During the six months from 1 July 2023 to 31 December 2023, a prisoner was separated 1,445 times under the category of 'at risk' or 'other' (requiring Assistant Commissioner approval),¹⁵ a ratio of 6.5 separations for every 100 people in custody. Almost all separations commencing in this period were for short periods. Only two exceeded 28 days.¹⁶ However, this is not typical. At least 85 of the 178 prisoners in the records obtained from correctional centres were separated for periods exceeding 14 days. At the major reception facilities, MRRC and Parklea CC, several people remained in separation for more than 70, and even 100 days. These were among numerous examples of prisoners held under separation directions where protective custody clearly should have been used instead. We also found many separation directions which were not reviewed by the Governor before they expired.

Aboriginal people (43.9%), people with confirmed or suspected intellectual disabilities (21.5%) and people with mental health concerns (46.7%) were overrepresented in separation.¹⁷

The separation policy noted that separation is not a form of punishment and should only be used as a short-term measure but did not provide robust procedures to ensure adequate oversight or safeguards. There was no right of prisoners to appeal and no requirement for staff to conduct daily welfare checks or enter case notes, despite separation imposing similar conditions to segregation. The policy made no specific reference to Aboriginal people or people with disabilities, though did require Governors to allow a psychiatrist to assess mentally unwell prisoners and include any recommendations by the psychiatrist if seeking to extend the direction.

Separation directions were used to continue a prisoner's placement in a segregation unit or multipurpose unit (MPU) after the revocation of a segregation direction. This practice could make it difficult to ensure that the true duration a prisoner had spent isolated from other prisoners, in conditions not significantly different than segregation, was being monitored and reviewed.

Prisoners' right to exercise was widely misunderstood by custodial staff managing prisoners in separation. During several inspections, we heard staff refer to a prisoner's 'one of hour of exercise' while in separation.¹⁸ Separated prisoners were sometimes held in cells in regular accommodation units due to the correctional centre's MPU being at full capacity. We observed this during inspections of a number of correctional centres including Shortland CC and Clarence CC. In these instances, the prisoners could only be released from their cells when other prisoners were locked in.

Occasionally, a need arises to temporarily separate a prisoner from the general prison population in circumstances which are not consistent with current perceptions of segregation and protective custody. When a person enters custody at a facility where there are other prisoners or staff members with whom they cannot associate, they need to be held separately from those persons until they can be transferred to another correctional centre. In regional areas, it may be unavoidable to receive a prisoner into custody at a facility where a non-association alert exists. At smaller correctional centres, there may be no placement option available away from those persons. Prisoners with unstable mental health were often separated temporarily because their presence in an accommodation unit was disruptive to the good order of the unit. CSNSW needs to determine the appropriate means to manage such instances as these. If segregation is to be used, then the widespread misunderstanding of it as a punishment needs to be overcome. Classification reviews typically note segregation as a relevant consideration. When segregation has been used to manage a threat to good order that is not the fault of the prisoner, it should not adversely affect their classification.

14 Deputy Commissioner's memorandum, security and custody no: 2024/52, 'Changes to separation of inmates for safety or protection' (19 December 2024).

15 In order to avoid errors due to the possibility of separation occurring for multiple, concurrent reasons and thus inadvertently counting a single direction multiple times, only these two categories are counted here. The categories of gender, health and gang affiliation have been excluded from this analysis.

16 Information provided by Corrective Services NSW, 11 April 2024.

17 Information provided by Corrective Services NSW, 11 April 2024.

18 For example, at Clarence CC in 2024 and Cessnock CC in 2023.

Confinement

Sections 53 and 56 of the CAS Act outline the penalties which may be imposed when an inmate has been found guilty of a correctional centre offence, that is, a breach of correctional centre rules. Lawful penalties include 'confinement to a cell for up to seven days, with or without deprivation of withdrawable privileges'.¹⁹

The statutory minimum daily entitlement to exercise of two hours per day 'in the open air' does not apply to prisoners in confinement as a penalty for a correctional centre offence. For these prisoners, the minimum entitlement is one hour per day.²⁰

During the six months from 1 July 2023 to 31 December 2023, 2,833 periods of confinement commenced, a ratio of 12.7 confinements for every 100 people in custody.²¹

Aboriginal people (34%) and people with confirmed or suspected intellectual disabilities (14.5%) are represented proportionately in confinement. People with mental health concerns (24.7%) are underrepresented in confinement. However, this is still a high incidence of mentally unwell people being confined to a cell without meaningful human engagement for 23 hours per day.²²

The COPP states:

Young Aboriginal inmates should not be confined to cells alone. This is consistent with recommendations 144 and 181 of the Royal Commission into Aboriginal Deaths in Custody. Alternative penalties should be considered.²³

Recommendations 144 and 181 do not make any qualification that they only apply to young Aboriginal people. The NSW Ombudsman recommended that CSNSW reviews the practice of confining Aboriginal people and amends the COPP to apply the advice against the use of confinement to all Aboriginal people regardless of age.²⁴ We support this recommendation. Nowhere in any of the reviewed records was there any indication that the delegated officer had considered alternative punishments in order to avoid confining an Aboriginal (or young Aboriginal) person.

Despite confinement being the procedure which limits time out of cell to the greatest extent, the policy does not require daily welfare checks or case notes.

Discipline records were, in a number of cases, not completed properly. In some cases, this suggested a failure by delegated officers to consider the influence of a person's intellectual disability on their misconduct and the potential exacerbation of the impacts of confining them. The legislative amendment to provide for an internal review of discipline decisions and penalties should assist in addressing poor processes.²⁵

Assessment cells

Where an inmate has been identified to be at risk of self-harm or suicide, they may be placed in an assessment cell to ensure their safety. Assessment cells have internal CCTV, fixed furniture, recessed fixtures and, as far as possible, no ligature points.²⁶ The only statutory provision to authorise this practice that we could find was under clause 164 of the CAS regulation which states that 'keeping an inmate alone in a cell, if a nursing officer considers that it is desirable in the interest of the inmate's health to do so' is not solitary confinement (as prohibited in the same clause).

The COPP describes assessment cell placement as a measure of last resort which should not occur

19 *Crimes (Administration of Sentences) Act 1999*, s 53 (1c) and s 56 (1c).

20 *Crimes (Administration of Sentences) Regulation 2014*, cl 53.

21 Information provided by Corrective Services NSW, 11 April 2024.

22 Information provided by Corrective Services NSW, 11 April 2024.

23 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 14.1 Inmate discipline (version 1.2, 9 August 2024) 16.

24 NSW Ombudsman, *Investigation into Inmate Discipline in NSW Correctional Centres* (21 August 2024) 57.

25 *Crimes (Administration of Sentences) Act 1999*, ss65B-65E.

26 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.7 Management of inmates at risk of self-harm or suicide (version 1.10, 21 May 2024) 11-12, 32.

routinely and cannot exceed 48 hours without the written approval of the Governor.²⁷ The World Health Organization has noted:

Social and physical isolation and lack of accessible supportive resources intensify the risk of suicide. Therefore, an important element in suicide prevention in correctional settings is meaningful social interaction... the majority of suicides in correctional settings occur when an inmate is isolated from staff and fellow inmates.²⁸

In an inquest into a death in custody in 2019, the NSW Coroner referred to comments by a forensic psychiatrist about assessments cells. Firstly, the forensic psychiatrist argued that their use does not resolve a person's at-risk status but may escalate it by imposing restrictions in order to incapacitate the person's ability to act:

You're just simply getting rid of access, and you may be making the problem worse, you may be increasing the distress, increasing the hopelessness, preventing them from addressing whatever is driving that motivation to end their life, so I just think it's a short-sighted strategy to address a much more complex problem, just locking someone up, and that's why we have the least restrictive option.²⁹

Secondly, the forensic psychiatrist remarked that the use of assessment cells is inconsistent with practices in mental health settings:

in psychiatric settings or mental health settings we don't isolate or seclude people for suicidal behaviour, so this is an extraordinary response that is unique to correctional settings, to lock a person in seclusion or in isolation based on an assessment of risk, which is already known to be fraught with uncertainty... [and] considered to be highly distressing to most inmates, in my experience, and not considered to be therapeutic...³⁰

In the large majority of the records we reviewed, all steps required in the procedure were taken, all necessary records were created, and immediate support plans (ISPs) and risk intervention team (RIT) management plans addressed the required range of considerations and provided arrangements which were individualised and least restrictive. Reviews were conducted daily, or almost daily, in the overwhelming majority of cases. There were a few examples, however, in which the presence of a risk was unclear.

Record keeping for daily reviews varied greatly in terms of detail and did not always demonstrate a considered assessment of the current level of risk. There were many good examples of restrictions being eased, supported by evidence from the interview with the at-risk person. There were also many examples of management plans continuing unchanged without explanation.

In a number of cases, it was clear that prisoners managed by a RIT resented their placement in an assessment cell and other restrictions imposed on them. Some prisoners were hostile or completely refused to participate when the RIT approached them for daily reviews. This might be avoided, in some cases, if the at-risk person was included in developing the plan in a more meaningful way from its commencement.

The ways in which ISPs and RIT management plans were completed suggest that many staff do not understand the difference between self-harm and suicide. We also found numerous examples of observation records describing an at-risk person in terms such as 'appears to be asleep' or similarly vague descriptions which do not actually confirm that the prisoner is alive and conscious. These practices carry unacceptable, unnecessary risks and need to be urgently addressed through training

27 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.7 Management of inmates at risk of self-harm or suicide (version 1.10, 21 May 2024) 12.

28 World Health Organization, *Preventing Suicide in Jails and Prisons* (2007) 16.

29 *Inquest into the Death of Bailey Mackander* (Coroners Court of New South Wales, Deputy State Coroner Elaine Truscott, 15 December 2021) 64.

30 *Inquest into the Death of Bailey Mackander* (Coroners Court of New South Wales, Deputy State Coroner Elaine Truscott, 15 December 2021) 64.

and oversight.

Case notes rarely provided information about access to exercise. Our inspections and visits have found that people in assessment cells often have inadequate access to exercise.

Accommodation infrastructure

The suitability and condition of accommodation units inspected for this review varied considerably. We found that newer infrastructure, including at Clarence CC, Hunter CC, Macquarie CC, Geoffrey Pearce CC and the new unit at Goulburn CC, was generally well-designed, maintained in reasonable or good condition and met minimum standards and expectations across most of the aspects we examined. We were impressed with the new unit at Goulburn CC which should serve as an example of best practice design for future construction of segregation and multipurpose units.

Newer units generally include at least one cell which is accessible for people with disabilities, while older units usually do not.

Some of the older infrastructure is not fit for purpose and urgently needs to be upgraded or replaced. The worst example was the 'induction unit' at Silverwater Women's CC. We found it in poor condition despite its recent, partial refurbishment. It falls well short of minimum standards for custodial accommodation and cannot support the well-being of vulnerable and at-risk women. It has been criticised for decades and this is now the third time we have expressed our view that it requires complete replacement with a modern unit, not refurbishment.³¹

Simply being old is not an excuse to allow maintenance and cleaning to fall by the wayside, as we found at several locations. Mould growing on mattresses, walls and ceilings is unacceptable. Providing foam mattresses without fire retardant cases is unsafe, as is failing to remove graffiti which names prisoners with information or allegations which could place those persons in danger of serious harm.

Ligature points were found throughout cells in many of the older units. This is unacceptably and unnecessarily dangerous in cells where prisoners are accommodated alone and unsupervised. In the new MPU at Goulburn CC and the units at Clarence CC, rubber wall-pins had been installed on the cell interior walls so that prisoners could hang wet towels to dry. These pins do not support body weight so cannot be used as ligature points. This is a good initiative which CSNSW should roll out across NSW.

We acknowledge that CSNSW is currently undertaking a cell refurbishment and anti-ligature program and is committed to improving cell safety by removing obsolete cells from use and refurbishing existing cells to remove ligature points.³²

In most of the units we inspected, CCTV cameras had been installed in every cell, leaving staff with no option but to place prisoners under 24 hour camera supervision even when they do not require it.³³ This is an unnecessary intrusion on their privacy and dignity. We welcomed the commencement of a trial at MSPC of cloth covers which are easily affixed and removed as required. This practice should be rolled out in all locations which do not have cells available without CCTV.

Many of the units we inspected do not provide prisoners with access to sunlight. CSNSW policy recognises that access to natural light can support people who are at risk self-harm or suicide.³⁴ Where cells and attached exercise yards do not receive sunlight, access to exercise in a space which does receive sunlight is essential. Some units, including those at Clarence CC and the Goulburn Correctional Complex, have separate, larger exercise yards which allow prisoners to exercise in a more meaningful way. Unless exercise yards attached to the rear of cells are adequately sized and

31 Inspector of Custodial Services, *Inspection of Silverwater Women's and Dillwynia Correctional Centres 2022*, 28-29.

32 Information provided by Corrective Services NSW, 4 February 2026.

33 Prisoners requiring monitoring include those at risk of self-harm or suicide, affected by or withdrawing from drugs or alcohol, and those experiencing medical issues such as seizures - Corrective Services NSW, *Custodial Operations Policy and Procedures*, 5.2 Inmate accommodation (version 1.7, 3 September 2024) 15.

34 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.7 Management of inmates at risk of self-harm or suicide (version 1.10, 21 May 2024) 14-15.

can receive sunlight, their benefit is limited. A forensic psychiatrist has described these exercise yards as 'just another small open-air cell'.³⁵

We have made 34 recommendations to address the issues identified by this review. Key recommendations relate to:

- Compliance with legislation and policy
- Support for Aboriginal people
- The needs of vulnerable groups
- Strategies to manage prisoners requiring protection
- Training for custodial staff
- Using fit-for-purpose infrastructure
- Removal of ligature points.

35 Trevor Ma, 'Time won't heal: a psychiatrist's view from inside our jails', *The Australian*, 15 August 2025.

Recommendations

The Inspector recommends:

1. Corrective Services NSW updates the Custodial Operations Policy and Procedures to include a policy and procedure for the segregation of people with disabilities.
2. Corrective Services NSW delivers training to Governors and custodial staff on the lawful use of segregation directions.
3. Corrective Services NSW ensures that Governors issue and extend segregation directions in line with Custodial Operations Policy and Procedures and that the General Manager, Statewide Operations always reviews extensions within seven days.
4. Corrective Services NSW amends the inmate acknowledgement form to include advice about the complaint bodies available to prisoners in segregation and protective custody and ensures that staff do not digitally pre-select fields on this form.
5. Corrective Services NSW ensures that segregation review committees discuss prisoners' welfare and progress against management plans.
6. Corrective Services NSW reminds all Governors to ensure that daily welfare checks and meaningful case notes are made by appropriately assigned and trained staff for all prisoners in segregation.
7. Corrective Services NSW updates the Custodial Operations Policy and Procedures segregation policy to require daily case notes to include the duration of exercise time made available each day and ensures sufficient resourcing to facilitate a minimum of two hours of exercise per day.
8. Corrective Services NSW ensures that all prisoners receive daily access to exercise, showers and phone calls.
9. Corrective Services NSW ensures individual risk assessments are conducted before prisoners in segregation are subjected to additional security measures and that interviews with health and non-custodial staff are facilitated in appropriate rooms unless unsafe to do so.
10. Corrective Services NSW ensures that every correctional centre has an Aboriginal Mentor program with sufficient capacity that Aboriginal people in segregation can receive visits by Aboriginal Mentors on a regular and as required basis.
11. Corrective Services NSW ensures that correctional centres facilitate the regular access of Aboriginal inmate delegates to Aboriginal people in segregation.
12. Corrective Services NSW develops a strategy to improve support to people in custody with intellectual disabilities and reduce their representation in segregation.
13. Corrective Services NSW provides training to custodial staff about making referrals to support services for people with disabilities and consulting SDS for advice about support needs in segregation.
14. Corrective Services NSW considers whether correctional centres would benefit from establishing mechanisms similar to the Complex Case Review Meeting at Clarence Correctional Centre.
15. Corrective Services NSW amends the Custodial Operations Policy and Procedures protective custody policy to mandate daily welfare checks and case notes.
16. Corrective Services NSW develops a strategy to reduce the number of Aboriginal people and people with intellectual disabilities in protective custody and to provide additional support when this is unavoidable.

17. Corrective Services NSW ensures that Governors are aware of and meet the timeframes required for the review of protective custody directions.
18. Corrective Services NSW reviews the current protective custody cohort to assess whether the reinstatement of PRLA would allow some prisoners to safely associate with selected other prisoners.
19. Corrective Services NSW urgently takes steps to ensure prisoners in protective custody at MRRC receive their statutory minimum entitlements.
20. Corrective Services NSW ensures that Governors understand the range of options to lawfully hold a prisoner separately from the prison population.
21. Corrective Services NSW discontinues the mandatory confinement of prisoners found with mobile phones or related equipment.
22. Corrective Services NSW amends the Custodial Operations Policy and Procedures to require an officer to demonstrate a serious risk to safety, security and good order before withdrawing a prisoner's access to phone calls or television during a period of confinement.
23. Corrective Services NSW amends the Custodial Operations Policy and Procedures to require daily welfare checks and case notes for prisoners in confinement including the recording of daily exercise time.
24. Corrective Services NSW amends the advice in the Custodial Operations Policy and Procedures against the use of confinement to apply to Aboriginal people of all ages.
25. Corrective Services NSW amends the Custodial Operations Policy and Procedures to mandate daily welfare checks and case notes which record the duration of daily exercise and the time and date of a prisoner's release from confinement.
26. Corrective Services NSW ensures that delegated officers maintain proper disciplinary records including by demonstrating their consideration of alternatives to confinement for Aboriginal people and their consideration of the impacts of disabilities on prisoners' behaviour and capacity to participate in discipline processes.
27. Corrective Services NSW updates the Custodial Operations Policy and Procedures to require mandatory case notes by unit staff recording their daily interactions with at-risk prisoners including detailed observations of their behaviour and well-being, and the duration of their access to exercise.
28. Corrective Services NSW reviews the mandatory training requirements for officers to be qualified to participate in Risk Intervention Teams.
29. Corrective Services NSW reviews the training provided to officers conducting observations of at-risk prisoners.
30. Corrective Services NSW removes, as a matter of priority, ligature points from all cells which accommodate prisoners alone and unsupervised.
31. Corrective Services NSW develops a policy and procedure for the use of cloth camera coverings at all segregation units and Multipurpose Units where cells without cameras are not available.
32. Corrective Services NSW establishes fit-for-purpose units at Silverwater Women's Correctional Centre to accommodate women subject to segregation or disciplinary orders, and closes the current induction unit.
33. Corrective Services NSW commissions the new segregation unit at Goulburn Correctional Centre.
34. The Inspector recommends that this report is made public immediately upon being tabled in NSW Parliament, in accordance with section 16(2) of the *Inspector of Custodial Services Act 2012*.

1 Introduction

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 can examine and review any custodial service at any time and report to Parliament with advice and recommendations following such a review.³⁶ We announced and issued terms of reference for this review on 6 February 2024 (see Appendix C).

1.1 Terms of reference and scope

This inspection examined the management of people in custody under arrangements which restrict their time out of cells and isolate them from other inmates. These arrangements include:

- segregation
- protective custody
- separation
- confinement
- assessment cells (for people assessed to be at risk of self-harm or suicide).

In reviewing these practices, we considered the applicable legislation, the adequacy of CSNSW policies and procedures, compliance with legislation, policy and procedure, and their impacts on prisoners' dignity, well-being and health. In doing so, we paid particular regard to:

- the legal and policy framework in NSW and other jurisdictions
- our own inspection standards³⁷ and relevant internationally recognised standards
- safeguards including review and oversight mechanisms
- daily routines
- security measures
- record keeping
- the suitability of accommodation infrastructure.

This inspection did not examine the isolation of people in custody to prevent the spread of contagious diseases, such as COVID-19, as this practice was the subject of a previous review.³⁸

This review also did not examine correctional centres which manage specific categories of inmates under arrangements limiting their time out of cell and interaction with other people in custody, for example, the High Risk Management Correctional Centre. Such arrangements are discrete from those examined in this inspection and unique to those locations. They are examined within our usual inspection cycle.³⁹

³⁶ *Inspector of Custodial Services Act 2012* s 6.

³⁷ Inspector of Custodial Services, *Inspection Standards for Adult Custodial Services in New South Wales*.

³⁸ Inspector of Custodial Services, *Review of COVID-19 Response, 2023*.

³⁹ See, for example, Inspector of Custodial Services, *Inspection of Goulburn Correctional Centre and the High Risk Management Correctional Centre 2021*.

1.2 Methodology

In conducting this review, we considered information from a wide range of sources:

- Relevant research literature and reports
- NSW legislation and custodial policies and procedures
- Relevant legislation and custodial policies and procedures in other Australian and international jurisdictions
- ICS, Australian and international prison standards
- Statistical data provided by CSNSW
- NSW Coroner's Court findings
- Information provided by the NSW Ombudsman about its handling of related matters
- Past ICS inspection reports.

We examined records from a sample of eight correctional centres pertaining to their use of the procedures examined by this review. The correctional centres were selected to ensure a broad sample of medium and large correctional centres by including four men's correctional centres, two women's correctional centres, two mixed-gender correctional centres, and two privately operated correctional centres:

- Metropolitan Remand and Reception Centre (MRRC)
- Silverwater Women's Correctional Centre (Silverwater Women's CC)
- Parklea Correctional Centre (Parklea CC)
- Clarence Correctional Centre (Clarence CC)
- Mid North Coast Correctional Centre (Mid North Coast CC)
- Metropolitan Special Programs Centre (MSPC)
- Dillwynia Correctional Centre (Dillwynia CC)
- Geoffrey Pearce Correctional Centre (Geoffrey Pearce CC)

The examined records included:

- All Governor's directions for segregation, protective custody and separation which were in effect on 1 April 2024 and 1 July 2024
- Inmate discipline records for all persons in confinement on 1 April 2024 and 1 July 2024
- All RIT management plans and associated records in effect on 1 April 2024 and 1 July 2024
- Custodial case notes entered during the periods of those instances of segregation, protective custody, separation, confinement and placement in an assessment cell
- Schedules of visits by support staff during these periods
- Minutes of all segregation review committee (or similar) meetings held from 1 April 2024 to 30 June 2024
- Specific management or support plans for any prisoner represented in these records.

In total, we received records pertaining to:

- 108 instances of segregation
- 81 instances of protective custody
- 120 instances of separation
- 13 instances of confinement
- 42 risk intervention team (RIT) management plans.⁴⁰

Where a correctional centre was unable to provide certain records, this is noted in the relevant section of this report.

We also conducted visits to ten correctional centres to inspect segregation units and multipurpose units and, where possible, speak with prisoners held in these units:

- Silverwater Women's CC on 25 March 2024
- Geoffrey Pearce CC on 18 April 2024
- Parklea CC on 30 April 2024
- Lithgow Correctional Centre (Lithgow CC) on 10 May 2024
- Hunter Correctional Centre (Hunter CC) on 22 May 2024
- Goulburn Correctional Centre on 24 July 2024
- High Risk Management Correctional Centre on 24 July 2024
- Clarence CC on 2 August 2024
- MRRC on 1 May 2025⁴¹
- Dillwynia CC on 7 August 2025

Additionally, we inspected segregation units and multipurpose units during the course of regular inspections which occurred during the period of this review:

- Mid North Coast CC in May 2023
- Metropolitan Special Programs Centre in May 2024
- Macquarie Correctional Centre in August 2024

The inspection considered sensitive information and methodologies. In accordance with section 15 of the ICS Act, the Inspector must not disclose information in a report to Parliament if there is an overriding public interest against disclosure of the information.⁴² This is where there are public interest considerations against disclosure and, on balance, those considerations outweigh the public interest considerations in favour of disclosure.⁴³ Section 15(3) of the ICS Act provides that there are public interest considerations against disclosure of information if disclosure of the information could reasonably be expected to have one or more of the following effects:

- a. prejudice the supervision of, or facilitate the escape of, any person in lawful custody or detention,
- b. prejudice the security, discipline or good order of any custodial centre,
- c. prejudice national security (within the meaning of the *National Security Information (Criminal*

40 These figures include some instances where a person was under an extension of the same initial direction on both 1 April 2024 and 1 July 2024.

41 We were unable to properly inspect the segregation and protective custody cells at MRRC due to the lack of unoccupied cells and the very significant workload pressures on officers working in this area (discussed in section 4.6).

42 *Inspector of Custodial Services Act 2012* s 15(1).

43 *Inspector of Custodial Services Act 2012* s 15(2).

and Civil Proceedings) Act 2004 of the Commonwealth),

- d. reveal or tend to reveal the identity of an informant or prejudice the future supply of information from an informant,
- e. identify or allow the identification of a person who is or was detained at a juvenile justice centre or in custody in a juvenile correctional centre,
- f. endanger, or prejudice any system or procedure for protecting, the life, health or safety of any person who is in custody, detained or residing at a custodial centre (including but not limited to systems or procedures to protect witnesses and other persons who may be separated from other persons at the centre for their safety),
- g. identify or allow the identification of a custodial centre staff member or endanger, or prejudice any system or procedure for protecting, the life, health or safety of such a staff member.

A draft report or relevant parts thereof were provided to Corrective Services NSW, Justice Health and Forensic Mental Health Network, Management & Training Corporation Pty Ltd, Northern Pathways Pty Ltd and Serco Australia Pty Ltd in accordance with section 14(2) of the ICS Act. Submissions were received from Corrective Services NSW, Justice Health and Forensic Mental Health Network, Management & Training Corporation Pty Ltd, and Northern Pathways Pty Ltd. In accordance with section 14(1) of the ICS Act, the Inspector provided the Minister for Corrections, the Hon. Mr 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.

2 Background to the review

Many of our correctional centre inspection reports have identified issues with the infrastructure used to keep prisoners separated from others and/or the procedural practices related to the use of:

- segregation
- protective custody
- separation
- confinement
- assessment cells.

Appendix A lists the relevant recommendations made in previous inspection reports.

The Deputy State Coroner has noted:

I have considered taking the course of recommending that the Inspector of Custodial Services NSW undertake a review or audit of the use of RIT and assessment cells in the general population (as distinct from the [Acute Crisis Management Unit]). On balance, it is not for a coroner to make any such recommendation to the Inspector, but I will request the Coroners Court registry ensure that these findings are forwarded to the Inspector's office (which I am confident would, in any event, be read by the Inspector in the normal course of business).⁴⁴

This is the first time that this office has conducted a review of these practices including the legal and policy frameworks which govern them, the records which document and support them, and the infrastructure which facilitates them.

At times, the isolation of prisoners in cells is a necessary measure to manage risks to security, good order, and the safety of the people who work and live within custodial environments. All of the practices listed above can result in prisoners spending extended periods of time alone in a cell. Due to the restrictive nature of these practices within an already highly regulated and closed environment, all of the procedures used to isolate people have a legislative basis that generally reflects international standards.

CSNSW policies generally describe these practices as measures of last resort for short-term use. This is because international research consistently finds that confining and isolating prisoners for extended periods of time may damage their mental and physical health.

Appendix B sets out the relevant international and ICS standards.

2.1 Solitary confinement

The *United Nations Standard Minimum Rules for the Treatment of Prisoners*⁴⁵ (generally referred to as the Nelson Mandela Rules) use the term 'solitary confinement' as a catch-all for various arrangements (such as the legislative practices examined in this report). Solitary confinement is defined by the Nelson Mandela Rules as the 'confinement of prisoners for 22 hours or more a day without meaningful human contact'.⁴⁶

The *Crimes (Administration of Sentences) Regulation 2014* (CAS regulation) expressly prohibits the use of solitary confinement.⁴⁷ Though it does not provide a definition of this term, it does note that the various procedures authorised by the CAS Act (and examined in this report) do not amount to solitary

44 *Inquest into the Death of Bailey Mackander* (Coroners Court of New South Wales, Deputy State Coroner Elaine Truscott, 15 December 2021) 122.

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

46 *United Nations Standard Minimum Rules for the Treatment of Prisoners*, GA Res 70/175, UN Doc A/RES/70/175 (8 January 2016, adopted on 17 December 2015), rule 44.

47 *Crimes (Administration of Sentences) Regulation 2014*, cl 164, 1 (b).

confinement (i.e. they are not unlawful), nor does ‘keeping an inmate alone in a cell, if a nursing officer considers that it is desirable in the interest of the inmate’s health to do so’.⁴⁸

It is widely accepted that short-term ‘solitary confinement’ can be a legitimate practice provided that adequate safeguards are in place, including daily monitoring of the prisoner’s well-being and access to review mechanisms in all circumstances.⁴⁹ The Nelson Mandela Rules require that solitary confinement ‘shall be used only in exceptional cases as a last resort, for as short a time as possible and subject to independent review, and only pursuant to the authorization by a competent authority’.⁵⁰ In our view, the legislation in NSW and CSNSW’s stated policy position conforms with the Mandela Rules.

2.2 Prolonged solitary confinement

The Nelson Mandela rules define ‘prolonged solitary confinement’ as lasting for a period exceeding 15 consecutive days⁵¹ and prohibit solitary confinement which is indefinite or prolonged.⁵² Studies have indicated that this is the point at which some of the harmful psychological effects of isolation can become irreversible.⁵³

In some circumstances prolonged solitary confinement may be difficult to avoid. It is important to acknowledge that correctional centres can be highly challenging and, at times, dangerous places for both prisoners and staff. Some prisoners can be violent, and others volatile. Many have limited capacity to emotionally self-regulate or to negotiate conflict in non-violent ways. For those who pose a risk to staff and other inmates, or who are at risk from others, periods that meet the definition of prolonged solitary confinement may be necessary for safety and security reasons. In these circumstances it is critical that the orders they are placed on are subject to regular review and that prisoners have regular and meaningful interaction with other people, to minimise the risk of harm.

Research has consistently demonstrated that confining and isolating prisoners for prolonged periods inherently carries significant risks to their psychological health. Meta-analyses of the literature have repeatedly found a broad consensus on the harmful mental health impacts of these practices. These include perceptual distortions, paranoia, persecutory delusions, depression, anxiety, anger, oversensitivity to stimuli, impaired memory and attention, sleep disturbances, and an intolerance of social interaction.⁵⁴

The key determinant of harmful impacts of solitary confinement is the reduction of meaningful human contact to a level at which social and psychological stimuli are insufficient to sustain mental health and well-being.⁵⁵ Prisoners confined for prolonged periods with limited access to meaningful human contact have been found to experience negative psychological symptoms at much higher levels and intensities than long-term general population prisoners.⁵⁶

The experience of isolation has the potential to be psychologically destabilising because it undermines a person’s social identity and connection to the shared social reality. Social interaction is vital to maintaining psychological equilibrium by providing feedback to the person about their

48 *Crimes (Administration of Sentences) Regulation 2014*, cl 164, 2 (d).

49 Juan Mendez (Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment), *Reply to Questions Raised by Member States during the Interactive Dialogue at the 66th Session of the UN General Assembly* (18 October 2011) 7.

50 *United Nations Standard Minimum Rules for the Treatment of Prisoners*, GA Res 70/175, UN Doc A/RES/70/175 (8 January 2016, adopted on 17 December 2015), rule 45.

51 *United Nations Standard Minimum Rules for the Treatment of Prisoners*, GA Res 70/175, UN Doc A/RES/70/175 (8 January 2016, adopted on 17 December 2015), rule 44.

52 *United Nations Standard Minimum Rules for the Treatment of Prisoners*, GA Res 70/175, UN Doc A/RES/70/175 (8 January 2016, adopted on 17 December 2015), rule 43.

53 Juan Mendez, *Interim report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (5 August 2011) U.N. Doc. A/66/268, 9.

54 For example: Ellie Brown, ‘A systematic review of the effects of prison segregation’, (2020) 52(1) *Aggression and Violent Behavior*; Mimoso Luigi et al, ‘Shedding light on “the hole”: a systematic review and meta-analysis on adverse psychological effects and mortality following solitary confinement in correctional settings’ (2020) 11 *Frontiers in Psychiatry* 840; Peter Scharff Smith, ‘The effects of solitary confinement on prison inmates. A brief history and review of the literature’ (2006) 34 *Crime and Justice* 441-528.

55 International Psychological Trauma Symposium, *The Istanbul Statement on the Use and Effects of Solitary Confinement* (December 2007), 2.

56 Craig Haney, ‘Restricting the use of solitary confinement’ (2018) 1 *Annual Review of Criminology* 292-293.

feelings and thoughts.⁵⁷ Without this feedback, the person is deprived of the chance to evaluate the reasonableness of their feelings and thoughts. This allows them to confuse reality with irrational beliefs and delusions.⁵⁸ In extreme cases, prisoners in prolonged confinement and isolation can develop their own reality as a fantasy world which becomes easier to tolerate than the actual conditions in which they find themselves.⁵⁹

Prisoners with pre-existing mental health concerns or trauma symptoms are at increased risk of deterioration while confined and isolated. The harsh living conditions and disconnection from social interaction represent the opposite of the kind of therapeutic environment that mental health professionals would seek to establish.⁶⁰

Longer periods of confinement and isolation have been found to significantly increase the likelihood of prisoners reoffending after being released from custody.⁶¹ Moreover, a number of coronial inquests into deaths in custody in NSW have discussed the inherent dangers of prolonged segregation or isolation.⁶²

It is important to acknowledge that some studies have found that confinement and isolation do not present risks of psychological harm to prisoners but these studies have been critiqued for significant methodological flaws.

A 60 day longitudinal study conducted in 1998 in Canada found no evidence of psychological deterioration of prisoners in segregation.⁶³ However, the study has been critiqued for having limitations. It had a very high attrition rate, with only 10 of 55 segregated prisoners completing the study. The majority of prisoners studied had already spent some period of time in segregation before being assessed by the researchers. As the study found that the test group had a higher prevalence of mental health concerns, it may be the case that significant deterioration had already occurred prior to assessments being conducted. Further, prisoners were provided with only limited confidentiality to disclose information and therefore likely underreported their symptoms.⁶⁴

A one year longitudinal study conducted in 2010 in Colorado found some psychological benefits of administrative segregation.⁶⁵ However, multiple reviewers of the study identified a range of methodological concerns. These included that the researchers failed to take into account that the prison's crisis data contradicted some of the information reported by participants and that some members of the test group (in the general population) spent time in segregation during the period of the study.⁶⁶

57 Craig Haney "Madness" and penal confinement: some observations on mental illness and prison pain' (2017) 19(3) *Punishment and Society* 321.

58 Margaret Cooke and Jeffrey Goldstein 'Social isolation and violent behavior' (1989) 2 *Forensic Reports* 288.

59 Craig Haney "Madness" and penal confinement: some observations on mental illness and prison pain' (2017) 19(3) *Punishment and Society* 321.

60 Craig Haney, 'Restricting the use of solitary confinement' (2018) 1 *Annual Review of Criminology* 285, 289-292; Craig Haney "Madness" and penal confinement: some observations on mental illness and prison pain' (2017) 19(3) *Punishment and Society* 321.

61 Rachel Silverthorn and Kristen Zogba 'Unlocking the truth: exploring the impacts of solitary confinement on recidivism and the need for mental health support for individuals with mental illnesses' (2024) 48(1) *American Journal of Criminal Justice*.

62 *Inquest into the Death of Bailey Mackander* (Coroners Court of New South Wales, Deputy State Coroner Elaine Truscott, 15 December 2021) 33.

63 Ivan Zinger and Cherami Wichman, 'The psychological effects of 60 days in administrative segregation' (2001) 43(1) *Canadian Journal of Criminology* 47-93.

64 Peter Scharff Smith, 'The effects of solitary confinement on prison inmates: a brief history and review of the literature' (2006) 34(1) *Crime and Justice* 472.

65 Maureen O'Keefe et al., *One Year Longitudinal Study of the Psychological Effects of Administrative Segregation* (report for U.S. Department of Justice, January 2011).

66 David Lovell and Hans Toch 'Some observations about the Colorado segregation study (2011) 13(1) *Correctional Mental Health Report* 3-4,14; Stuart Grassian and Terry Kupers, 'The Colorado study versus the reality of supermax confinement' (2011) *Correctional Mental Health Report* 13(1), 1-4; Lorna Rhodes and David Lovell 'Is "adaptation" the right question? Addressing the larger context of administrative segregation: commentary on one year longitudinal study of the psychological effects of administrative segregation' (2011) *Correctional Mental Health Report*, 34(1) 1-9; Sharon Shalev and Monica Lloyd, 'Though this be method, yet there is madness in it: commentary on one year longitudinal study of the psychological effects of administrative segregation' (2011) 34(1) *Correctional Mental Health Report*, 21; Peter Scharff Smith, 'The effects of solitary confinement: commentary on one year longitudinal study of the psychological effects of administrative segregation' (2011) 34(1) *Correctional Mental Health Report*, 441-528.

2.3 Mitigating psychological harm

Prisoners held in solitary confinement-like arrangements may experience symptoms of psychological harm at varying rates and intensities. This is due to variables including the duration, the degree of meaningful human interaction, access to exercise, activities and distractions, and the personal attributes and health status of each prisoner.⁶⁷ The role of these factors suggests that some degree of mitigation of psychological harm can be achieved by ensuring certain interventions.

Minimising the duration is the most obvious mitigation strategy and there is significant evidence that the likelihood and degree of psychological harm correlates strongly with duration.⁶⁸ This is why regular reviews as required by legislation are important.⁶⁹

If a prisoner continues to require placement in isolation, the best mitigation strategy is to ensure regular, meaningful human interaction. Engagement with custodial and mental health staff can have significant benefits to the prisoner's mental health,⁷⁰ especially when the prisoner cannot interact with other prisoners.

The capability for remote monitoring of prisoners via cameras and cell intercoms can inadvertently minimise opportunities for real human interaction. Staff need to be trained and supported to interact with and observe prisoners in meaningful ways and make meaningful observations of their behaviour, demeanour and well-being. This has been recognised in the literature:

Epecially inside segregation, isolation, or “supermax” units, the staff’s limited insight into the mental health status of prisoners is compounded by the fact that prisoners are permitted to engage in so little actual behaviour outside their cells that correctional and mental health staff members have few opportunities to clearly observe them or to identify changes in their normative or established day-to-day patterns. Unless a prisoner does something dramatic – stops eating or showering, refuses to come out of her cell for recreation, soils himself, or begins to flagrantly act out – the signs of a worsening mental health condition are likely to go unnoticed.⁷¹

Ensuring access to exercise and other activities has also been shown to improve outcomes for prisoners experiencing solitary confinement by relieving boredom, breaking monotony, reducing stress and providing a new sensory environment.⁷² Activities which provide respite from the cell environment in which a prisoner perceives a near-complete loss of independence and privacy may also positively affect psychological outcomes.⁷³

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- 67 J. Hunter Astor, Thomas Fagan and David Shapiro ‘The effects of restrictive housing on the psychological functioning of inmates’ (2018) 24(1) *Journal of Correctional Health Care* 15; Bruce Arrigo and Jennifer Bullock ‘The psychological effects of solitary confinement on prisoners in supermax units: reviewing what we know and recommending what should change’ (2007) 52(6) *International Journal of Offender Therapy and Comparative Criminology* 622–640; Peter Scharff Smith ‘The effects of solitary confinement on prison inmates: a brief history and review of the literature’ (2006) 34 *Crime and Justice* 441–528.
- 68 Craig Haney, ‘Restricting the use of solitary confinement’ (2018) 1 *Annual Review of Criminology* 285, 300-301; National Commission on Correctional Health Care, ‘Position statement: solitary confinement (isolation)’ (2016) 22 *Journal of Correctional Healthcare* 257, 260; Juan Mendez, *Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, submitted to the UN General Assembly, UN Doc A/66/268 (5 August 2011) 17.
- 69 *Crimes (Administration of Sentences) Act 1999*, s 14 requires Governors to advise prisoners of their right to a review of a segregated or protective custody direction. S 16 requires Governors to submit a report to the Commissioner within 14 days of the commencement of a segregated or protective custody direction. The Commissioner must review the direction within seven days and determine to revoke, confirm or amend the direction. S 16 requires this process to be repeated within three months of the commencement of the direction and within each subsequent three month period. There are no statutory review obligations for separation, confinement or placement in assessment cells.
- 70 Hans Toch, ‘The future of supermax confinement’ (2001) 81(3) *Prison Journal* 376; Craig Haney and Mona Lynch, ‘Regulating prisons of the future: a psychological analysis of supermax and solitary confinement’ (1997) 23 *Law and Social Change* 477; Peter Suedfeld et al., ‘Reactions and attributes of prisoners in solitary confinement’ (1982) 9 *Criminal Justice and Behaviour* 303.
- 71 Craig Haney, ‘“Madness” and penal confinement: some observations on mental illness and prison pain’, (2017) *Punishment & Society*, 19(3), 318-319.
- 72 Liat Tayer et al., ‘The long-term effects of solitary confinement from the perspective of inmates’ (2021) 101(6) *The Prison Journal* 652.
- 73 Raphael Bize et al., ‘Physical activity level and health-related quality of life in the general adult population: a systematic review’ (2007) 45(6) *Preventative Medicine* 401; Frank Penedo and Jason Dahn, ‘Exercise and well-being: a review of mental and physical health benefits associated with physical activity’ (2005) 18(2) *Current Opinion in Psychiatry* 189.

3 Segregation

Section 10(1) of the CAS Act allows a Governor to place an inmate in segregated custody when, in the opinion of the Governor, it is necessary to ensure:

- d) the personal safety of any other person;
- e) the security of a correctional centre; or
- f) good order and discipline within a correctional centre.

Section 12 of the CAS Act describes the effect of segregation:

- (1) 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.
- (2) An inmate who is 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.

The CAS Regulation requires that:

An inmate who is confined to cell for the purposes of punishment, or under a segregated or protective custody direction, must be kept under daily observation by a prescribed health officer and have access to essential medical care.⁷⁴

3.1 Rates of usage, durations and vulnerable groups

During the six months from 1 July 2023 to 31 December 2023, there were 22,383 people held in custody in NSW. In the same period, 1,885 periods of segregation commenced, a ratio of 8.4 segregations for every 100 people in custody.⁷⁵

The majority of segregation periods (1,353) lasted 14 days or fewer. 435 segregation directions were extended beyond 14 days but not beyond 3 months. 97 instances of segregation exceeded 3 months. There were no instances of segregation from this period which exceeded 6 months. This does not mean that there were no prisoners in segregation for longer than six months, only that none of the prisoners placed in segregation between 1 July 2023 and 31 December 2023 spent more than six months on that occasion. We found two instances which exceeded six months in the samples from 1 April 2024 and 1 July 2024 across the eight correctional centres.⁷⁶

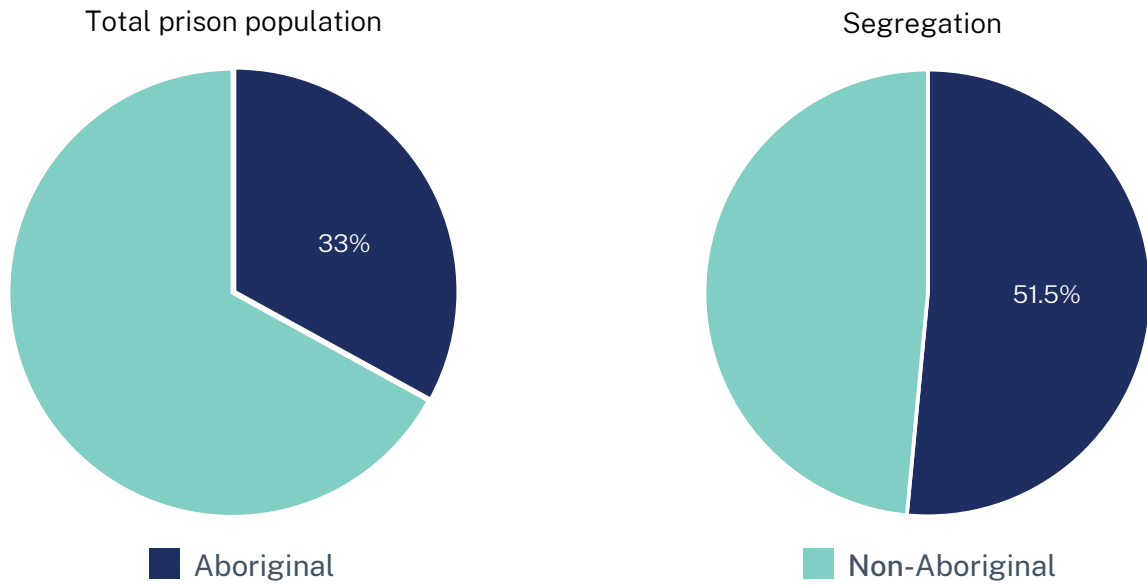
Aboriginal people are heavily overrepresented in segregation. Of the 22,383 people in custody from 1 July 2023 to 31 December 2023, 7,397 (33%) identified as Aboriginal or Torres Strait Islander. However, of the 1,885 periods of segregation, 971 (51.5%) involved an Aboriginal or Torres Strait Islander person.

⁷⁴ *Crimes (Administration of Sentences) Regulation 2014*, cl 289.

⁷⁵ All data in section 3.1 was provided by Corrective Services NSW, 11 April 2024.

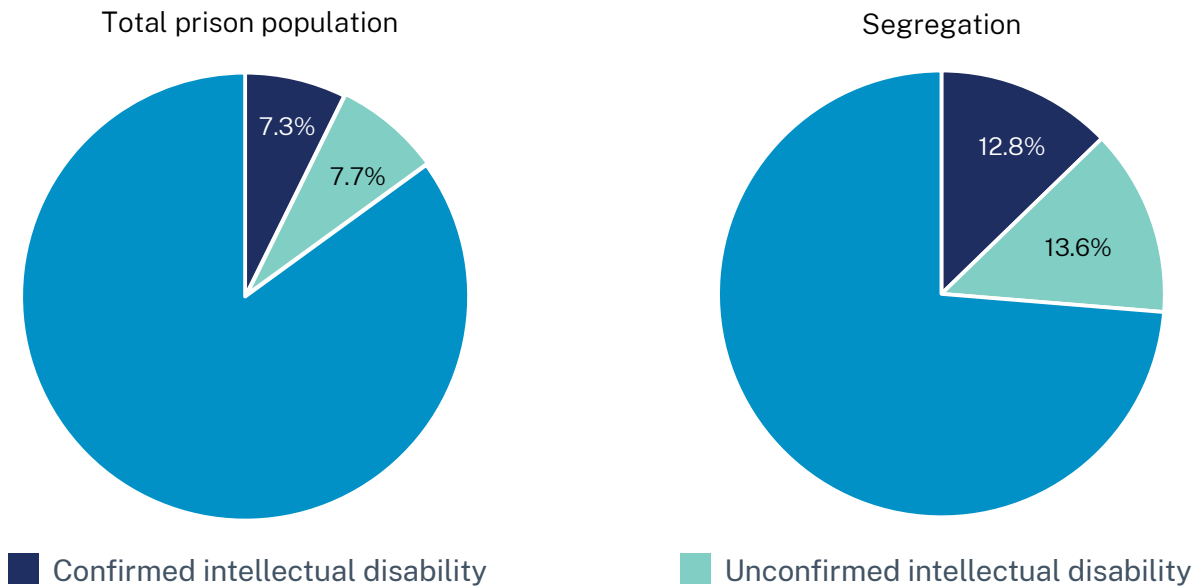
⁷⁶ One of these prisoners was at Clarence CC where staff developed a management plan which aimed to 'step down' his segregation through reintegration for limited hours during the day. The other prisoner's segregation occurred across three correctional centres including MRRC where no case notes were recorded for reasons discussed in section 3.5 of this report.

Figure 1: Aboriginal people in the total prison population (left) and in segregation (right) between 1 July 2023 and 31 July 2023



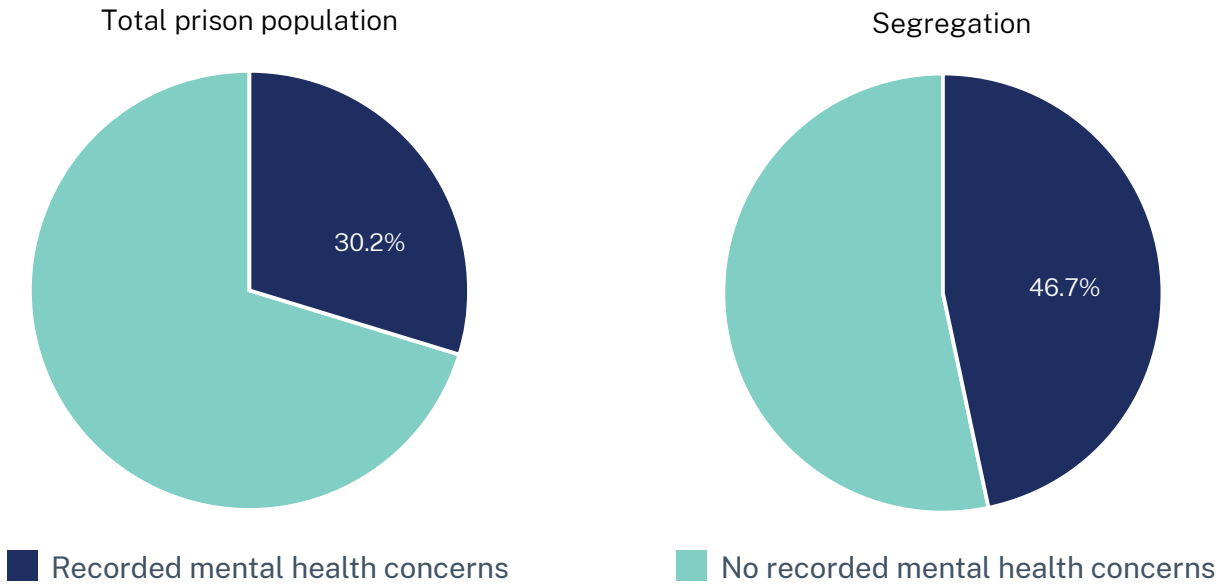
People with intellectual disabilities are also heavily overrepresented in segregation. Of the 22,383 people in custody from 1 July 2023 to 31 December 2023, 1,641 (7.3%) had a confirmed intellectual disability and 1,728 (7.7%) had an unconfirmed intellectual disability. However, of the 1,885 periods of segregation, 241 (12.8%) involved a person with a confirmed intellectual disability and 256 (13.6%) involved a person with an unconfirmed intellectual disability.

Figure 2: Persons with intellectual disabilities in the total prison population (left) and in segregation (right) between 1 July 2023 and 31 July 2023



People with recorded mental health concerns are also heavily overrepresented in segregation. Of the 22,383 people in custody from 1 July 2023 to 31 December 2023, 5,756 (30.2%) had one or more recorded mental health concerns. However, of the 1,885 periods of segregation, 880 (46.7%) involved persons with recorded mental health concerns.

Figure 3: Persons with recorded mental health concerns in the total prison population (left) and in segregation (right) between 1 July 2023 and 31 July 2023



3.2 Policy and procedures

CSNSW policy and procedures on the use of segregation are reasonably robust. They enshrine various principles, safeguards and procedural fairness to protect the well-being of prisoners in segregation and include particular reference to Aboriginal people.

The *Custodial Operations Policy and Procedures* (COPP) states that segregation ‘must never be used if there are other satisfactory ways of managing the identified risk(s)’ and notes that behaviour management plans should be considered as an alternative.⁷⁷ This is consistent with the *Guiding Principles for Corrections in Australia* which define segregation and separation as:

Separate confinement of a prisoner deemed necessary following evidence based assessments for the protection and safety of others where there is no other reasonable way to manage the risk/s to safety, security, or good order and discipline of the correctional centre.⁷⁸

Procedures, reviews and procedural fairness

The COPP sets out the procedure for a Governor to commence and extend a segregation direction.⁷⁹ The Governor can issue an initial direction for a period of 14 days. In doing so, they must ensure that there are detailed reports to support the decision and must also notify the health services provider at the correctional centre. The CAS Act requires the Governor to also notify the Commissioner of each direction and its grounds.⁸⁰ The COPP reproduces this obligation with the option to notify a delegate of the Commissioner but does not clarify who may hold this delegation.⁸¹

A segregated prisoner must be informed of the segregated custody direction, the reasons for it, the rights and privileges available to them, assistance available to address the reasons for their segregation, and their right to contact the NSW Ombudsman, the Independent Commission Against Corruption and the Legal Aid Commission. They must also be informed of their right to have their placement in segregated custody reviewed by the Serious Offenders Review Council (SORC) at any

77 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.4 Segregation (version 1.6, 14 August 2024) 5.

78 Corrective Services Administrators’ Council, *Guiding Principles for Corrections in Australia* (2018) 36.

79 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.4 Segregation (version 1.6, 14 August 2024) 5, 18-13.

80 *Crimes (Administration of Sentences) Act 1999*, s 10(2).

81 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.4 Segregation (version 1.6, 14 August 2024) 5.

time after the first 14 days have elapsed and be asked to sign acknowledgement of this.⁸² This is done partly through the use of an 'inmate acknowledgment' form which includes an option for the prisoner to request an application form to appeal to SORC.

Governors are obliged to enforce any decisions of SORC. If SORC orders the revocation of a direction, then it ceases to have effect once revoked and the prisoner must be allowed to return to live within the broader prison population. However, such decisions affect only the direction that was subject to review by SORC. If a Governor obtains new information or other circumstances arise which justify a new direction and SORC had not considered that information in its review, the Governor may issue a new direction.⁸³

If a Governor determines that a segregation direction should be extended from 14 days to three months (inclusive of the initial 14 days), they must forward this recommendation to the General Manager, Statewide Operations (GM, SWO) to confirm, revoke or amend the direction within seven days of receiving it. The Governor's recommendation should be accompanied by a report detailing evidence of the ongoing threat and the goals of the prisoner's management plan.

This procedure can be repeated if the Governor intends for the direction to be extended to six months. The Governor must forward their recommendation and a new report to the GM, SWO no less than 14 days prior to the expiry of the direction.

To extend a direction beyond six months (up to nine months and then at three month intervals thereafter), a new report which includes a psychologist's report on the prisoner's progress must be sent to the Commissioner to approve. The Minister must be notified in writing when a period of continuous segregation exceeds six months.

There is no limit on the duration of a period of segregation. It can be extended by three month intervals indefinitely.

Conditions and support

Prisoners held in segregated custody are not to suffer any reduction in diet or loss of any rights or privileges unless determined following a risk assessment, imposed as a penalty for a correctional centre offence, or necessarily incidental to being held in segregation. This includes keeping personal property.⁸⁴

The Functional Manager (FM) or other authorised officer must visit a segregated prisoner daily to check on their well-being, consider whether the need for segregated custody is ongoing, and make a record of this check in an OIMS case note. If this daily contact identifies any deterioration of health, physical or mental, the FM must immediately convene a meeting of the case management unit or segregation review committee.⁸⁵

The CAS Regulation requires daily checks by a member of the health service.⁸⁶ In line with this requirement, JH&FMHN policy mandates that a person in protective custody at the direction of a Governor must be reviewed within 24 hours and then daily by a primary care nurse in-person.⁸⁷

The local case management unit or segregation review committee is required to develop a management plan to support the prisoner to address the reasons for their segregation and conduct weekly reviews of the prisoner's progress with respect to their management plan.⁸⁸

82 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.4 Segregation (version 1.6, 14 August 2024) 9.

83 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.4 Segregation (version 1.6, 14 August 2024) 24.

84 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.4 Segregation (version 1.6, 14 August 2024) 5-7.

85 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.4 Segregation (version 1.6, 14 August 2024) 7-8.

86 *Crimes (Administration of Sentences) Regulation 2014*, cl 289.

87 Justice Health and Forensic Mental Health Network, *Justice Health NSW Policy*, 1.360 Segregated custody and mandated protection (version 8, 2 November 2023), 6.

88 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.4 Segregation (version 1.6, 14 August 2024) 9.

Segregation of Aboriginal people

The COPP recognises that segregation ‘may cause greater distress for an Aboriginal inmate than for other inmates’ and that ‘recognition must be given to the unique social and cultural relationships that exist between Aboriginal people’.⁸⁹

The segregation policy reiterates recommendation 181 of the Royal Commission into Aboriginal Deaths in Custody which notes that placing an Aboriginal inmate in segregated custody is undesirable in the highest degree. The policy then states that when it is considered necessary to segregate an Aboriginal person, the Governor is to inform the Regional Aboriginal Pathways Officer (RAPO)⁹⁰ and an Aboriginal inmate delegate who will provide the person with support.⁹¹

Not noted in the policy is that recommendation 181 goes on to state that ‘Corrective Services authorities should provide certain minimum standards for segregation including fresh air, lighting, daily exercise, adequate clothing and heating, adequate food, water and sanitation facilities and some access to visitors’.⁹²

Segregation of people with a mental illness

The segregation policy requires that prisoners with a suspected or confirmed mental illness must be managed collaboratively with health staff. The Governor must notify the nursing unit manager (NUM) or nurse in charge (NIC) immediately upon segregating such a prisoner. Health staff must assess the prisoner within 24 hours and determine whether the mental illness can be managed in segregation. The policy does not require the Governor to revoke a segregation direction if the health assessment finds that it cannot, it only requires the Governor (or authorised officer) to meet with the NUM or NIC and develop a care plan.⁹³

If the Governor intends to extend the segregation of a mentally unwell prisoner beyond three months, they must notify the health services at least four weeks prior to the expiry of the current direction and allow for a psychiatrist to examine the prisoner.⁹⁴

As we did not review health records during the review, this report does not examine compliance with this policy. However, we note our strong concern about the very high rates of people with mental illnesses subject to segregation and other isolating procedures. Detail about this is provided below.

Segregation of people with disabilities

The segregation policy does not make any reference to people with disabilities, despite Nelson Mandela Rule 45(2) stating that solitary confinement ‘of any duration, on persons with mental disabilities is cruel, inhuman or degrading treatment’.⁹⁵

Recommendation: CSNSW updates the COPP to include a policy and procedure for the segregation of people with disabilities.

89 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.4 Segregation (version 1.6, 14 August 2024) 14.

90 Regional Aboriginal Pathways Officers are CSNSW staff responsible for promoting the cultural capability of correctional centre staff, coordinating cultural events, and supporting Aboriginal prisoners including those at risk of self-harm or suicide and those in segregation.

91 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.4 Segregation (version 1.6, 14 August 2024) 14.

92 Royal Commission into Aboriginal Deaths in Custody, *Final Report of the Royal Commission into Aboriginal Deaths in Custody* (volume 5 1991) 6.

93 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.4 Segregation (version 1.6, 14 August 2024) 14-16.

94 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.4 Segregation (version 1.6, 14 August 2024) 6-17.

95 Juan Mendez, *Interim report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (5 August 2011) U.N. Doc. A/66/268, 21.

3.3 Comparison with legislation, policies and procedures in other jurisdictions

The legislation, policies and procedures governing segregation in NSW are generally as robust or more robust than those in other Australian states and territories and comparable jurisdictions. Nevertheless, there are aspects of policies and procedures in other jurisdictions which are worthy of consideration in NSW.

The Western Australian *Prisons Act 1981* requires the Minister to be notified of every decision made to segregate an inmate,⁹⁶ while the South Australian *Correctional Services Act 1982* requires the Minister to be notified of every prisoner kept separately from other prisoners (for any purpose) for more than five days within a 10 day period.⁹⁷

The *Prisons Act 1981* also provides a statutory requirement for cells used to segregate inmates to be 'of such a size and so ventilated and lighted that a prisoner may be confined in that cell without injury to health'.⁹⁸

In the Australian Capital Territory, custodial policy mandates daily physical and mental health assessments of inmates in segregation. It also mandates daily visits by the general manager and additional training for staff rostered in segregation locations.⁹⁹

Under New Zealand legislation, a segregation order cannot exceed three months unless directed by a visiting justice.¹⁰⁰

United Kingdom legislation limits segregation to three days unless a longer period is approved by a member of the board of visitors or the Secretary of State. This may be up to a month and can be renewed monthly. In the case of prisoners aged under 21, this period is 14 days.¹⁰¹ A different procedure applies to prisoners held in close supervision centres, who can be segregated under a local direction for up to a month, with monthly renewals.¹⁰²

3.4 Correctional centre staff's understanding of segregation

Segregation is widely perceived by staff as punishment

We found it was common for custodial staff, and even Governors, at numerous locations to describe segregation as a punishment for misbehaviour. At one correctional centre, officers working in the MPU described the duration of a prisoner's segregation as determined by the seriousness of their misconduct '14 days is for misdemeanours' and 'three months is for serious incidents'. At another, an MPU officer advised us 'I don't think they should get all their rights and privileges, they're in segregation for a reason' in direct contradiction to the COPP.¹⁰³ We also found segregation explicitly referred to as punishment in custodial case notes.

This misunderstanding needs to be corrected. Confinement to cell is the procedure available in NSW legislation as a punishment when a prisoner has been found guilty of a correctional centre offence and is limited to seven days.¹⁰⁴ Placing a prisoner into segregation as a punishment, where the duration exceeds seven days, is an unlawful misuse of the procedure. Every instance of segregation

96 *Prisons Act 1981* (Western Australia), s 43(2).

97 *Correctional Services Act 1982* (South Australia), s 36(9).

98 *Prisons Act 1981* (Western Australia), s 43(3).

99 ACT Corrective Services, *Management of Segregation and Separate Confinement Policy* (2020) 16-17.

100 *Corrections Act 2004* (New Zealand), s 58(3)(d)-(e).

101 *The Prison Rules 1999* (United Kingdom), rules 45-46.

102 Close supervision centres hold male inmates who present particularly serious risks of harm to staff and/or other prisoners and have exceptionally problematic records of behaviour in custody in small specialist units.

103 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.4 Segregation (version 1.6, 14 August 2024) 5-7.

104 *Crimes (Administration of Sentences) Act 1999*, s 53(1c) and s 56(1c).

must be clearly linked to a threat to at least one of the three grounds specified under section 10 of the CAS Act, i.e. good order, safety and/or security and should only continue for as long as that threat exists and cannot be managed through other means.

Recognising this, an officer working in Clarence CC's segregation unit commented to us that 'none of the inmates are here for punishment'. This attitude was reflected in the treatment of prisoners in the segregation unit who were managed largely based on risk assessments of individual prisoners.

A Governor discussed with us the case of a person held in their MPU on a separation direction which immediately followed a 14 day period of segregation. While waiting for the prisoner to be transferred to another correctional centre, the Governor chose to issue the separation direction rather than extend the segregation direction because he understood that he could only have done this for a period of three months. Despite his intention for the prisoner to be transferred as soon as possible, he regarded a three month segregation direction as 'excessive' in relation to the prisoner's conduct and feared it would be overturned by SORC on this ground if the prisoner appealed. This implies a misunderstanding of segregation. It would have been appropriate to extend this prisoner's segregation as the threat to good order was still present.

Revoking a segregation direction after 14 days to replace it with a separation direction is problematic because it denies the prisoner their right to appeal their segregation at the exact point when access to that right becomes available, and also defers the review by the GM, SWO for another 14 days. It also removes the obligation to conduct daily welfare checks and record case notes, and conceals the true duration of their placement in the MPU. We have identified similar practices in past inspections, for example, at Cessnock Correctional Centre, where segregation directions were routinely revoked on the 14th day and replaced with separation directions to avoid having to obtain the approval of the GM, SWO.¹⁰⁵

At MSPC, a man spent 14 days in segregation in the secure housing unit (SHU) following an incident which resulted in him being unable to continue being accommodated in a location where a staff member worked. After the 14 days of segregation, he remained in the secure housing unit under a separation direction while his transfer to another correctional centre was arranged. As steps were not taken to relocate the prisoner until after the 14 day segregation period was completed, it appears that this was used as a *de facto* punishment. Arrangements to transfer the man should have commenced immediately following the decision that he could no longer be accommodated at MSPC. The segregation direction should have remained until his transfer was facilitated.

MSPC had no prisoners in confinement on 1 April 2024 or 1 July 2024 despite having numerous prisoners in segregation on these dates after they committed breaches of correctional centre rules. These prisoners were subject to disciplinary processes which resulted in various penalties withdrawing their access to certain 'privileges' but did not include confinement (which would have been limited to seven days). The use of segregation directions in these cases suggests a preference for this procedure which allows for longer periods of keeping prisoners locked in cells. In one case, 14 days in segregation was actually listed as a penalty in the disciplinary record. In most of these cases, the segregation records did not demonstrate any ongoing threat to good order, security or safety had the person remained in the general accommodation units.

Recommendation: CSNSW delivers training to Governors and custodial staff on the lawful use of segregation directions.

3.5 Compliance with legislation and procedures

Governor's directions and reviews

The vast majority of the cases we reviewed established a clear ground to commence segregation which was consistent with section 10 of the CAS Act, i.e. a threat to good order, safety or security was demonstrated. In a small minority of cases, the decision to segregate the prisoner appeared unnecessary. These included prisoners being found with small amounts of contraband and minor altercations with staff (including by prisoners with intellectual disabilities). A man at Mid North Coast CC was segregated after eating another prisoner's meal and having a 'heated argument'. These matters would have been appropriately handled as a discipline breach (which might result in a period of confinement not greater than seven days) but did not clearly present any ongoing threat to good order, safety or security. In these cases, the use of segregation may have been punitive, and therefore unlawful.

Many of the decisions to extend a period of segregation did not present any evidence of a continuing threat that could not have been managed by other means. This occurred at several correctional centres but was particularly apparent at MRRC (in 14 of 17 decisions to extend the direction). It is both a failure to comply with the COPP and a serious danger to the mental health of prisoners to impose an extended period of segregation based only upon the initial incident or issue and not upon demonstrable evidence that the threat persists and cannot be managed in another way.

Reviews by Governors and the GM, SWO were often conducted outside the timeframes required by the COPP. At some locations, this appeared to be due to the Governor only conducting reviews on the date of the first weekly review meeting to occur following the expiry of an order. This practice is inconsistent with both policy and the Governor's duty of care to ensure that segregation only lasts for as long as necessary. The GM, SWO's review was occasionally significantly late: twice by 14 days; once by 12 days; and once by 11 days. If the GM, SWO is on leave, another person should be authorised to perform this function in their absence and maintain oversight of prolonged segregation.

At five of the eight correctional centres represented in the sample, we found extended segregation directions without any evidence that they had been reviewed by the GM, SWO.

Table 1 outlines the extended directions which were reviewed within and outside policy timeframes. In compiling these figures, we did not count reviews conducted a single day outside the timeframe as late to allow for practical considerations such as unplanned leave or the forwarding of a review to the GM, SWO outside of regular business hours.

Table 1: Timeliness of reviews of segregation directions

Correctional Centre	Governor's review on time	Governor's review late	GM, SWO's review on time	GM, SWO's review late	No evidence of GM, SWO's review
Clarence CC	19	6	19	6	2
Geoffrey Pearce CC	3	0	1	0	2
Silverwater Women's CC	4	0	3	0	1
Dillwynia CC	5	0	2	2	1
MSPC	1	0	0	1	0
MRRC	17	18	32	3	0
Parklea CC	4	2	6	0	0
Mid North Coast CC	13	13	19	0	7

The forms used by Governors to issue directions for segregation include a tick-box option whereby the Governor specifies whether the prisoner is to be held in isolation from all other prisoners or in association with certain other prisoners.¹⁰⁶ However, we did not find any examples of the latter option being applied within the sample. This option should be carefully considered by Governors, particularly when extending segregation directions beyond 14 days or longer, to mitigate the psychological harms caused by prolonged isolation from human contact.

The 'inmate acknowledgement' form is an important tool in the segregation procedure because it demonstrates that the prisoner has been advised of the decision to hold them in segregation and of their right to appeal to SORC if the segregation period exceeds 14 days. It includes a tick-box option to request a SORC application form. The prisoner opted to request this application in only 11 of 82 instances. We were concerned to see a practice, across several locations, of inmate acknowledgement forms being printed with the 'do not request' option already selected by an electronically produced tick or cross. This is an unacceptable circumvention of the prisoner's right to appeal. We were also concerned to find 11 forms unticked and six forms missing from the records. This aspect of the procedure must be taken seriously by custodial staff. Table 2 lists the selections made by prisoners whose segregation directions were extended.

Table 2: Requests for SORC application forms

SORC application requested?	Number
Yes	11
No (marked by a handwritten tick/cross)	40
No ('do not request' pre-selected electronically)	14
No selection made	11
Acknowledgement form missing from the records	6

Information about the complaint avenues available to people in segregation does not appear on the inmate acknowledgement form. It is difficult, therefore, to confirm how often this information is provided to prisoners.

¹⁰⁶ In line with *Crimes (Administration of Sentences) Act 1999*, s 12 (1).

Recommendation: CSNSW ensures that Governors issue and extend segregation directions in line with COPP procedures and that the General Manager, Statewide Operations always reviews extensions within seven days.

Recommendation: CSNSW amends the inmate acknowledgement form to include advice about the complaint bodies available to prisoners in segregation and protective custody and ensures that staff do not digitally pre-select fields on this form.

Ensuring segregation is only for as long as necessary

Governors should make every effort to safely remove prisoners from segregation as soon as possible, especially when it has exceeded 14 days. The data and records provided by CSNSW indicate that, each year, hundreds of prisoners are held in segregation for periods of three months or longer. Prisoners should only remain in segregation for as long as justified by regular reviews of the threat and the prisoner's well-being. This would be consistent with rule 45(1) of the Nelson Mandela Rules which states that the duration should be 'for as short a time as possible'.¹⁰⁷

Although the COPP requires prisoners to be informed of support available to help them address the reasons for their segregation¹⁰⁸, evidence of this within the records was scarce. Some records noted a referral to mental health support or disability support but we found many missed opportunities to do this, or to make referrals to drug and alcohol support, or to provide support with adjusting to being in custody for the first time. At some locations, segregated prisoners were seen regularly by a psychologist but these meetings tended to focus on assessing the prisoners' well-being rather than the underlying reasons for their segregation. In many cases, there were no documented interventions offered at all.

In some cases, the most appropriate or efficient way to resolve a prisoner's segregation is to transfer them to another correctional centre where the threat to good order, safety or security may be lower or not present. Governors should actively pursue this and any other means to remove prisoners from segregation at the earliest opportunity. Regrettably, there were several examples in the sample of prisoners being transferred only after spending three months in segregation. If a prisoner can be removed from segregation by being placed at a different correctional centre, their transfer should be facilitated as soon as possible.

The segregation review committee at one correctional centre reported to us that it is very difficult to transfer segregated prisoners because this is not coordinated by the Classification and Placement Team but has to be negotiated between the two Governors. Understandably, Governors may be reluctant to receive a prisoner whose behaviour has been problematic. For this reason, placement decisions should be made independently through the classification and placement process.

The minutes from meetings of segregation review committees provided to us generally did not list the stakeholders who participated in meetings. It is therefore unclear whether Governors routinely attend these meetings, though we are aware from meetings that we have attended that this is the case, at least at some centres.¹⁰⁹ Under policy, segregation review committees must assess segregated prisoners and provide an immediate report to the Governor.¹¹⁰ We think it is preferable that Governors attend these meetings to ensure they maintain oversight of how prisoners are being managed, and can ask questions of stakeholders, especially given the lack of detail typically recorded in custodial case notes (discussed further below). This will allow Governors to make properly informed decisions including to revoke directions at the earliest opportunity. The COPP requires that a representative of the health services provider is present at these meetings.¹¹¹ Their participation is important given their mandated role of conducting daily observations of prisoners in segregation as well as those in protective custody and confinement.¹¹² We were unable to verify how widely or consistently this occurs.

107 *United Nations Standard Minimum Rules for the Treatment of Prisoners*, GA Res 70/175, UN Doc A/RES/70/175 (8 January 2016, adopted on 17 December 2015) rule 45(1).

108 *Corrective Services NSW, Custodial Operations Policy and Procedures*, 3.4 Segregation (version 1.6, 14 August 2024) 9.

109 For example, at Hunter CC, MSPC, Cessnock CC.

110 *Corrective Services NSW, Custodial Operations Policy and Procedures*, 3.4 Segregation (version 1.6, 14 August 2024) 8.

111 *Corrective Services NSW, Custodial Operations Policy and Procedures*, 3.4 Segregation (version 1.6, 14 August 2024) 8.

112 *Crimes (Administration of Sentences) 2014*, cl 289.

We were generally unable to confirm whether management plans¹¹³ for segregated prisoners were developed, implemented and monitored. We found few references to management plans in the segregation review committee minutes we received.

Six of the eight correctional centres held meetings of the segregation review committee on a weekly basis. MSPC only provided minutes from one meeting in April 2024, two in May 2024, and four meetings in June 2024. We did not receive any minutes from Mid North Coast CC.

Minutes were generally very light on detail about the progress and well-being of prisoners or any other matters which would inform the Governor's consideration of whether there was a continuing need for segregation. Comments were often limited to the original reason for the segregation direction with no updates provided, or related to other matters such as upcoming classification reviews or court dates. In some cases, a comment indicated that the prisoner had demonstrated positive behaviour or had been compliant with staff directions and the daily routine but this did not extend to any discussion of removing the prisoner from segregation. The meetings appeared to often amount to little more than a box-ticking exercise. It is difficult to see how a meaningful report to the Governor could be prepared from these meetings.

A lack of planning in some cases resulted in prisoners remaining in a segregation unit or MPU even after the revocation of their segregation direction. A prisoner was transferred from Mid North Coast CC to the High Risk Management CC on the Goulburn Correctional Complex where he remained in segregation for three months. The segregation direction was then revoked and he was placed on a separation order pending his transfer to another correctional centre. This was due to the presence of individual prisoners and gangs at Goulburn CC with whom he could not associate. Better and earlier planning for his reintegration should have identified this circumstance and led to arrangements for his transfer being made sooner.

We acknowledge that among the prisoners placed in segregation are many people who present significant and complex challenges to the staff tasked with managing them. However, greater emphasis should be placed on resolving the issues which led to their segregation so that they can be safely and effectively reintegrated into the normal routine of the correctional centre as quickly as possible.

Recommendation: CSNSW ensures that segregation review committees discuss prisoners' welfare and progress against management plans.

Daily welfare checks and case notes

The COPP mandates a daily welfare check on all segregated prisoners by the functional manager or an assigned officer, no lower in rank than senior correctional officer.¹¹⁴ However, we found that the majority of daily case notes were entered by staff at the correctional officer rank.

Case notes were entered on a daily, or almost daily, basis at Silverwater Women's CC, Dillwynia CC, MSPC, Geoffrey Pearce CC, Clarence CC and Parklea CC. We also received copies of case notes entered by staff at Wellington CC as some prisoners were transferred there from the correctional centres in the sample. For some of these, case notes were made on most days. For others, case notes were seldom made or not at all. It is unclear why this is the case. At Mid North Coast CC, most segregated prisoners had, on average, three case notes per week. Again, daily case notes were made for some, while for others, case notes were seldom entered.

At MRRC, daily case notes were only made for two prisoners on national security interest management plans. For all other segregated prisoners, custodial case notes were only entered following an incident or other noteworthy event. When we visited MRRC on 1 May 2025, we found that the staffing of the units holding prisoners in segregation and protective custody was underresourced. There were far more prisoners being held in overflow units not designed to manage these prisoners than there were in the specialised units (Darcy 3 and Darcy 4). It would

113 As required by Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.4 Segregation (version 1.6, 14 August 2024) 9,10,13.

114 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.4 Segregation (version 1.6, 14 August 2024) 7,9,26.

be unreasonable to expect the small number of officers managing a very substantial number of prisoners to enter daily case notes under their very obvious and significant workload pressures. However, the requirement for daily welfare checks and case notes is a key safeguard for the mental health and well-being of segregated prisoners. The high rates of prisoners within the group who are Aboriginal, mentally unwell and/or have an intellectual disability makes this even more important. Further, it is unclear to us how the Governor could assess the progress and well-being of segregated prisoners if no records are being made.

The quality of case notes varied greatly. We are concerned by the habit of a number of officers at Clarence CC and Mid North Coast CC of creating case notes by copying and pasting previous entries including those made by other officers. This does not represent a meaningful or reliable record of the prisoner's welfare and behaviour. Despite this practice, we found the best quality case notes were made by staff at these two locations (except when copying and pasting). For the most part, they were appropriately detailed in describing the well-being, needs, behaviour and interactions of segregated prisoners. At other locations, case notes tended to be very brief, generic and similar from day to day. Typical examples would read:

[Prisoner's surname] is currently housed in the MPU. Provided all meals, yard access, tablet. Seen by nurse. Nil issues.

Or

[Prisoner's surname] is currently housed in cell 12 on a section 10 order.

Inmate seen by nurse.

Yard and phone access facilitated,

Nil issues.

The COPP does not make any reference to the requirement under the CAS Regulation for daily checks by a member of the health service.¹¹⁵ We confirmed that this practice occurs at many locations through our visits, inspections and review of custodial case notes. However, when case notes are not entered, this practice cannot be verified.

Recommendation: CSNSW reminds all Governors to ensure that daily welfare checks and meaningful case notes are made by appropriately assigned and trained staff for all prisoners in segregation.

Access to property

Under the COPP, segregated prisoners are not to be denied access to their personal property except as a penalty for an adjudicated discipline breach or following a risk assessment which identifies safety concerns. A risk assessment should be conducted at the commencement of a segregation direction and at each review.¹¹⁶ Risk assessments were not included in any of the records provided for this review and were not referenced within custodial case notes.¹¹⁷

At most of the correctional centres we visited or inspected during the course of this review, segregated prisoners were permitted to retain all their personal property unless they had demonstrated violent or aggressive behaviour. At Macquarie CC and MSPC, segregated prisoners were not allowed to have electrical appliances in their cell despite the cells being fitted with power points. At MSPC, a sign in the SHU stated that television and tablets were not permitted for the first 48 hours. At Clarence CC, segregated prisoners could have electrical appliances other than kettles and sandwich toasters. At Hunter CC, prisoners could have all property items except sharp items and

¹¹⁵ *Crimes (Administration of Sentences) Regulation 2014*, cl 289.

¹¹⁶ Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.4 Segregation (version 1.6, 14 August 2024) 7,9.

¹¹⁷ Except for prisoners identified to be at risk of self-harm or suicide and referred to the Risk Intervention Team (RIT).

canned food (due to the potential for access to sharp edges) and electrical appliances (there were no power points in the MPU cells). At Goulburn CC's segregation unit, a prisoner advised us that all property except canned food was permitted in cells.

Access to exercise

The CAS Regulation requires all prisoners to be allowed at least two hours each day for 'exercise in the open air' except those serving a period of confinement following a disciplinary matter who are entitled to a minimum of one hour.¹¹⁸ As segregation is not a punishment, segregated prisoners should have daily access to exercise which is roughly commensurate with the normal routine for other prisoners at that correctional centre. The CAS Act states that a prisoner in segregation:

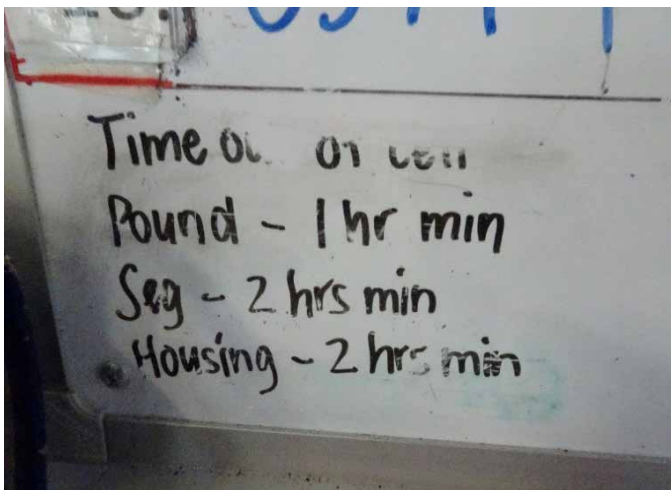
is not to be deprived of any rights or privileges other than those determined by the Commissioner (or the governor in the exercise of the Commissioner's functions under section 10 or 11), either generally or in a particular case, and other than those the deprivation of which is necessarily incidental to the holding of the inmate in segregated or protective custody.¹¹⁹

Section 9 of this report examines whether segregation infrastructure in NSW can facilitate this.

The CAS Regulation qualifies the minimum entitlement to exercise as 'subject to the practical limitations that may from time to time arise in connection with the administration of the correctional centre concerned'.¹²⁰

The right to exercise is widely misunderstood by custodial staff who manage segregated prisoners in units which do not have exercise yards connected at the rear of cells and in regular accommodation units used for overflow. We have found during several inspections that staff refer to a prisoner's 'one of hour of exercise' while in segregation or separation.¹²¹ This possibly arises from the common misunderstanding of segregation as a punishment, as prisoners serving a period of confinement are only entitled to one hour of exercise per day. We were pleased to see that, at some facilities, the minimum exercise entitlements were clearly displayed in officers' stations within segregation units and MPUs.

Minimum exercise entitlements on the MPU staff whiteboard at Hunter CC



The custodial case notes we reviewed rarely specified the amount of time segregated prisoners were provided for exercise each day and generally only noted if a prisoner 'accepted yard time', 'declined yard time' or could not exercise that day 'due to operational constraints'.

118 *Crimes (Administration of Sentences) Regulation 2014*, cl 53(1-2).

119 *Crimes (Administration of Sentences) Act 1999*, s 12(2b).

120 *Crimes (Administration of Sentences) Regulation 2014*, cl 53(3).

121 For example, at Clarence CC in 2024 and Cessnock CC in 2023.

At Clarence CC, prisoners in the segregation unit exercised in one of four relatively large exercise yards. We were advised that prisoners could exercise for two hours per day if capacity allowed this, but as the unit was generally full, this was often only one hour per day. To overcome this, centre management was considering allowing prisoners to exercise in pairs.

At MSPC, MRRC (Darcy 3 and 4 units), Geoffrey Pearce CC, Parklea CC Macquarie CC and Dillwynia CC, rear yards were open for between four and seven hours per day. We found a similar situation at Shortland CC when we inspected in 2023. At Silverwater Women's CC and Lithgow CC, rear yards were open throughout the day unless the adjacent cell was occupied. In this case, adjacent yards were opened for a half day each. In Goulburn CC's segregation unit, rear yards were open for two to three hours per day.

During our visit to MRRC on 1 May 2025, there were 24 prisoners in segregation and 139 in protective custody (including three prisoners in both concurrently).¹²² The units providing specialised accommodation for these purposes (Darcy 3 and 4) only provide beds for 31 prisoners. Staff advised us that those prisoners held in other units accommodating the overflow were only released from their cells for 30 minutes every third day. This was the only time available to them to shower, make phone calls and exercise. The staff advised us that this was because they were not permitted to release more than one prisoner at a time.

The numbers of prisoners in segregation, protective custody and separation exceeding the number of dedicated cells is a long-term issue at MRRC. On 1 July 2024, MRRC held 27 prisoners in segregation and 17 prisoners in protective custody with only 31 dedicated cells. In addition, there were 28 prisoners in separation on 1 July 2024.

A similar situation, on a smaller scale, existed at Shortland CC in 2023 and 2024. In April 2024, this was resolved by ensuring that prisoners are transferred to other correctional centres or removed from segregation prior to numbers reaching levels requiring overflow into regular accommodation units.¹²³

Recommendation: CSNSW updates the COPP segregation policy to require daily case notes to include the duration of exercise time made available each day and ensures sufficient resourcing to facilitate a minimum of two hours of exercise per day.

Recommendation: CSNSW ensures that all prisoners receive daily access to exercise, showers and phone calls.

Movements of segregated prisoners and the use of restraints

At most of the locations we inspected or visited during the course of this inspection, we found that custodial staff held a misunderstanding or had received a direction from management or their union delegate, that all prisoners in segregation must be restrained in handcuffs during all internal movements. One Governor expressed to us a mistaken belief that the COPP requires this as well as the presence of at least three officers. Rather, the COPP implies that segregated prisoners should be managed according to the level of risk they individually present. It specifically allows Governors to impose additional procedures following a risk assessment that has found that a prisoner presents a threat to the safety of staff¹²⁴ but includes no blanket rules for managing segregated prisoners.

Prisoners are often segregated for non-violent reasons, for example, suspected or confirmed involvement in attempting to introduce contraband to the correctional centre environment. Prisoners who do not present a risk of violence or attempted escape should not be restrained in handcuffs to simply walk to a telephone or interview room and should not be deprived of these opportunities simply because an arbitrary number of officers is not available. In the paperwork we reviewed, we found examples of prisoners in segregation for non-violent reasons who refused opportunities to use a telephone or attend an appointment because this would have required them to be handcuffed.

¹²² Information provided by staff during our visit on 1 May 2025.

¹²³ Information provided by Corrective Services NSW during a visit to Shortland CC on 22 May 2024.

¹²⁴ Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.4 Segregation (version 1.6, 14 August 2024) 14.

This arbitrary policy has the effect of keeping segregated prisoners in their cells even when support staff engage with them. Non-custodial staff often have no choice but to conduct interviews and welfare checks through the small hatch in the cell door. We have observed this countless times during our inspections and visits. A forensic psychiatrist described this:

Specialist psychiatric assessments are conducted behind a cage with little privacy or through a small hatch where patient and doctor kneel together, either side of the cell door, so their eyes meet. The inmate in the adjacent cell listens in without an offer of privacy. In the little time available, you resort to a quickfire screen of symptoms and press for their most urgent needs... For a prison psychiatrist, it is hard to deliver quality care that is anywhere close to being equivalent to outside of the prison walls.¹²⁵

Well-designed, purpose-built units at locations including MSPC and Clarence CC have interview rooms and health consultation rooms where prisoners can be seen in appropriate settings with privacy away from other prisoners. Unfortunately, in many locations, this does not occur.

We were pleased to see that all prisoners in the segregation unit at Clarence CC were managed on an individualised basis according to risk assessments conducted by the unit's manager. We observed a segregated prisoner walking, without handcuffs, to the exercise yard. The functional manager noted to us that this prisoner had no history of violence.

Recommendation: CSNSW ensures individual risk assessments are conducted before prisoners in segregation are subjected to additional security measures and that interviews with health and non-custodial staff are facilitated in appropriate rooms unless unsafe to do so.

Other good practice

Dillwynia CC had a practice of referring every prisoner to a psychologist and other support services when their segregation exceeded 14 days.

3.6 Segregation of Aboriginal people

Within the reviewed sample, there were 65 directions to segregate an Aboriginal person. Despite the COPP stating that this is 'undesirable in the highest degree',¹²⁶ not one of these directions demonstrated that there had been any consideration of alternatives to segregation. Many of the Aboriginal people in the sample had additional vulnerabilities including 21 people with disabilities and 13 people who were aged 22 or younger.

Strengthening the understanding and respect of correctional centre staff about Aboriginal people's cultures and worldviews would enhance relations between these two groups. This would, in turn, better equip staff who manage Aboriginal people in segregation to support them to maintain their well-being and positive behaviour. Respect, relationships and reciprocity are the keys to health and well-being outcomes for Aboriginal people. We have previously recommended that CSNSW provides training in cultural awareness, competence and safety to correctional officers.¹²⁷

By facilitating access to other Aboriginal people who can identify and support the specific needs of Aboriginal people in segregation, correctional centre staff may find that trust and respect are enhanced. We found this to have occurred but there is significant opportunity to build on it. In slightly more than half of the reviewed cases, Aboriginal people in segregation were visited by the Regional Aboriginal Pathways Officer at least once. In a few cases, multiple visits were made. In a handful

125 Trevor Ma, 'Time won't heal: a psychiatrist's view from inside our jails', *The Australian*, 15 August 2025.

126 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.4 Segregation (version 1.6, 14 August 2024) 14.

127 For example, Inspector of Custodial Services, *Inspection of Shortland Correctional Centre and Cessnock Correctional Centre 2023*, 67.

of cases, custodial case notes recorded an Aboriginal Mentor¹²⁸ visiting people in segregation, though these visitors are not required to record case notes. The COPP directs Governors to provide Aboriginal people in segregation with access to an Aboriginal inmate delegate¹²⁹ but we found very little evidence in custodial case notes of this occurring.

Recommendation: CSNSW ensures that every correctional centre has an Aboriginal Mentor program with sufficient capacity that Aboriginal people in segregation can receive visits by Aboriginal Mentors on a regular and as required basis.

Recommendation: CSNSW ensures that correctional centres facilitate the regular access of Aboriginal inmate delegates to Aboriginal people in segregation.

3.7 Segregation of people with intellectual disabilities

The significant overrepresentation of people with intellectual disabilities in segregation is concerning. As outlined above in section 3.1, more than one in four prisoners in segregation have an intellectual disability, nearly double the rate within the overall prison population. 45 of the 128 prisoners represented in the reviewed sample had an identified disability, the great majority of which were intellectual disabilities. At least four prisoners with disabilities in the reviewed sample spent in excess of three months in segregation.

It is clear that CSNSW needs to do more to reduce the number and duration of people with intellectual disabilities in segregation. CSNSW's policy on prisoners with disabilities claims that CSNSW 'ensures the safe and equitable management of inmates with disabilities, and provides services and programs to meet their needs in line with relevant state and federal legislation'¹³⁰ but does not provide any specific guidance, direction or interventions to correctional centre staff other than when escorting or interviewing prisoners with disabilities.

In many of the reviewed cases, there was no consideration evident in any records that the person's disability may have contributed to the issue or incident which resulted in their segregation. In a small number of cases, the presence of a disability alert in OIMS was not even mentioned in reports justifying the segregation direction. This does not mean it was unnecessary to remove the person from the population. However, correctional centre staff did not appear to consider that additional support for the person to manage their well-being may assist them to return successfully and more quickly to a normal routine. There were numerous accounts within custodial case notes of challenging behaviours continuing or escalating while in segregation.

In many cases, correctional centre records identified that a prisoner had been and/or will be receiving disability support while living in the community. However, we did not find any references to additional support or adjustments being provided to them in the segregation environment other than regular engagement by psychologists in some cases. There were several examples of a person with an intellectual disability not being seen by a psychologist while in segregation. This is likely due to resourcing constraints. Many correctional centres in NSW have long-term vacancies in psychology positions due to chronic recruitment challenges.¹³¹ In some cases, Statewide Disability Services (SDS) made a case note indicating it was aware that the person had been involved in an incident and was available to provide consultation and support to correctional staff working with them. However, we found only one recorded instance of SDS being consulted for advice.

In some cases, the psychologist provided advice to the custodial staff tasked with managing the prisoner but in many cases did not. Prisoners often raised concerns with the psychologist about something which was causing them distress in the segregation environment. For example, one person

128 Aboriginal Mentors are members of the local Aboriginal community who visit correctional centres to perform functions including promoting the cultural awareness and mentoring capacity of staff and supporting Aboriginal prisoners adjusting to custody, during critical incidents, and accessing programs and education - Corrective Services NSW, *Custodial Operations Policy and Procedures*, 11.6 Aboriginal community mentors (version 1.1, 12 March 2020).

129 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.4 Segregation (version 1.6, 14 August 2024) 14.

130 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 6.9 Inmates with disabilities (version 1.4, 18 August 2023) 1.

131 As identified during recent inspections of facilities including Macquarie CC, Wellington CC and Clarence CC.

reported that being located in the next cell to a prisoner who yelled and banged on walls was causing them significant distress.

While in custody, people with disabilities are likely to rely on assistance from their peers, especially cell mates, with day-to-day tasks. In segregation, they are removed from these sources of support. It is particularly incumbent on officers working in segregation units and MPUs to ensure they are providing the assistance and adjustments required by people with disabilities and recording this in case notes.

Good practices

A helpful mechanism at Clarence CC is the complex case review meeting (CCRM), a multidisciplinary committee which includes mental health staff, the senior psychologist and a senior centre managers. Several people in segregation, including people with disabilities, were referred by custodial staff to the CCRM for advice with management strategies and to ensure appropriate referrals and other interventions were made.

At Clarence CC, a woman who had a full-time carer in the community was placed into segregation three days after being received into custody. Staff quickly undertook to develop a management plan and referred her to mental health staff and the CCRM. An associated disciplinary matter was adjudicated with consideration of her intellectual disability and resulted in only a caution.

In another case at Clarence CC, custodial case notes regarding a man with an intellectual disability and mental health concerns demonstrated that officers understood that he experienced challenges in managing his behaviour and responded with patience and appropriate discretion to his antisocial behaviour. However, custodial staff were not proactive in making referrals to support him. Community Corrections staff made referrals to psychology, the NDIS and SDS including to request consideration of placing the man in an additional support unit (ASU) at the MSPC. If the man had not been involved with Community Corrections due to a possible release date approaching, it is unclear whether or when these steps would have been taken.

Recommendation: CSNSW develops a strategy to improve support to people in custody with intellectual disabilities and reduce their representation in segregation.

Recommendation: CSNSW provides training to custodial staff about making referrals to support services for people with disabilities and consulting SDS for advice about support needs in segregation.

Recommendation: CSNSW considers whether correctional centres would benefit from establishing mechanisms similar to the CCRM at Clarence CC.

4 Protective custody

Section 11 of the CAS Act allows the Commissioner or a Governor to remove a prisoner from associating with other prisoners if they believe there is a threat to their personal safety or if the prisoner has requested this in writing. A Governor who does this must notify the Commissioner of that fact and the grounds on which the protective custody direction was made. A direction made by a Governor does not apply if the prisoner is transferred to another correctional centre.

Section 12 of the CAS Act describes the effect of protective custody:

- (1) 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.
- (2) An inmate who is 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.

The CAS Regulation requires that:

An inmate who is confined to cell for the purposes of punishment, or under a segregated or protective custody direction, must be kept under daily observation by a prescribed health officer and have access to essential medical care.¹³²

4.1 Rates of usage, durations and vulnerable groups

During the six months from 1 July 2023 to 31 December 2023, there were 22,383 people detained in custody in NSW. In the same period, a prisoner was placed in protective custody 484 times, a ratio of 2.2 times for every 100 people in custody.¹³³

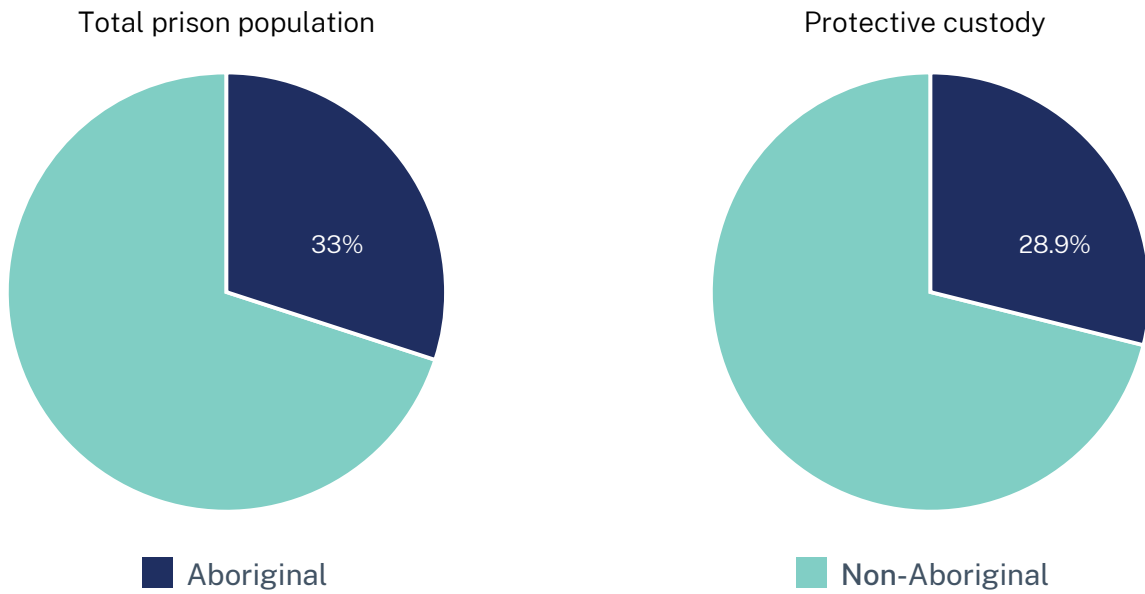
210 (43.4%) of protective custody directions (1,353) lasted 14 days or fewer. 98 (20.2%) were extended beyond 14 days but not beyond 3 months. 176 (36.4%) exceeded 3 months. No protective custody direction which commenced during this period exceeded 6 months. This does not mean that there were no prisoners in protective custody for longer than six months, only that none of the prisoners placed under a protective custody direction between 1 July 2023 and 31 December 2023 spent more than six months under that direction.

Aboriginal people are slightly underrepresented in protective custody. Of the 22,383 people in custody from 1 July 2023 to 31 December 2023, 7,397 (33%) identified as Aboriginal or Torres Strait Islander. Of the 484 instances of protective custody, 140 (28.9%) involved an Aboriginal or Torres Strait Islander person.

¹³² *Crimes (Administration of Sentences) Regulation 2014*, cl 289.

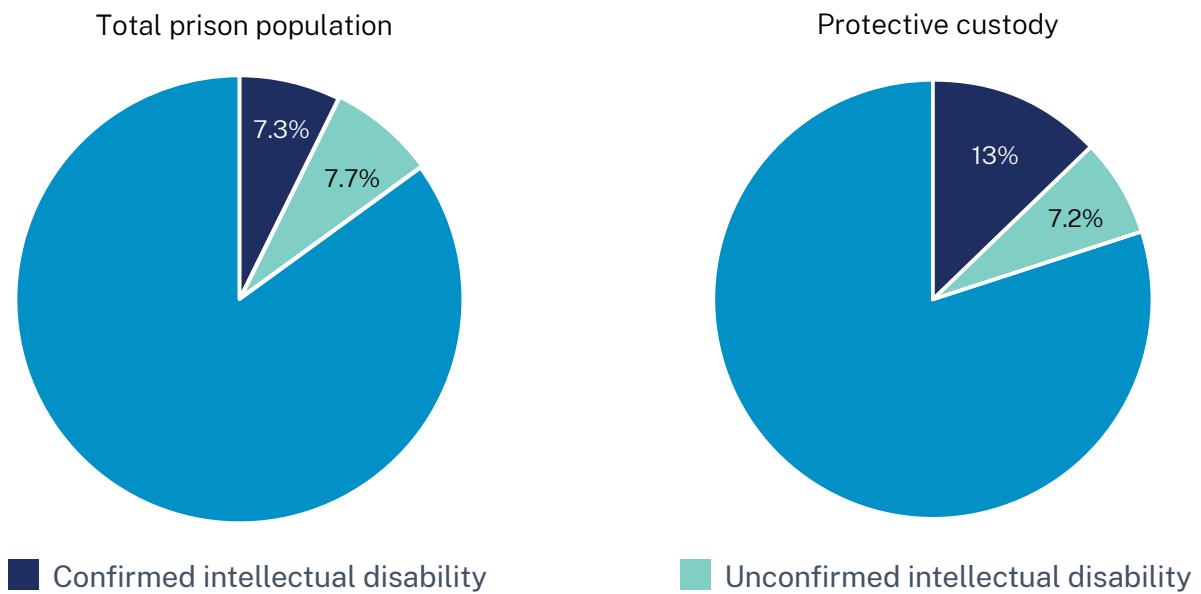
¹³³ All data in section 4.1 was provided by Corrective Services NSW, 11 April 2024.

Figure 4: Aboriginal people in the total prison population (left) and in protective custody (right) between 1 July 2023 and 31 July 2023



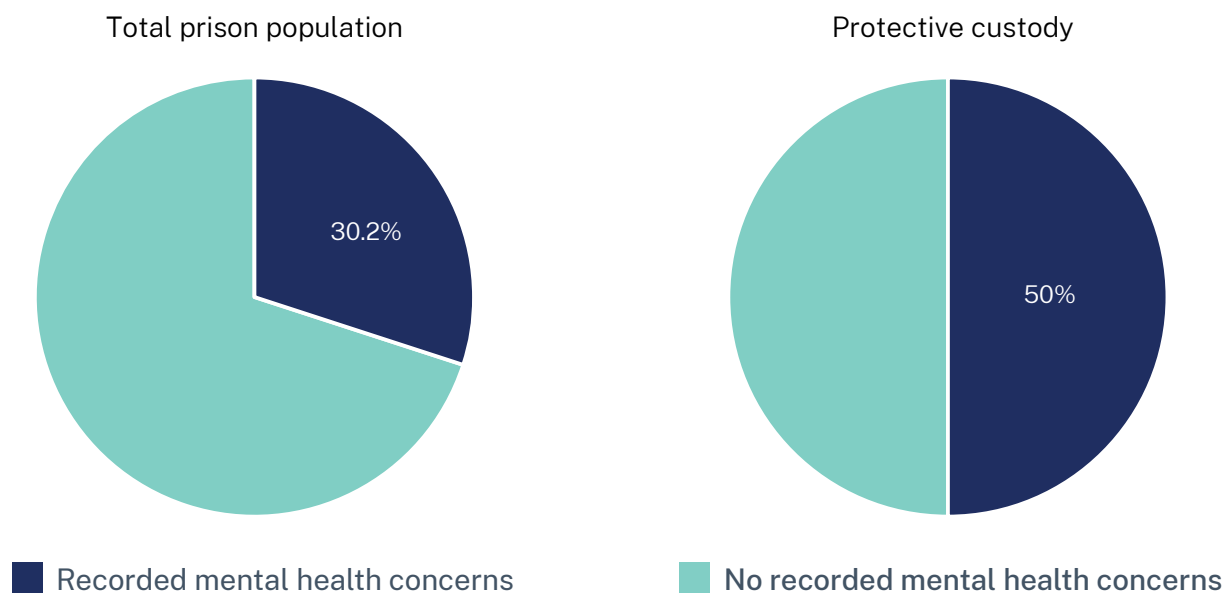
People with confirmed intellectual disabilities are heavily overrepresented in protective custody while those with unconfirmed disabilities are represented proportionately. Of the 22,383 people in custody from 1 July 2023 to 31 December 2023, 1,641 (7.3%) had a confirmed intellectual disability and 1,728 (7.7%) had an unconfirmed intellectual disability. Of the 484 instances of protective custody, 63 (13%) involved a person with a confirmed intellectual disability, while 35 (7.2%) involved a person with an unconfirmed intellectual disability.

Figure 5: Persons with intellectual disabilities in the total prison population (left) and in protective custody (right) between 1 July 2023 and 31 July 2023



People with recorded mental health concerns are also heavily overrepresented in protective custody. Of the 22,383 people in custody from 1 July 2023 to 31 December 2023, 5,756 (30.2%) had one or more recorded mental health concerns. Of the 484 instances of protective custody, 242 (50%) involved persons with recorded mental health concerns.

Figure 6: Persons with recorded mental health concerns in the total prison population (left) and in protective custody (right) between 1 July 2023 and 31 July 2023



4.2 Policy and procedures

Procedures, reviews and procedural fairness

The protective custody policy states that it should only be considered for prisoners who have a localised, evidenced and recent threat to their personal safety and if there is no other management option available. Consideration should first be given to managing the risk through non-association alerts, a special management area placement, or transfer to another correctional centre.¹³⁴ The policy then states that protective custody should only be considered a short-term option while other suitable housing options are considered.¹³⁵

A Governor or Manager of Security can issue a protective custody direction for up to 14 days. A functional manager can also do this but only in the absence of both the Governor and MOS. This can occur after a prisoner has requested this by writing to the Commissioner or on the Governor's own initiative. In both cases, the Governor must form the opinion that associating with other prisoners would threaten the personal safety of the prisoner.¹³⁶

While section 12 of the CAS Act allows prisoners to be placed in protective custody with limited association with certain other prisoners, policy currently does not. An alternative form of protective custody previously existed until 8 November 2020 which allowed this. It was commonly referred to as PRLA (the LA standing for 'limited association') as distinct from the current form PRNA (where the NA stands for 'nil associations'). CSNSW discontinued PRLA on the expectation that most of the affected prisoners could be managed as SMAP. The rationale for the decision was explained:

As SMAP placements only need to be reviewed every twelve months by the Functional Manager, the deletion of PRLA placements will mean a significant reduction in the work load of senior officers across the state, with no impact on the safe and secure management of correctional centres.¹³⁷

¹³⁴ Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.2 Protective custody (version 1.7, 14 August 2022) 5.

¹³⁵ Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.2 Protective custody (version 1.7, 14 August 2022) 5.

¹³⁶ Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.2 Protective custody (version 1.7, 14 August 2022) 5.

¹³⁷ Assistant Commissioner's memorandum, custodial corrections no: 2020/25, 'Changes to COPP 3.2 Protective custody and associated policies' (30 October 2020).

Before a prisoner is placed in protective custody, an officer must interview them and complete the 'assessment tool: inmate under threat' to determine the most appropriate management option. If the prisoner has not requested protective custody, the reasons for the direction must be explained. They must be advised of the right to appeal to SORC if the direction is extended beyond 14 days and directed to sign an 'inmate acknowledgement form' to confirm these steps have been taken. The GM, SWO must be notified of the direction. JH&FMHN must be notified of all prisoners placed in protective custody.¹³⁸

All protective custody directions must be reviewed in accordance with section 16 of the Act, which requires an initial report within 14 days, a Commissioner (or delegate) review within seven days of the initial report, and ongoing three monthly reviews.¹³⁹

When a Governor has determined that it is necessary to extend a protective custody direction beyond 14 days, different procedures apply depending whether the protective custody was requested by the prisoner or initiated by the Governor. In the first case, the prisoner must provide a new written request and be interviewed again. The Governor will then forward their review to the GM, SWO. In the latter case, an officer must complete a fresh 'assessment tool – inmate under threat' before the Governor forwards their report to the GM, SWO who must confirm, amend or revoke the direction with seven days. An extended direction is valid for three months (inclusive of the original 14 days).¹⁴⁰

Further extensions of three months at a time can be made by repeating these procedures. There is no limit to how many times a direction can be extended. A Governor can revoke a direction at any time if the prisoner can be managed safely in another way.

The Commissioner must review and confirm all directions, not requested by the prisoner, which exceed six months.¹⁴¹ The Commissioner is required to notify the Minister for Corrections about every protective custody direction initiated by a Governor which exceeds six months.¹⁴²

If protective custody is requested by a prisoner but subsequently becomes at the Governor's initiative, or vice versa, the first direction must be revoked and a new direction made to reflect this and apply the respective procedure.

When SORC reviews an extended direction for protective custody, it must consider:

- the legality of the protective custody direction
- the reasonableness of the direction
- whether the direction was necessary to secure the personal safety of the inmate or any other person
- whether the direction is in the interest of the public.

SORC then makes a decision to confirm, amend or revoke the direction. The chairperson of SORC can also make a direction to suspend the direction or to transfer the prisoner to another correctional centre. Governors are obliged to enforce SORC decisions but can issue new protective custody directions if new information is received.¹⁴³

Conditions

The Governor (or delegate) must ensure that an inmate who is held in protective custody:

- is not to suffer any reduction of diet
- is not to be deprived of any rights or privileges other than those determined by the

138 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.2 Protective custody (version 1.7, 14 August 2022) 9-12.

139 *Crimes (Administration of Sentences Act) 1999*, s 16.

140 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.2 Protective custody (version 1.7, 14 August 2022) 10-14.

141 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.2 Protective custody (version 1.7, 14 August 2022) 15-16.

142 Section 18 *Crimes (Administration of Sentences Act) 1999*; Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.2 Protective custody (version 1.7, 14 August 2022) 7.

143 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.2 Protective custody (version 1.7, 14 August 2022) 23-24.

Commissioner under section 12 of the CAS Act, and other than those deemed necessarily incidental to the holding of the inmate in protective custody.¹⁴⁴

Daily welfare checks and case notes

Unlike the segregation policy, the protective custody policy in the COPP does not mandate daily welfare checks and case notes, despite the conditions experienced by prisoners under the two regimes being very similar.

The CAS Regulation requires daily checks by a member of the health service.¹⁴⁵ In line with this requirement, JH&FMHN policy mandates that a person in protective custody at the direction of a Governor must be reviewed within 24 hours and then daily by a primary care nurse in-person.¹⁴⁶ Although we did not examine JH&FMHN records in this review, we observed during our visits, inspections and review of custodial case notes that these checks generally were conducted. However, when case notes are not entered, this practice cannot be verified. The COPP requires CSNSW personnel to assist and give prompt access to JH&FMHN when conducting assessments of people held in protective custody.¹⁴⁷

Protective custody of Aboriginal people and people with intellectual disabilities

The COPP makes no mention of Aboriginal people or people with disabilities in relation to protective custody. This is despite the increased vulnerability of these two groups in the context of being confined and isolated from human interaction and the significant overrepresentation of people with intellectual disabilities in protective custody.

Protective custody of people with a mental illness

When a prisoner with a diagnosed or suspected mental illness is placed in protective custody, they must be managed collaboratively with health staff to identify, assess and manage risks to their well-being and safety. The Governor may approve for mentally unwell prisoners to be placed in a cell other than a designated protection cell. CSNSW staff must also inform the assessing nurse of any information that would influence the assessment, for example, an upcoming transfer or deportation, the death or illness of a family member or friend, a change to the prisoner's classification, recent irrational behaviour or recent correctional centre offences.¹⁴⁸

Recommendation: CSNSW amends the COPP protective custody policy to mandate daily welfare checks and case notes.

Recommendation: CSNSW develops a strategy to reduce the number of Aboriginal people and people with intellectual disabilities in protective custody and to provide additional support when this is unavoidable.

4.3 Compliance with legislation and procedures

Governor's directions and reviews

We found that almost every direction in the sample we reviewed was supported by clear details of a serious threat which could not be satisfactorily managed through other available means. There were only a very small number of instances which lacked evidence of a serious threat or where the 'assessment tool – inmate under threat' was not completed in sufficient detail to demonstrate why alternative management options were unsuitable.

144 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.2 Protective custody (version 1.7, 14 August 2022) 5-6.

145 *Crimes (Administration of Sentences) Regulation 2014*, cl 289.

146 Justice Health and Forensic Mental Health Network, *Justice Health NSW Policy*, 1.360 Segregated custody and mandated protection (version 8, 2 November 2023), 6.

147 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.2 Protective custody (version 1.7, 14 August 2022) 17.

148 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.2 Protective custody (version 1.7, 14 August 2022) 17.

54 of the 75 directions in the sample we reviewed were made after a request by the prisoner. Two of these were issued after a previous direction initiated by a Governor was revoked.

Governors frequently conducted their reviews outside the timeframes required in the procedures within the COPP except at Clarence CC. Only one of 25 reviews by the Governor at Mid North Coast CC was conducted on time. Of particular concern is the extent of the lateness of many Governor’s reviews including in the cases of highly vulnerable prisoners and those in extremely prolonged protective custody. At MRRC, 10 reviews by the Governor were late by 10 or more days. At Mid North Coast CC, 13 reviews by the Governor were late by 10 or more days. In one instance, the Governor’s review was late by 32 days and by 25 days in another. When a Governor does not review a protective custody direction until after its expiry, the prisoner’s ongoing placement in isolation from other prisoners becomes unlawful.

The GM, SWO mostly completed reviews of directions initiated by a Governor within seven days.

Table 3 outlines the extended directions which were reviewed within and outside policy timeframes. In compiling these figures, we regarded a Governor’s review of an initial direction as being on time if it was completed within the initial 14 day period. We did not count reviews conducted only a single day outside the timeframe as late to allow for practical considerations such as unplanned leave or the forwarding of the review to the GM, SWO outside of regular business hours.

Table 3: Timeliness of reviews for extended protective custody directions¹⁴⁹

Correctional Centre	Governor’s review on time	Governor’s review late	GM, SWO’s review on time	GM, SWO’s review late	No evidence of GM, SWO’s review
Clarence CC ¹⁵⁰	9	0	0	0	0
MRRC	14	18 ¹⁵¹	11	1	0
Parklea CC ¹⁵²	4	5	3	2	0
Mid North Coast CC	1	24	2	0	2

Of the 21 prisoners whose directions were initiated by a Governor, not one requested an application for review by SORC. Similarly to what we found with segregation directions, record keeping was poor in relation to the inmate acknowledgement form.

Table 4: Requests for SORC application forms

SORC application requested?	Number
Yes	0
No (marked by a handwritten tick/cross)	8
No (‘do not request’ pre-selected electronically)	4
No selection made	3 ¹⁵³
Acknowledgement form missing from the records	6

149 The records were littered with erroneous dates in relation to the commencement of directions and scheduled reviews. As a result, the figures in this table may not be entirely reliable.

150 For one direction, the most recent review was missing from the records provided to us.

151 A direction reviewed by the MRRC Governor had commenced at Hunter CC and should have been reviewed by that centre’s Governor as the prisoner was still in protective custody at Hunter CC at the expiry of the initial direction. The MRRC Governor should have initiated a new direction instead of reviewing the previous one as s 11 of the CAS Act states that a Governor’s direction does not apply when the prisoner is at another correctional centre. The GM, SWO should have revoked the direction instead of confirming it.

152 Five Governor’s reviews were not dated making it impossible to determine whether the reviews were conducted on time.

153 One of these prisoners refused to engage in discussion with the officer presenting the inmate acknowledgement form.

As discussed in section 4.6, it is important that officers keep proper records in relation to the inmate acknowledgement form.

The records contained numerous basic errors including incorrect options being ticked and dates which were incorrect or missing.

Protective custody is not a short-term measure in practice

It is clear that for many prisoners, protective custody is not a short-term option resolvable through 'suitable housing options'. The sample of protective custody directions revealed that across just eight correctional centres, 14 people had been in protective custody for more than a year. One person's time in protective custody was approaching five years, another exceeded three and a half years and another exceeded 18 months. Although inmates housed in protective custody have daily contact with correctional officers and health staff, and may be referred to services provided by non-custodial staff¹⁵⁴, the long term isolation and lack of meaningful interaction with other people in custody carries serious risks of psychological harm.

The grounds for the majority of the protective custody directions in the sample we reviewed related to the prison population being aware of information about the prisoner which is permanent in nature, e.g. their criminal charges, their previous employment, or their status within an outlaw gang. For many of these prisoners, it is unlikely they will ever be able to live within the general prison population.

We believe it would be worthwhile to review the current protective custody cohort to assess whether the reinstatement of PRLA would allow at least some of these prisoners to have a level of safe interaction with their peers. It may be possible, for example, to safely co-locate prisoners who are at risk for similar reasons following a careful assessment of risk. We have previously recommended that CSNSW considers reinstating PRLA due to concerns for prisoner safety arising from the mixing of different cohorts within SMAP populations.¹⁵⁵

One prisoner in the sample was assessed as 'not suitable for SMAP because he was sexually abused as a child and would be triggered living around sex offenders'. This reaffirms the need for the return of PRLA or separation of SMAP cohorts.

The removal of the PRLA option appears to have contributed to the unacceptable situation at MRRC described in section 3.5. On 1 May 2025, there were 139 prisoners being managed under PRNA directions at MRRC. The vast majority of these people had been placed in protective custody due to affiliations with outlaw gangs and would have previously been managed on separation directions.¹⁵⁶ Following the discontinuation of separation (see section 5.2), the only option to manage a prisoner who is at risk of harm by others but unsuitable for placement within SMAP is protective custody. With neither PRLA nor separation available, this group of prisoners can only be managed as PRNA, thereby precluded from associating with any other prisoners and required to access time out of cell alone. The high volume of protective custody prisoners at MRRC should be reduced as a matter of urgency.

CSNSW should ensure that 'suitable housing options' are available for as many prisoners as possible to live under a normal prison routine alongside prisoners who would not present threats to their safety. There are currently very few placement options available in NSW where this can occur.

Through our visits and inspections, we became aware of positive practices at several correctional centres which allowed prisoners in protective custody to associate safely with a small number of other vulnerable prisoners. Parklea CC allowed certain protective custody prisoners to associate with other protective custody prisoners during exercise time following a risk assessment and approval by the Governor. Examples included two men at risk due to similar employment histories and two men who were related. At another correctional centre, we learned that the Governor had revoked the

154 Information provided by Corrective Services NSW, 4 February 2026.

155 For example, Inspector of Custodial Services, *Inspection of Shortland Correctional Centre and Cessnock Correctional Centre 2023*, 30 and Inspector of Custodial Services, *Inspection of South Coast Correctional Centre 2023*, 50.

156 Information provided by staff during our visit on 1 May 2025.

protective custody directions of several people in 2024 and instead managed them under separation directions in order to allow them to attend work, participate in education, and use the gym as a group. Without the option of either separation or PRLA, this kind of initiative is not currently possible.

At another correctional centre, several prisoners in long-term protective custody had been successfully integrated into the general population. We spoke with two of these men who confirmed to us that they felt very safe living amongst other prisoners.

We were also pleased to see a prisoner in long-term protective custody provided with opportunities for meaningful engagement in an MPU. This man was allowed to spend a number of hours each day out of his cell painting a large mural on an internal wall of the MPU. Staff had prepared a plan to reintegrate the man into the population.

We observed protective custody prisoners sometimes being employed as 'sweepers' (cleaners) in MPUs. This is a positive opportunity but can only be provided to a limited number of people. CSNSW acknowledges this is because work opportunities and access to education is site-specific and generally limited due to the nature of protective custody orders.¹⁵⁷

In theory, case management officers are responsible for providing comprehensive support and delivering individual interventions to sentenced inmates in protective custody who have been assessed as eligible for criminogenic programs.¹⁵⁸ However, in practice this proves difficult and most prisoners in long-term protective custody will never access opportunities for rehabilitation and will be released from custody at the expiry of their sentences untreated and unprepared for life in the community.

Daily welfare checks and case notes

Daily welfare checks and case notes are not required by the protective custody policy. Despite this, cases notes were entered daily or almost daily at Clarence CC. This is good practice. At Parklea CC, case notes were entered on most days but many of these were simply copied and pasted from previous entries.¹⁵⁹ At Mid North Coast CC, case notes were entered inconsistently at an average rate of two to four per week. After prisoners were transferred to Shortland CC or Hunter CC, case notes were entered on most days. Case notes were not entered at MRRC unless something out of the ordinary had occurred. The absence of daily welfare checks and case notes presents increased risks, particularly in the case of Aboriginal people and people with disabilities.

Health staff conduct daily checks on adults in protective custody, including adults confined to cell for punishment, as required by Justice Health NSW policy 1.360.¹⁶⁰

Within the reviewed sample, we found several cases of highly vulnerable people in protective custody at MRRC including:

- an Aboriginal man with claustrophobia and an intellectual disability
- an Aboriginal man with a disability who was noted by both the RIT and a psychologist to be exhibiting signs of paranoia
- a man with a profound intellectual disability described by a functional manager as 'child like'
- a man experiencing paranoia and auditory hallucinations who was subsequently moved to the mental health screening unit

Examples such as these highlight the need for staff to check on the welfare of people in protective custody daily and to record this in case notes.

¹⁵⁷ Information provided by Corrective Services NSW, 4 February 2026.

¹⁵⁸ Information provided by Corrective Services NSW, 4 February 2026.

¹⁵⁹ CSNSW advised that non-compliance with output specifications of the Parklea Correctional Centre operating deed will be addressed with the operator for remedial action.

¹⁶⁰ Information provided by Justice Health and Forensic Mental Health Service, 19 December 2025.

Other concerns

The provision in the protective custody policy which requires a direction to be revoked and replaced with a new direction when the person requesting it switches from the Governor to the prisoner, or vice versa, has the effect of resetting the record of the duration of their time in protective custody and deferring the mandatory notification to the Minister for Corrections by six months.

Recommendation: CSNSW ensures that Governors are aware of and meet the timeframes required for the review of protective custody directions.

Recommendation: CSNSW reviews the current protective custody cohort to assess whether the reinstatement of PRLA would allow some prisoners to safely associate with selected other prisoners.

Recommendation: CSNSW urgently takes steps to ensure prisoners in protective custody at MRRC receive their statutory minimum entitlements.

5 Separation

Section 78A of the CAS Act allows for an inmate or groups of inmates to be held separately from other inmates in a correctional centre for the purposes of the care, control or management of the inmate or group of inmates. Section 78A does not appear to provide an exhaustive list of grounds within the meaning of 'care, control or management' but states at section 78A(3):

In particular, inmates may be separated because of a requirement of this Act or the regulations, because of the classification or designation of the inmates, because of the nature of any program being undertaken by the inmates or because of any intensive monitoring that is required of the inmates.

Clause 33 of the CAS Regulation states that '[a]s far as practicable, inmates of a particular class are to be kept separate from inmates of another class' and defines these classes as:

- a) convicted inmate
- b) unconvicted inmate
- c) civil inmate
- d) Commonwealth post sentence terrorism inmate
- e) NSW post sentence inmate.

Clause 34 of the CAS Regulation states '[f]emale inmates must be kept separate from male inmates except in the circumstances and under the supervision that the Commissioner determines'.

Clause 35 of the CAS Regulation states that '[i]nmates found or suspected to be in an infectious or verminous condition may be kept separate from other inmates'.

5.1 Rates of usage, durations and vulnerable groups

During the six months from 1 July 2023 to 31 December 2023, there were 22,383 people detained in custody in NSW. In the same period, a prisoner was separated 1,445 times under the category of 'at risk' or 'other' (requiring Assistant Commissioner approval),¹⁶¹ a ratio of 6.5 separations for every 100 people in custody.¹⁶²

Almost all separations commencing in this period were for short periods. Only two exceeded 28 days. However, this is not typical. At least 85 of the 178 prisoners in the samples from 1 April 2024 and 1 July 2024 across eight correctional centres were separated for periods exceeding 14 days. At the major reception facilities, MRRC and Parklea CC, several people remained in separation for more than 70, and even 100, days. CSNSW noted it is committed to ensuring that practices align with legislative requirements and that inmates subject to separation receive appropriate monitoring, welfare checks, and access to services consistent with their circumstances.¹⁶³

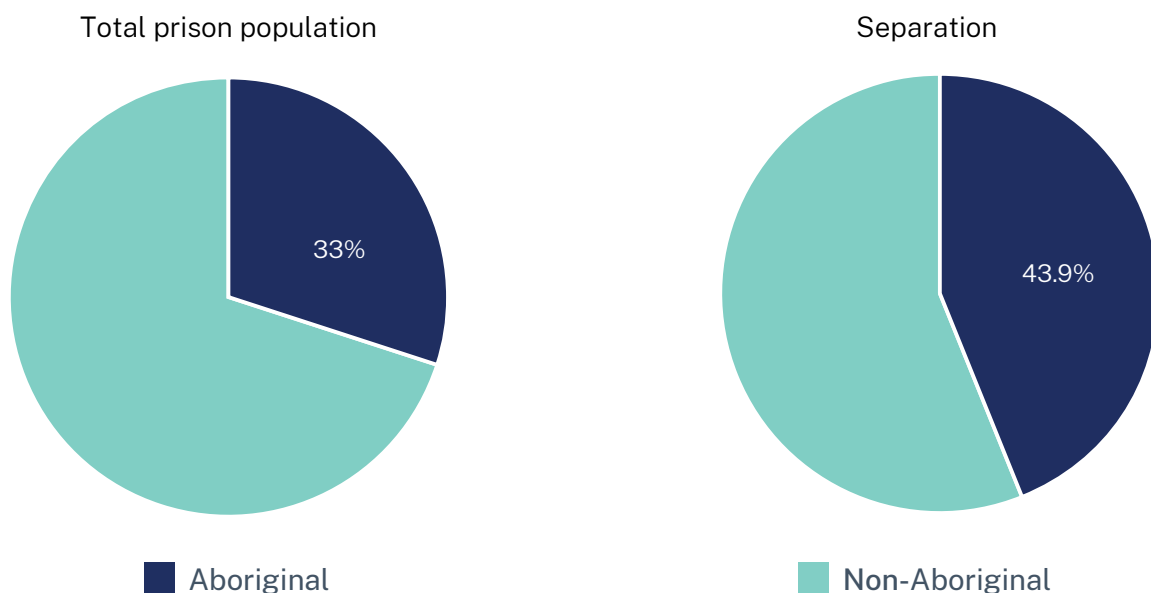
Aboriginal people were overrepresented in separation. Of the 22,383 people in custody from 1 July 2023 to 31 December 2023, 7,397 (33%) identified as Aboriginal or Torres Strait Islander. Of the 1,445 periods of separation, 634 (43.9%) involved an Aboriginal or Torres Strait Islander person.

¹⁶¹ In order to avoid errors due to the possibility of separation occurring for multiple, concurrent reasons and thus inadvertently counting a single direction multiple times, only these two categories are counted here. The categories of gender, health and gang affiliation have been excluded from this analysis.

¹⁶² All data in section 5.1 was provided by Corrective Services NSW, 11 April 2024.

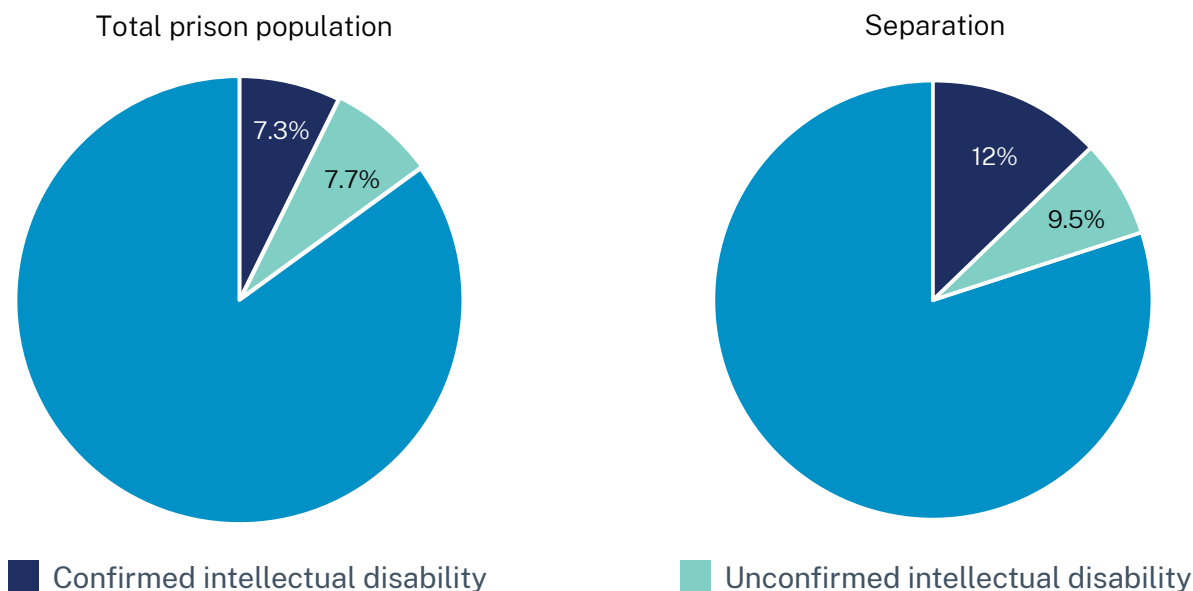
¹⁶³ Information provided by Corrective Services NSW, 4 February 2026.

Figure 7: Aboriginal people in the total prison population (left) and in separation (right) between 1 July 2023 and 31 July 2023



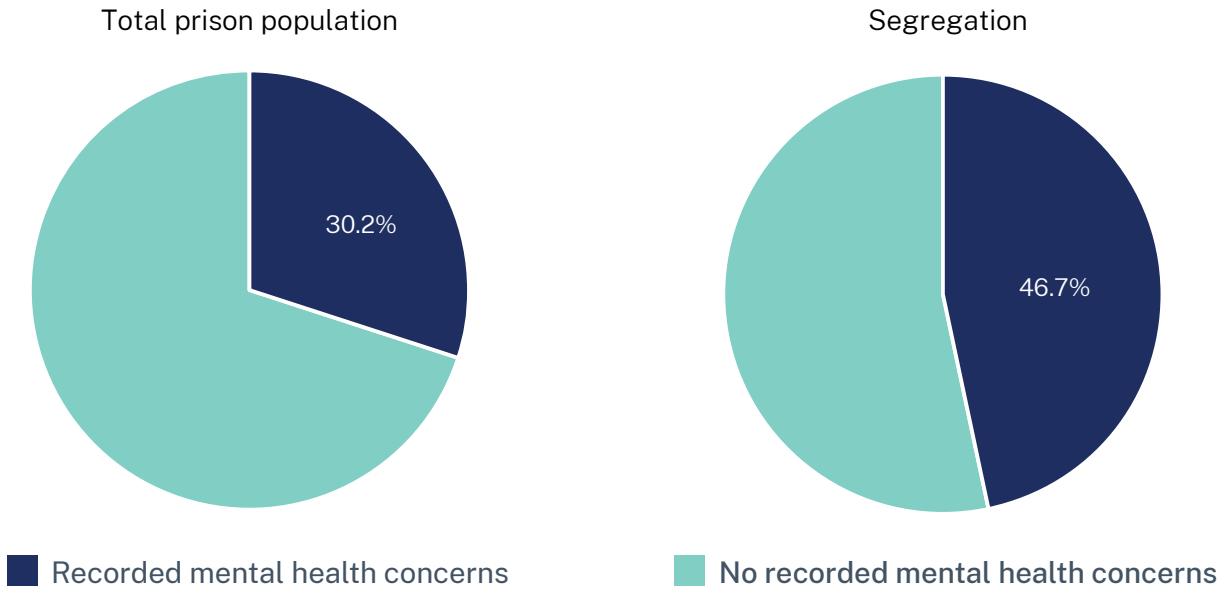
People with intellectual disabilities were also overrepresented in separation. Of the 22,383 people in custody from 1 July 2023 to 31 December 2023, 1,641 (7.3%) had a confirmed intellectual disability and 1,728 (7.7%) had an unconfirmed intellectual disability. Of the 1,445 periods of separation, 174 (12%) involved a person with a confirmed intellectual disability and 137 (9.5%) involved a person with an unconfirmed intellectual disability.

Figure 8: Persons with intellectual disabilities in the total prison population (left) and in separation (right) between 1 July 2023 and 31 July 2023



People with recorded mental health concerns were heavily overrepresented in separation. Of the 22,383 people in custody from 1 July 2023 to 31 December 2023, 5,756 (30.2%) had one or more recorded mental health concerns. However, of the 1,885 periods of segregation, 880 (46.7%) involved persons with recorded mental health concerns.

Figure 9: Persons with recorded mental health concerns in the total prison population (left) and in separation (right) between 1 July 2023 and 31 July 2023



5.2 Policy and procedures

Until it was removed in early 2025, the COPP outlined five specific grounds for separation:

- Gender – where, in special circumstances, an inmate is held in a centre which does not ordinarily hold inmates of their gender;
- Health – where there is a risk to the general population from infectious or contagious disease;
- Risk – from others but only pending re-classification or relocation;
- Affiliation with an outlaw motorcycle gang or organised crime network; or
- Any other reason, but only with the approval of the Assistant Commissioner, Custodial Corrections.¹⁶⁴

Other than gender and health (authorised by clauses 34 and 35 of the CAS Regulation), it is not clear that these grounds for separation were authorised by legislation.

CSNSW appears to have acknowledged this and suspended the use of separation directions on 19 December 2024, noting that section 78A of the CAS Act ‘on its own does not give the power to separate inmates’. CSNSW staff were directed to use segregation or protective custody directions instead.¹⁶⁵

The separation policy noted that separation is not a form of punishment and should only be used as a short-term measure. Separated inmates were entitled to the same rights, privileges and amenities as prisoners in normal discipline. Privileges or amenities could only be suspended following proven correctional centre offences.¹⁶⁶

The separation policy did not provide robust procedures to ensure adequate oversight or safeguards.

A Governor was able to issue a direction to separate a prisoner for up to 14 days. If a longer period was required, Governors needed to receive the approval of the GM, SWO to continue the separation. This approval would be for a further 28 days, and further approval had to be sought for each subsequent 28 day period of separation.¹⁶⁷ However, unlike segregation, there was no requirement

¹⁶⁴ Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.1 Separation of inmates (version 1.6, 14 August 2024) 4.

¹⁶⁵ Deputy Commissioner’s memorandum, security and custody no: 2024/52, ‘Changes to separation of inmates for safety or protection’ (19 December 2024).

¹⁶⁶ Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.1 Separation of inmates (version 1.6, 14 August 2024) 4.

¹⁶⁷ Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.1 Separation of inmates (version 1.6, 14 August 2024) 4.

for a Governor to notify the Commissioner when issuing a separation direction. This meant that a Governor could simply revoke a separation direction and replace it with a new one without any oversight from CSNSW head office. We found examples of this in the sample we reviewed. It also allowed Governors to revoke a segregation direction on its 14th day and immediately issue a separation direction, avoiding the requirement to obtain the GM, SWO's approval to extend the segregation direction. We also found examples of this within the sample.

With the approval of the GM, SWO, separation directions could be extended indefinitely with no requirement to notify the Commissioner or Minister for Corrections at any point.

Before issuing or extending a separation direction, an assigned officer was required to complete an 'assessment tool: inmate under threat' and determine that separation was the most appropriate management strategy.¹⁶⁸ Alternative strategies included a change to the prisoner's cell or accommodation unit, adding a non-association alert to prevent placement with other prisoners who pose a threat, placement in protective custody and placement in SMAP. Use of the 'assessment tool: inmate under threat' is a practice consistent with the *Guiding Principles for Corrections in Australia* which define segregation and separation as:

Separate confinement of a prisoner deemed necessary following evidence based assessments for the protection and safety of others where there is no other reasonable way to manage the risk/s to safety, security, or good order and discipline of the correctional centre.¹⁶⁹

There was no right of a prisoner to appeal a separation direction. The policy allowed prisoners to lodge complaints by writing to the Custodial Director who was required to respond by writing to the Governor within 14 days. The Governor, in turn, was required to inform the prisoner of the Custodial Director's response.¹⁷⁰ There was no procedural requirement to ensure that prisoners were made aware of this right. There was no consideration in the policy of how prisoners with low literacy would access this right.

For mentally unwell prisoners, a management plan developed in collaboration with health staff was required. If the health staff believed that a prisoner's mental health was likely to deteriorate in separation, the Governor could still find that separation was necessary. Only in this instance were regular observations of the prisoner required.¹⁷¹ The CAS Regulation requires daily checks by a member of the health service on people held in segregation, protective custody and confinement but not separation.¹⁷²

Otherwise, there was no requirement for welfare checks or custodial case notes. This makes it very difficult for oversight bodies to verify whether separated prisoners had access to daily exercise.

In the case of mentally unwell prisoners, the Governor was required to allow a psychiatrist to examine the prisoner and include any recommendations by the psychiatrist in the extension request to the GM, SWO.

The separation policy contained no advice relating to the separation of Aboriginal prisoners and made no mention of any consideration of prisoners with disabilities.

We acknowledge that, in accordance with Deputy Commissioner Memorandum 2024/52, correctional centres were directed to cease issuing separation directions, and the relevant policy is currently under review.¹⁷³

168 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.1 Separation of inmates (version 1.6, 14 August 2024) 5.

169 Corrective Services Administrators' Council, *Guiding Principles for Corrections in Australia* (2018) 36.

170 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.1 Separation of inmates (version 1.6, 14 August 2024) 6.

171 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.1 Separation of inmates (version 1.6, 14 August 2024) 8.

172 *Crimes (Administration of Sentences) Regulation 2014*, cl 289.

173 Information provided by Corrective Services NSW, 4 February 2026.

5.3 Compliance with legislation and procedures

Separation was often used incorrectly

We found several examples within the sample of separation directions where separation was clearly not the appropriate management strategy. In some of these cases, the ‘assessment tool: inmate under threat’ was not used. As this document guides the officer’s consideration of possible management strategies, its use may have avoided these errors. 11 separation directions should have been segregation directions: seven at Clarence CC; three at Dillwynia CC; and one at Mid North Coast CC. In another case at Dillwynia CC, the grounds for separation were unclear. The only information noted as a reason was that health staff had provided advice that the prisoner should not share a cell.

Despite it being intended as only a short-term measure,¹⁷⁴ the sample contained numerous examples of prisoners being held in very prolonged durations of separation where protective custody clearly should have been used instead:

- One at Parklea CC where separation exceeded 210 days
- One at MRRRC where separation exceeded 154 days
- One at Parklea CC, one at Mid North Coast CC and one at Clarence CC where separation exceeded 126 days
- Two at Parklea CC where separation exceeded 98 days
- Two at MRRRC, one at Parklea CC and one at Clarence CC where separation exceeded 70 days
- 11 at MRRRC and six at Parklea CC where separation exceeded 42 days.

As the major reception centres in Sydney, Parklea CC and MRRRC receive high numbers of people entering custody. In line with CSNSW’s duty of care to all people in custody, those with possible links to organised crime networks or gangs need to be assessed prior to placement within the population. In addition, people charged or convicted of certain offences, who held certain occupations, who have disabilities or who are particularly vulnerable must be risk assessed to ensure their safety. This process, and the process of identifying and facilitating transfer to a suitable location, take time and may result in the person spending an extended period of time in isolation (previously on a separation direction or currently on a protective custody direction).¹⁷⁵

The GM, SWO should not have continued to approve the extension of these prolonged separation directions but should have advised Governors to issue protective custody directions. Holding prisoners in separation instead of protective custody denied prisoners access to reviews by SORC and avoided the required notifications to the Commissioner and Minister for Corrections.

As outlined elsewhere in this report, separation directions have also been used to continue a prisoner’s placement in a segregation unit or MPU after the revocation of a segregation direction. This practice can inadvertently disguise the true duration a prisoner had spent isolated from other prisoners in conditions not significantly different than segregation.

Governor’s directions and reviews

Many separation directions were not reviewed by the Governor before they expired. This was particularly prevalent at MRRRC where 24 directions were reviewed between two and eight days late. Two directions were not reviewed by the Governor at all. At Dillwynia CC, three directions were reviewed late by the Governor: by six, 14 and 25 days. One of these was only reviewed on the day of the prisoner’s release from custody. Six were reviewed late at Mid North Coast CC by between six and 17 days. Five directions at Parklea CC were reviewed late by between four and 12 days. One direction at Clarence CC was reviewed 14 days late and another was not reviewed at all.¹⁷⁶ CSNSW

174 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.1 Separation of inmates (version 1.6, 14 August 2024) 4.

175 Information provided by Parklea Correctional Centre, 2 December 2025.

176 Information provided by Corrective Services NSW, 4 February 2026, CSNSW maintained that Governors remain committed to reviewing matters within the required timeframes whilst balancing competing operational priorities.

was unable to provide evidence that two of the eight extended directions in the sample received from Mid North Coast CC were reviewed and approved by the GM, SWO.¹⁷⁷

We did not receive any separation directions from Silverwater Women's CC. It is likely that this was because there were no separation directions in place on the requested dates. When we visited Silverwater Women's CC on 25 March 2024, an officer expressed to us that a direction is not required to separate and keep a prisoner in their cell in the induction unit. This officer also advised us that unit staff or health staff can determine whether a prisoner can associate with other prisoners. This decision should rest with the Governor and be authorised by a lawful direction.

At Geoffrey Pearce CC, SMAP directions were incorrectly used to hold prisoners in the MPU. Case notes appeared to indicate that they were kept in cells during this period with exercise occurring only in the small yards connected to the rear of cells. We saw no information to suggest that the prisoners were allowed to move around the unit or interact with other SMAP prisoners in the MPU. This practice is unlawful as SMAP does not authorise this kind of restriction on the movement and associations of prisoners. We also found this occurring at Hunter CC when we inspected it in November 2024.

During our inspection of Hunter CC, we found that it was not uncommon for prisoners who felt unsafe in the dormitory environment to request to return to a traditional correctional centre. These prisoners would then be held in the MPU until this could be facilitated. However, they were not managed under a lawful direction while being held there.

Daily welfare checks and case notes

Daily welfare checks and custodial case notes were not required by the separation policy. Despite this, case notes were entered on a daily basis at Clarence CC and the SHU at MSPC, and on most days at Geoffrey Pearce CC. This is good practice. At Parklea CC, case notes were entered most days but these were often simply copy and pasted from previous days.¹⁷⁸ At Dillwynia CC and Mid North Coast CC, case notes were entered occasionally. No case notes were entered at MRRC or the ISU at MSPC.

Access to exercise

Some case notes showed that prisoners in separation who were accommodated in cells without an exercise yard connected at the rear were allowed to access for one hour each day, short of their statutory entitlement to a minimum of two hours of daily exercise. We found that the right to exercise was widely misunderstood by custodial staff managing prisoners in separation. During several inspections, we heard staff refer to a prisoner's 'one of hour of exercise' while in separation.¹⁷⁹ During our inspection of Cessnock CC in 2023, prisoners held in the MPU reported to us that they would only be allowed to exercise for 30 to 40 minutes per day.¹⁸⁰ CSNSW acknowledged the current infrastructure within the MPU does not support the provision of individual exercise areas. As a result, staff facilitate exercise for inmates on an individual basis subject to operational requirements.¹⁸¹

In a number of cases in the sample, separated prisoners were held in cells in regular accommodation units due to the correctional centre's MPU being at full capacity. We have observed this during inspections of a number of correctional centres including Shortland CC and Clarence CC. In these instances, the prisoners were usually only released from their cells for one hour a day when other prisoners were locked in. These arrangements are unacceptable. Governors should manage the capacities of MPUs by ensuring prisoners are reviewed regularly so that directions are revoked or prisoners are transferred at the earliest opportunity to do so safely.

177 Information provided by Corrective Services NSW, 4 February 2026.

178 CSNSW advised that non-compliance with output specifications of the Parklea Correctional Centre operating deed will be addressed with the operator for remedial action.

179 For example, at Clarence CC in 2024 and Cessnock CC in 2023.

180 Inspector of Custodial Services, *Inspection of Shortland Correctional Centre and Cessnock Correctional Centre 2023*, 91.

181 Information provided by Corrective Services NSW, 4 February 2026.

The right to complain

There were various instances of case notes documenting that a prisoner was unhappy about being separated from the population but we did not find a single one which indicated that a prisoner was informed of their right to complain to the Custodial Director.

CSNSW advised that it 'intends to develop a comprehensive training package to clearly define and advise on good order and discipline and security of the centre. The full content and scope of this training is under development.'¹⁸²

Separation of people with a mental illness

There were numerous prisoners in the sample with identified mental illnesses. We could not see whether joint management plans were developed nor whether they were implemented. Custodial records generally did not indicate whether health staff had been consulted for advice about whether separation would cause a separated prisoner's mental health to deteriorate. We were unable to determine if prisoners were examined by a psychiatrist but did not find any psychiatrists' recommendations included in any extension requests submitted to the GM, SWO.

What replaces separation?

Occasionally, a need arises to temporarily separate a prisoner from the general prison population in circumstances which are not consistent with current perceptions of segregation and protective custody. When a person enters custody at a facility where there are other prisoners or staff members with whom they cannot associate, they need to be held separately from those persons until they can be transferred to another correctional centre. In regional areas, it may be unavoidable to receive a prisoner into custody at a facility where a non-association alert exists. At smaller correctional centres, there may be no placement option available away from those persons. Within the sample we reviewed, there were instances of a person with unstable mental health who was separated temporarily because their presence in an accommodation unit was disruptive to the good order of the unit.

CSNSW needs to determine the appropriate means to manage such instances as these. If segregation is to be used, then the widespread misunderstanding of it as a punishment (discussed earlier in this report) needs to be overcome. Classification reviews typically note recent instances of a prisoner being segregated as a relevant consideration. When segregation has been used to manage a threat to good order that is not the fault of the prisoner, it should not adversely affect their classification. CSNSW advised it is currently reviewing its policy on separating inmates.¹⁸³

Recommendation: CSNSW ensures that Governors understand the range of options to lawfully hold a prisoner separately from the prison population.

182 Information provided by Corrective Services NSW, 4 February 2026.

183 Information provided by Corrective Services NSW, 4 February 2026.

6 Confinement

Sections 53 and 56 of the CAS Act outline the penalties which may be imposed when an inmate has been found guilty of a correctional centre offence, that is, a breach of correctional centre rules. Lawful penalties include ‘confinement to a cell for up to seven days, with or without deprivation of withdrawable privileges’.¹⁸⁴ Withdrawable privileges include, for example, participation in contact visits, use of a telephone, except for calls to legal practitioners and exempt bodies, and use of, or access to, television and radio.¹⁸⁵ A full list of correctional centre offences can be found in schedule 2 to the CAS Regulation.

The statutory minimum daily entitlement to exercise of two hours per day ‘in the open air’ does not apply to prisoners in confinement as a penalty for a correctional centre offence. For these prisoners, the minimum entitlement is one hour per day.¹⁸⁶

The CAS Regulation requires that:

An inmate who is confined to cell for the purposes of punishment, or under a segregated or protective custody direction, must be kept under daily observation by a prescribed health officer and have access to essential medical care.¹⁸⁷

This review is only concerned with the use of the confinement punishment and not the broader disciplinary process. This is usually examined in our correctional centre inspection reports and was also the subject of a recent investigation by the NSW Ombudsman.¹⁸⁸

6.1 Rates of usage and vulnerable groups

During the six months from 1 July 2023 to 31 December 2023, there were 22,383 people detained in custody in NSW. In the same period, 2,833 periods of confinement commenced, a ratio of 12.7 confinements for every 100 people in custody.¹⁸⁹

Aboriginal people are represented proportionately in confinement. Of the 22,383 people in custody from 1 July 2023 to 31 December 2023, 7,397 (33%) identified as Aboriginal or Torres Strait Islander. Of the 2,833 periods of confinement, 964 (34%) involved an Aboriginal or Torres Strait Islander person.

184 *Crimes (Administration of Sentences) Act 1999*, s 53 (1c) and s 56 (1c).

185 *Crimes (Administration of Sentences) Regulation 2014*, cl 163.

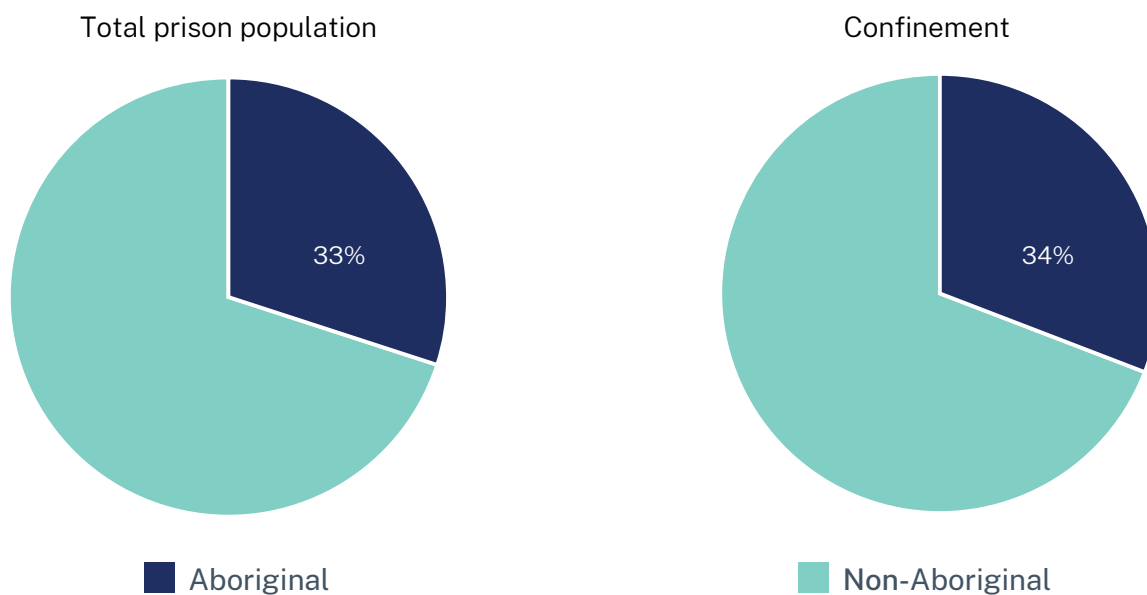
186 *Crimes (Administration of Sentences) Regulation 2014*, cl 53.

187 *Crimes (Administration of Sentences) Regulation 2014*, cl 289.

188 NSW Ombudsman, *Investigation into Inmate Discipline in NSW Correctional Centres* (21 August 2024).

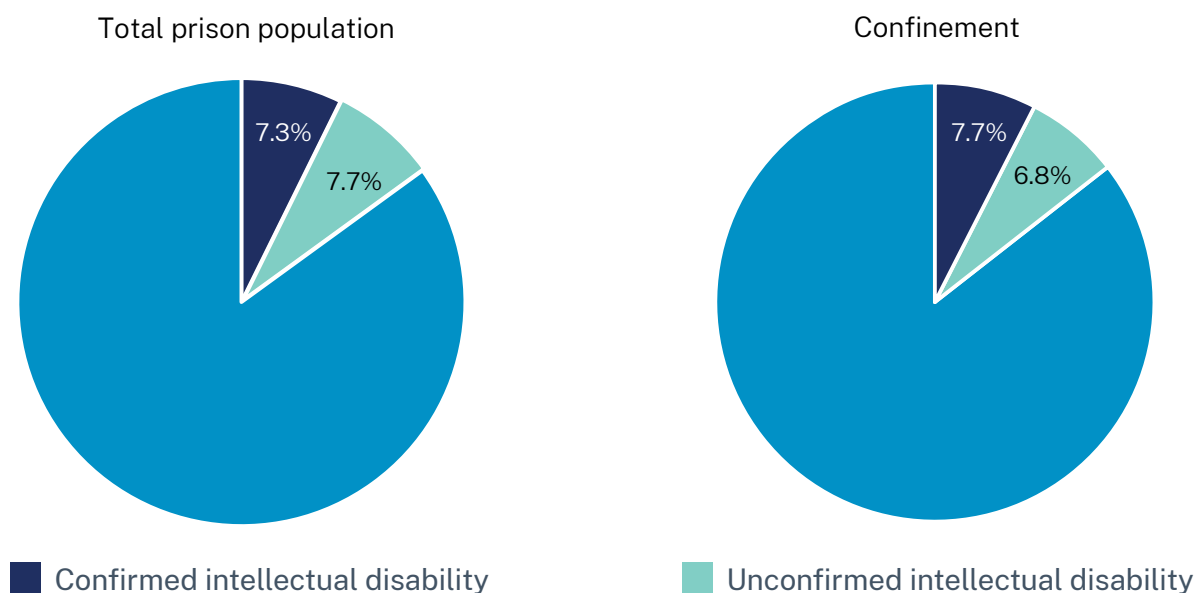
189 All data in section 6.1 was provided by Corrective Services NSW, 11 April 2024.

Figure 10: Aboriginal people in the total prison population (left) and in confinement (right) between 1 July 2023 and 31 July 2023



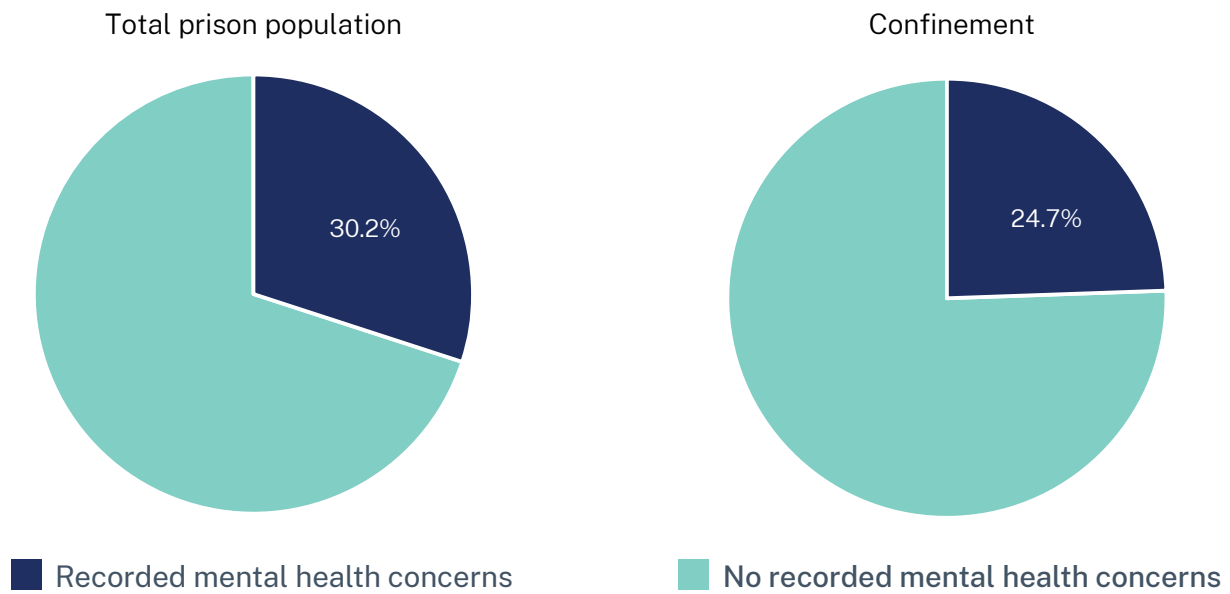
People with intellectual disabilities are also represented proportionately in confinement. Of the 22,383 people in custody from 1 July 2023 to 31 December 2023, 1,641 (7.3%) had a confirmed intellectual disability and 1,728 (7.7%) had an unconfirmed intellectual disability. Of the 2,833 periods of confinement, 218 (7.7%) involved a person with a confirmed intellectual disability and 192 (6.8%) involved a person with an unconfirmed intellectual disability.

Figure 11: Persons with intellectual disabilities in the total prison population (left) and in confinement (right) between 1 July 2023 and 31 July 2023



People with recorded mental health concerns are underrepresented in confinement. Of the 22,383 people in custody from 1 July 2023 to 31 December 2023, 5,756 (30.2%) had one or more recorded mental health concerns. Of the 2,833 periods of confinement, 700 (24.7%) involved people with recorded mental health concerns.

Figure 12: Persons with recorded mental health concerns in the total prison population (left) and in confinement (right) between 1 July 2023 and 31 July 2023



6.2 Policy and procedures

When a prisoner is charged with a correctional centre offence, a disciplinary process including an adjudication procedure must be followed before any decision is reached to find them guilty or impose penalties. This process has been critiqued in numerous other reports by this office and the NSW Ombudsman.¹⁹⁰

A prisoner who has been reported to have committed a correctional centre offence may be confined to a cell pending adjudication but not for more than 48 hours. Any time spent in confinement prior to the adjudication must count towards the duration of confinement imposed.¹⁹¹

The procedure requires the Governor or delegated officer to check for a prisoner’s intellectual disability or cognitive impairment in OIMS prior to commencing their inquiries.¹⁹² If the prisoner has a confirmed or suspected intellectual disability or cognitive impairment, the Governor or delegated officer must notify Statewide Disability Services and ensure that a support person is provided to assist the prisoner to understand and participate in the process.¹⁹³

Before imposing a penalty, the Governor or delegated officer should consider a range of relevant information including (but not limited to) the nature and seriousness of the offence, previous correctional centre offences, case notes, any mitigating circumstances and whether a prisoner’s guilty plea warrants a lesser penalty.¹⁹⁴

Prior to imposing a penalty of confinement, the Governor or delegated officer must complete an ‘inmate discipline checklist’ of factors which are important to consider before reaching this decision.¹⁹⁵ These include:

- OIMS alerts
- History of self-harm
- First time in custody

¹⁹⁰ For example: Inspector of Custodial Services, *Inspection of Bathurst Correctional Centre 2023*; Inspector of Custodial Services, *Inspection of Kirkconnell Correctional Centre 2023*; Inspector of Custodial Services, *Inspection of Shortland Correctional Centre and Cessnock Correctional Centre 2023*; and NSW Ombudsman, *Investigation into Inmate Discipline in NSW Correctional Centres* (21 August 2024).

¹⁹¹ Corrective Services NSW, *Custodial Operations Policy and Procedures*, 14.1 Inmate discipline (version 1.2, 9 August 2024) 7, 16.

¹⁹² Corrective Services NSW, *Custodial Operations Policy and Procedures*, 14.1 Inmate discipline (version 1.2, 9 August 2024) 9.

¹⁹³ Corrective Services NSW, *Custodial Operations Policy and Procedures*, 6.9 Inmates with disabilities (version 1.4, 18 August 2023) 11.

¹⁹⁴ Corrective Services NSW, *Custodial Operations Policy and Procedures*, 14.1 Inmate discipline (version 1.2, 9 August 2024) 14.

¹⁹⁵ Corrective Services NSW, *Custodial Operations Policy and Procedures*, 14.1 Inmate discipline (version 1.2, 9 August 2024) 12.

- Aboriginality
- Youth
- Drug and alcohol issues
- Health notifications
- Mental health notifications

Prior to the commencement of a confinement penalty, the following personnel must be notified:

- Governor
- Manager of Security or officer in charge
- A medical officer or nurse
- A member of the RIT (if the prisoner is being managed under an ISP or RIT management plan)¹⁹⁶

Cumulative penalties, when a prisoner is charged with multiple correctional centre offences from a single incident or in a single adjudication process, cannot exceed the maximum penalty available for an offence.¹⁹⁷ This means that prisoners must never be confined for a period of more than seven days.

Certain circumstances lead to the mandatory confinement of prisoners under policy but these are not based on any provision of legislation:

Any minimum security inmate found in possession of a mobile phone, SIM card, phone charger or any related part must be immediately locked in a cell and managed as a medium/maximum security inmate pending the outcome of a classification/ placement review.

Any medium or maximum security inmate found in possession of a mobile phone, SIM card, phone charger or any related part must be locked in a cell pending segregation for the good order and security of the correctional centre.¹⁹⁸

As the NSW Ombudsman has noted,¹⁹⁹ the mandatory nature of these instructions may result in vulnerable prisoners being confined to their cell and conflicts with the instruction that young Aboriginal people should not be confined to cells alone (see below). It is more appropriate to rely on the discretion of Governors and delegated officers to determine how best to manage the risks associated with a prisoner being found with mobile phones or related equipment.

In response to the concerns raised by the NSW Ombudsman in the report *Investigation into Inmate Discipline in NSW correctional centres*, an amendment to the *Crimes (Administration of Sentences) Act* was enacted in May 2025. Inmates may now seek an internal review of a discipline decision or penalty by applying to the Commissioner CSNSW for a review of a decision to find them guilty or to impose penalties after finding them guilty.²⁰⁰

At the time of publishing, neither COPP nor the forms used in the adjudication process had been updated to direct officers to advise inmates of their right to a review by the Commissioner.²⁰¹

Conditions

Given the inherent risks of harm associated with confinement (detailed in section 3 of this report), all possible access to protective factors should be maintained unless an associated security or safety risk is present. Preventing confined prisoners from making phone calls to family, receiving family visits, watching television etc only increases the risks to their mental health and safety. The Nelson Mandela Rules prohibit the denial of family contact except for limited time periods when strictly

¹⁹⁶ Corrective Services NSW, *Custodial Operations Policy and Procedures*, 14.1 Inmate discipline (version 1.2, 9 August 2024) 17.

¹⁹⁷ Corrective Services NSW, *Custodial Operations Policy and Procedures*, 14.1 Inmate discipline (version 1.2, 9 August 2024) 16.

¹⁹⁸ Corrective Services NSW, *Custodial Operations Policy and Procedures*, 14.3 Mobile phone offences (version 1.2, 17 January 2021) 4.

¹⁹⁹ NSW Ombudsman, *Investigation into Inmate Discipline in NSW Correctional Centres* (21 August 2024) 40.

²⁰⁰ *Crimes (Administration of Sentences) Act 1999*, ss65B-65E.

²⁰¹ Corrective Services NSW, *Custodial Operations Policy and Procedures*, 14.1 Inmate discipline (version 1.2, 9 August 2024).

required for the maintenance of security and order.²⁰²

The COPP states that a prisoner's 'contact visit and telephone privileges should only be withdrawn as a last resort'.²⁰³ For prisoners in confinement, access to phone calls should never be removed unless a serious threat to good order, security of safety exists.

Daily welfare checks and case notes

Custodial case noting for prisoners in confinement is not required by policy.

Once a prisoner is confined to a cell as punishment, they must be observed daily by a health staff member²⁰⁴ but the COPP does not make any reference to this. The COPP does, however, require the health service to be notified when a prisoner is placed in confinement.²⁰⁵ We were unable to ascertain how widely or frequently health staff conducted observations of confined prisoners as custodial case notes were rarely made and we did not review health records.

Confinement of Aboriginal people

The COPP states:

Young Aboriginal inmates should not be confined to cells alone. This is consistent with recommendations 144 and 181 of the Royal Commission into Aboriginal Deaths in Custody. Alternative penalties should be considered.²⁰⁶

Recommendation 181 states 'Corrective Services should recognise that it is undesirable in the highest degree that an Aboriginal prisoner should be placed in segregation or isolated detention' without any qualification that this may only apply to young Aboriginal people. Recommendation 144 refers to cells in police custody but also does not constrain itself to the case of young Aboriginal people.²⁰⁷ The NSW Ombudsman recommended that CSNSW reviews the practice of confining Aboriginal people and amends the COPP to apply the advice against the use of confinement to all Aboriginal people regardless of age.²⁰⁸ We support this recommendation.

Recommendation: CSNSW discontinues the mandatory confinement of prisoners found with mobile phones or related equipment.

Recommendation: CSNSW amends the COPP to require an officer to demonstrate a serious risk to safety, security and good order before withdrawing a prisoner's access to phone calls or television during a period of confinement.

Recommendation: CSNSW amends the COPP to require daily welfare checks and case notes for prisoners in confinement including the recording of daily exercise time.

Recommendation: CSNSW amends the advice in the COPP against the use of confinement to apply to Aboriginal people of all ages.

202 *United Nations Standard Minimum Rules for the Treatment of Prisoners*, GA Res 70/175, UN Doc A/RES/70/175 (8 January 2016, adopted on 17 December 2015), rule 43(3).

203 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 14.1 Inmate discipline (version 1.2, 9 August 2024) 15.

204 *Crimes (Administration of Sentences) Regulation 2014*, cl 289 and Justice Health and Forensic Mental Health Network, *Justice Health NSW Policy*, 1.360 Segregated custody and mandated protection (version 8, 2 November 2023), 6.

205 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 14.1 Inmate discipline (version 1.2, 9 August 2024) 7.

206 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 14.1 Inmate discipline (version 1.2, 9 August 2024) 16.

207 Royal Commission into Aboriginal Deaths in Custody, *Final Report of the Royal Commission into Aboriginal Deaths in Custody* (volume 5 1991).

208 NSW Ombudsman, *Investigation into Inmate Discipline in NSW Correctional Centres* (21 August 2024) 57.

6.3 Compliance with legislation and procedures

Record keeping

Two correctional centres provided records which were not completed adequately or in compliance with the COPP procedures. At Dillwynia CC, delegated officers did not complete the 'inmate discipline checklist', an important part of the procedure to identify vulnerabilities which should be considered before determining penalties. At Mid North Coast CC, delegated officers did not complete most sections of discipline records except for the verdict and the penalty. This is a complete failure to demonstrate that any meaningful adjudication procedure occurred, let alone one that provided procedural fairness or careful consideration of an appropriate punishment. Confining prisoners in cells should not be taken lightly and the delegated officers at these two centres do not appear to have taken their responsibilities seriously.

The section within the records where officers tick that they have notified the Governor, Manager of Security, a health staff member and a RIT member (as applicable) was not consistently completed at three of the correctional centres.

Daily welfare checks and case notes

The sample contained 13 instances of confinement. In 10 cases, no custodial case notes were made at any time during the prisoner's confinement (although this is not required by policy). Two prisoners had daily case notes entered but one of these was also in segregation at the time, where daily case notes are required. One prisoner had one case note entered during the seven days of their confinement. The case notes confirmed that the prisoners accessed one hour of daily exercise.

Without case notes, it is impossible to verify whether prisoners were provided with daily access to exercise or whether they were released from their cell upon the expiry of the confinement period.

Confinement of Aboriginal people

Nowhere in any of the records was there any indication that the delegated officer had considered alternative punishments in order to avoid confining an Aboriginal (or young Aboriginal) person.

Confinement of people with intellectual disabilities

The discipline records provided to us included four people with disabilities at Mid North Coast CC and none at the other correctional centres. The failure of Mid North Coast CC staff to properly complete discipline records suggests that their responsibilities to ensure procedural fairness and duty of care in relation to people with disabilities was not taken seriously. The records also failed to demonstrate that delegated officers considered whether the disabilities had directly contributed to the prisoners' actions.

The Nelson Mandela Rules prohibit the confinement of people with disabilities 'when their conditions would be exacerbated by such measures'.²⁰⁹ It is difficult to assess whether this has occurred given the poor record keeping and the absence of case notes. We would expect that prisoners with intellectual disabilities may be involved in breaches of correctional centre rules at higher rates than other prisoners as they may face challenges in understanding and complying with rules. That they are not overrepresented in the confinement statistics suggests that Governors and delegated officers may have actively sought to avoid confining them and/or refrained from imposing sanctions when the disciplinary breach may have directly arisen from their disability.²¹⁰ We found one example of the latter within the segregation records provided by Clarence CC.

209 *United Nations Standard Minimum Rules for the Treatment of Prisoners*, GA Res 70/175, UN Doc A/RES/70/175 (8 January 2016, adopted on 17 December 2015) rule 45(2).

210 Also a requirement under the Nelson Mandela Rules: *United Nations Standard Minimum Rules for the Treatment of Prisoners*, GA Res 70/175, UN Doc A/RES/70/175 (8 January 2016, adopted on 17 December 2015) rule 39(2).

Recommendation: CSNSW amends the COPP to mandate daily welfare checks and case notes which record the duration of daily exercise and the time and date of a prisoner's release from confinement.

Recommendation: CSNSW ensures that delegated officers maintain proper disciplinary records including by demonstrating their consideration of alternatives to confinement for Aboriginal people and their consideration of the impacts of disabilities on prisoners' behaviour and capacity to participate in discipline processes.

7 Assessment cells

Where an inmate has been identified to be at risk of self-harm or suicide, they may be placed in an assessment cell to ensure their safety. Assessment cells are generally located within a correctional centre's health centre or multipurpose unit. They have internal CCTV, fixed furniture, recessed fixtures and, as far as possible, no ligature points.²¹¹ The only statutory provision to authorise this practice that we could find was under clause 164 of the CAS regulation which states that 'keeping an inmate alone in a cell, if a nursing officer considers that it is desirable in the interest of the inmate's health to do so' is not solitary confinement (as prohibited in the same clause).

This section of the report is strictly concerned with the management of people in assessment cells. Broader aspects relating to the management of people at risk of self-harm or suicide in general are beyond the scope of this review.

7.1 Policy and procedures

In line with the principle of least restrictive care, the COPP provides a range of escalating cell placement options to manage prisoners at risk of self-harm or suicide:

- Normal cell placement – when the risk does not require constant human contact or observation
- Two-out cell placement – requires the at-risk prisoner to only be inside a cell in the presence of a suitable and willing cell mate
- Transitional cell placement – in a cell with reduced access to opportunities to self-harm when the prisoner does not require observation via CCTV
- Camera cell placement – placement in any cell with internal CCTV, allowing staff to observe the at-risk prisoner remotely
- Assessment cell placement

The COPP describes assessment cell placement as a measure of last resort which should not occur routinely and cannot exceed 48 hours without the written approval of the Governor.²¹² It is imperative that it is used only as a last resort and every effort is made to safely avoid or discontinue placement in an assessment cell. In addition to the risks associated with prolonged solitary confinement outlined above, the World Health Organization has noted:

Social and physical isolation and lack of accessible supportive resources intensify the risk of suicide. Therefore, an important element in suicide prevention in correctional settings is meaningful social interaction... the majority of suicides in correctional settings occur when an inmate is isolated from staff and fellow inmates.²¹³

Procedure

The procedure, following a staff member identifying that a prisoner may be at risk, involves:

- The staff member completing a mandatory notification to the officer in charge
- The officer in charge implementing an immediate support plan (ISP) which includes:
 - A cell placement decision
 - Body scanning or searching prior to placement in an assessment cell
 - A schedule of physical and/or CCTV observations

211 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.7 Management of inmates at risk of self-harm or suicide (version 1.10, 21 May 2024) 11-12, 32.

212 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.7 Management of inmates at risk of self-harm or suicide (version 1.10, 21 May 2024) 12.

213 World Health Organization, *Preventing Suicide in Jails and Prisons* (2007) 16.

- Frequency of human interactions
- Access to diversionary activities
- Whether and which assessment cell apparel is required
- Permitted access to sharp objects or objects which can be sharpened (for example, razors, pens, toothbrushes etc.)
- Use of restraints (as a measure of last resort).
- The convening of a risk intervention team (RIT) comprised of:
 - A RIT coordinator – a designated custodial officer at the rank of senior correctional officer or higher who has completed a two day training course at the Brush Farm Corrective Services Academy
 - A staff member of the offender services and programs team who has completed an online training module ‘Awareness of managing at-risk offenders’
 - A staff member of the health service.
- The RIT should interview the prisoner ‘in a room as comfortable and private as possible’ and assess their risk.
- The RIT then determines to either discharge the prisoner or develop a RIT management plan detailing the same aspects required in an ISP as well as transport requirements and referrals to local or specialist services.²¹⁴
- The RIT must monitor the implementation of the management plan and interview the prisoner regularly to review their risk and adjust or discontinue the management plan accordingly. For prisoners placed in an assessment cell, this should occur at least every 24 hours.
- The RIT must maintain records of each review including by entering case notes in OIMS, updating the RIT management plan, and providing a copy of this plan to stakeholders including the officer in charge, staff working the prisoner’s accommodation unit and the correctional centre’s health service.
- Once the RIT determines that the prisoner no longer needs to be managed on the management plan, the RIT completes a RIT discharge plan. Discharge may be:
 - to a specialist unit
 - with conditions and/or referrals
 - with no further actions.²¹⁵

The procedure does not provide any means for prisoners to seek a review of RIT decisions to confine them to an assessment cell.

Conditions

Placement in an assessment cell may be accompanied by a requirement for the prisoner to only have access to ‘assessment cell apparel’. This means that any or all normal clothing and linen may be replaced by alternatives which are resistant to attempts to use them for self-harm or suicide and may include gowns, shorts, smocks, sheets, and/or pillowcases.²¹⁶ Decisions to require assessment cell apparel should be made on a case by case basis and not as a default decision. Specific items should be matched to the nature of the risk. It may be appropriate when the risk involves strangulation, hanging, fire or an undisclosed plan. It would not be appropriate to manage other risks such as

214 If the prisoner is unable to properly participate in an interview (for example, due to their emotional state, aggression or intoxication) the ISP is to continue (subject to any reviews and updates by the OIC) until they can participate in an interview.

215 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.7 Management of inmates at risk of self-harm or suicide (version 1.10, 21 May 2024) 8-30.

216 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.7 Management of inmates at risk of self-harm or suicide (version 1.10, 21 May 2024) 32.

cutting or head banging.²¹⁷

The COPP also notes that at-risk prisoners may benefit from diversionary activities such as:

- books
- television
- radio
- regular interactions with staff
- phone calls to family
- access to a nominated support person
- the mental health information phone line
- access to natural light.²¹⁸

In an inquest into a death in custody in 2019, the NSW Coroner referred to comments by a forensic psychiatrist about assessments cells. Firstly, the forensic psychiatrist argued that their use does not resolve a person's at-risk status but may escalate it by imposing restrictions in order to incapacitate the person's ability to act:

You're just simply getting rid of access, and you may be making the problem worse, you may be increasing the distress, increasing the hopelessness, preventing them from addressing whatever is driving that motivation to end their life, so I just think it's a short-sighted strategy to address a much more complex problem, just locking someone up, and that's why we have the least restrictive option.²¹⁹

Secondly, the forensic psychiatrist remarked that the use of assessment cells is inconsistent with practices in mental health settings:

in psychiatric settings or mental health settings we don't isolate or seclude people for suicidal behaviour, so this is an extraordinary response that is unique to correctional settings, to lock a person in seclusion or in isolation based on an assessment of risk, which is already known to be fraught with uncertainty... [and] considered to be highly distressing to most inmates, in my experience, and not considered to be therapeutic...²²⁰

7.2 Compliance with legislation and procedures

Decision making, reviews and record keeping

We found that, in the large majority of the records we reviewed, all steps required in the procedure were taken, all necessary records were created, and ISPs and RIT management plans addressed the required range of considerations and provided arrangements which were individualised and least restrictive.

There were a few examples in which the presence of a risk was unclear. A prisoner was placed in an assessment cell after receiving a new, serious criminal charge with no evidence of any discussion or indication that this event had placed the man at risk. The same occurred for several prisoners who punched a wall or punched themselves in the head with no evidence that this represented anything beyond frustration. In several examples, mandatory notifications were incomplete. In one case, no reason for suspecting a risk was recorded.

217 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.7 Management of inmates at risk of self-harm or suicide (version 1.10, 21 May 2024) 13.

218 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.7 Management of inmates at risk of self-harm or suicide (version 1.10, 21 May 2024) 14-15.

219 *Inquest into the Death of Bailey Mackander* (Coroners Court of New South Wales, Deputy State Coroner Elaine Truscott, 15 December 2021) 64.

220 *Inquest into the Death of Bailey Mackander* (Coroners Court of New South Wales, Deputy State Coroner Elaine Truscott, 15 December 2021) 64.

Reviews were conducted daily, or almost daily, in the majority of cases. At the MRRC, this occurred in the April 2024 sample but not the July 2024 sample, where nearly 50% of cases were only reviewed every two to three days. CSNSW advised that this was a temporary problem during a period of significant staff shortages.²²¹ CSNSW should ensure that MRRC is always resourced adequately to avoid this and meet the COPP's requirement for daily reviews of all people held in assessment cells. CSNSW advised that additional staff were deployed to MRRC to ensure inmates deemed at risk were managed appropriately and in line with the requirements of the COPP.²²²

Record keeping for daily reviews varied greatly in terms of detail and did not always demonstrate a considered assessment of the current level of risk. There were many good examples of restrictions being eased, supported by evidence from the interview with the at-risk person. There were also many examples of management plans continuing unchanged without explanation. In one case, a custodial case note commented that the person was 'frustrated...has been left in cell with no distractions, no books or access to fresh air'. This was rectified on the same day.

Opportunities for improvement

In a number of cases, it was clear that prisoners managed by a RIT resented their placement in an assessment cell and other restrictions imposed on them. Some prisoners were hostile or completely refused to participate when the RIT approached them for daily reviews. This might be avoided, in some cases, if the at-risk person was included in developing the plan in a more meaningful way from its commencement. We were pleased to see that a meeting with the at-risk person was consistently part of the review process. This could be enhanced, for example, by using the meeting to co-design safety plans and strategies outside of an assessment cell placement. RIT management plans were largely prescriptive and focused on imposing restrictions in attempting to eliminate any immediate risk. Regard for the prisoner's perspective on how they could overcome their risk and improve their well-being was demonstrated in relatively few cases. Simply listening and offering empathy can be effective tools to reduce risk.

Opportunities to place greater emphasis on diversionary activities, therapeutic interventions, support from friends and other protective factors were evident in many of the RIT management plans we reviewed. In some cases, diversionary activities were overlooked completely.

Obvious opportunities for referrals to services were missed occasionally. Case notes at MRRC consistently demonstrated that at-risk prisoners were reviewed by a psychologist. This is an excellent practice. Unfortunately, at some other centres, this was not the case, though we acknowledge that prisoners may have been seen by mental health staff who do not use OIMS to record their case notes.

RIT management plans often remained in place until the prisoner said something to reassure the RIT that they were no longer at risk while it was unclear how the plan had actually lowered the level of risk.

Staff's understanding of self-harm vs suicide

The ways in which ISPs and RIT management plans were completed suggest that many staff do not understand the difference between self-harm and suicide. Boxes indicating the presence of a risk of self-harm or a risk of suicide were ticked interchangeably in a number of examples, including by Governors. Self-harm and suicide are ideated and undertaken for entirely different reasons and therefore require different approaches to supporting the at-risk person. Failures to understand this sometimes led to inappropriate management strategies. Assessment cell apparel was sometimes imposed on people who had self-harmed by cutting themselves but had not presented any indicators of a suicide risk. Tablets were occasionally removed without justification. The need for CCTV monitoring was not always demonstrated. These examples represented a relatively small minority of the sample.

221 Information provided by Corrective Services NSW, 4 February 2026.

222 Information provided by Corrective Services NSW, 4 February 2026.

At Silverwater Women's CC, an officer advised us that every RIT management plan commences with no access to exercise or sharp items for at least 48 hours. As discussed above, unwarranted restrictions are likely to undermine therapeutic objectives and are inconsistent with the COPP.

CSNSW's Brush Farm Academy offers training courses in:

- Working with offenders who misuse alcohol and other drugs
- Motivational interactions
- Trauma informed practice
- Mental health awareness
- Working with culture and diversity

CSNSW should consider making these courses mandatory requirements for staff working with people at risk of self-harm or suicide to better equip them to understand their risk factors, protective factors and needs and to confidently make decisions to apply the least restrictive care arrangements. We note that the NSW Coroner has gone further in recommending that RITs should include, or at least consult, a psychologist. CSNSW opposed this recommendation on the grounds that it does not have sufficient psychologists to fulfill this recommendation, and that offender services and programs staff are suitable to fulfill this role.²²³ We are aware that psychology resources at many NSW correctional centres are already extremely stretched²²⁴, so this recommendation is unlikely to be achievable in the short to medium term. Offender services and programs staff may be suitable to fulfill this role but only if they have received sufficient training.

Access to exercise

Custodial case notes provided virtually no information about at-risk prisoners accessing exercise. An officer in the ISU at MSPC advised us that prisoners in the assessment cells are provided with an opportunity to exercise for 60 minutes per day. In the induction unit at Silverwater Women's CC, people managed by the RIT could not leave their cells at all. These examples fail to meet the statutory minimum entitlement to access²²⁵ and are counterproductive to the aim of supporting at-risk prisoners to improve their well-being.

Observation records

We found numerous examples of observation records describing an at-risk person in terms such as 'appears to be asleep' or similarly vague descriptions which do not actually confirm that the prisoner is alive and conscious. These practices carry unacceptable, unnecessary risks and need to be urgently addressed through training and oversight.

The NSW Coroner found that the manner in which routine 'head checks' (for all prisoners, as distinct from observations of at-risk prisoners) were conducted may have resulted in a missed opportunity to prevent the death of a 25 year old Aboriginal man at Shortland Correctional Centre in 2022. The NSW Coroner recommended that CSNSW reviews training and oversight in relation to this procedure.²²⁶

Recommendation: CSNSW updates the COPP to require mandatory case notes by unit staff recording their daily interactions with at-risk prisoners including detailed observations of their behaviour and well-being, and the duration of their access to exercise.

Recommendation: CSNSW reviews the mandatory training requirements for officers to be qualified to participate in RITs.

Recommendation: CSNSW reviews the training provided to officers conducting observations of at-risk prisoners.

223 *Inquest into the Death of Bailey Mackander* (Coroners Court of New South Wales, Deputy State Coroner Elaine Truscott, 15 December 2021) 97-98.

224 See, for example, Inspector of Custodial Services, *Inspection of Macquarie and Hunter Correctional Centres 2024* and Inspector of Custodial Services, *Inspection of Wellington Correctional Centre 2022*.

225 *Crimes (Administration of Sentences) Regulation 2014*, cl 53(1-2) requires a minimum of two hours of daily exercise in the open air.

226 *Inquest into the death of Emmett Brown* (Coroners Court of New South Wales, Deputy State Coroner Harriet Grahame, 2 May 2025).

8 Accommodation Infrastructure

Although there are a variety of procedures to isolate inmates from the general population either for their own safety, the safety of others or for punishment, the same infrastructure is generally used to accommodate inmates under each of these circumstances. We believe this has contributed to many staff not understanding the distinctions between the procedures and believing placement in multipurpose units or segregation units is always a punishment.

The suitability and condition of accommodation units inspected for this review varied considerably. We found that newer infrastructure, including at Clarence CC, Hunter CC, Macquarie CC, Geoffrey Pearce CC and the new (and to date, unused) unit at Goulburn CC, was generally well-designed, maintained in reasonable or good condition and met minimum standards and expectations across most of the aspects we examined. We were impressed with the new unit at Goulburn CC which should serve as an example of best practice design for future construction of segregation and multipurpose units.

Newer units generally include at least one cell which is accessible for people with disabilities, while older units usually do not.

Some of the older infrastructure is not fit for purpose and urgently needs to be upgraded. The worst example was the 'induction unit' at Silverwater Women's CC. We found it in poor condition despite its recent, partial refurbishment. It falls well short of minimum standards for custodial accommodation and cannot support the well-being of vulnerable and at-risk women. It has been criticised for decades and this is now the third time we have expressed our view that it requires complete replacement with a modern unit, not refurbishment.²²⁷

Simply being old is not an excuse to allow maintenance and cleaning to fall by the wayside, as we found at several locations. Mould growing on mattresses, walls and ceilings is unacceptable. Providing foam mattresses without fire retardant cases is unsafe.

We found graffiti throughout cells and other parts of units. It was generally worse in older units where staff seemed to have given up trying or caring to manage it. It is unsurprising that prisoners left alone in cells with little to do would turn to producing graffiti to pass time or to express their feelings. It is unlikely that graffiti can ever be completely eliminated but there are opportunities to reduce it.

Disappointingly, we continued to find examples of graffiti which named prisoners and disclosed information or made allegations which could place that person in danger of serious harm. In each instance, we reported it to staff immediately. We have reported on this issue in the past and we reiterate that this type of graffiti must be found and removed immediately.²²⁸

As highly secure environments, segregation units, MPUs and assessment cell accommodation are typically very austere and dull aesthetically. The visual impact of these environments does little to support prisoners attempting to manage their mental health. We welcomed the incorporation of bright colours painted on the doors and walls within the new MPU at Goulburn CC, and to a lesser extent, at Clarence CC.

The presence of art can have a therapeutic or calming effect for people in custody. Some correctional centres had employed inmates to paint murals within segregation units and MPUs, which we also welcomed.

Inappropriate art choices can have the opposite effect. At Wellington CC, the segregation unit displays painted images of soldiers carrying weapons and other military-themed imagery. We previously recommended that these be replaced with more appropriate imagery²²⁹ but at the time of

227 Inspector of Custodial Services, *Inspection of Silverwater Women's and Dillwynia Correctional Centres 2022*, 28-29.

228 Inspector of Custodial Services, *Inspection of Shortland Correctional Centre and Cessnock Correctional Centre 2023*, 37-38.

229 Inspector of Custodial Services, *Inspection of Wellington Correctional Centre 2022*, 45.

publishing this report, this had not occurred.²³⁰

Ligature points were found throughout cells in many of the older units. This is unacceptably and unnecessarily dangerous in cells where prisoners are accommodated alone and unsupervised. In the new MPU at Goulburn CC and the units at Clarence CC, we found rubber wall-pins installed on the cell interior walls so that prisoners could hang wet towels to dry. These pins do not support body weight so cannot be used as ligature points. This is a good initiative which CSNSW should roll out across NSW.

CSNSW is now undertaking a cell refurbishment and anti-ligature program which includes building new cells in line with anti-ligature design principles to replace 'obsolete cells', with priority given to cells which most frequently accommodate people at risk.²³¹

Where possible, we measured the size of floor space within cells. We found significant variation and many examples which fell short of the minimum standard. CSNSW advised that cells were built to the required standards at the relevant period of time. Current cell standards differ from older cell standards. CSNSW current infrastructure budget does not accommodate the significant works required to ensure these cells meet current cell standards.²³²

In most of the units we inspected, CCTV cameras had been installed in every cell, leaving staff with no option but to place prisoners who do not require CCTV monitoring²³³ under 24 hour camera supervision. This is an unnecessary intrusion on their privacy and dignity. We received feedback from prisoners that constant camera supervision made them feel vulnerable as they did not know when or by which staff they were being watched.

Further, the cell design and camera position usually resulted in the toilets and showers being in total and direct view. Appropriate cell design can allow some level of privacy and dignity to be preserved in cells with CCTV. This was partially achieved at some locations by positioning the camera behind the toilet so that the prisoner is only seen from behind while using it, or by a shower wall partially obscuring the view of a showering prisoner.

It is a common practice of prisoners held in cells with CCTV to cover camera lenses through the only means available to them, throwing wet toilet paper at them. We welcomed the commencement of a trial at MSPC of cloth covers which are easily affixed and removed as required. This practice should be rolled out in all locations which do not have cells available without CCTV.

Deaths in custody have occurred after prisoners requiring observation have covered the cameras in their cell. Staff must be aware of which prisoners in the unit require camera supervision and which do not. The decision to cover cameras should be taken out of the hands of prisoners and managed by staff. The use of cloth covers would assist this. It may also make the task of maintaining supervision of at-risk prisoners easier by reducing the number of prisoners visible on monitors. Tolerance or complacency toward prisoners making their own decisions to cover cameras is unacceptably dangerous.

Many of the units we inspected do not provide prisoners with access to sunlight. CSNSW policy recognises that access to natural light can support people who are at risk of self-harm or suicide.²³⁴ Where cells and attached exercise yards do not receive sunlight, access to exercise in a space which does receive sunlight is essential. Some units, including those at Clarence CC and the High Risk Management CC, have separate, larger exercise yards which allow prisoners to exercise in a more meaningful way.

230 Information provided by Corrective Services NSW, 4 February 2026 stated 'a painting will be removed and the other paintings will have a link to service values so there is a clearer focus on service, courage, respect, integrity and excellence. CSNSW acknowledges recommendation 19 from the Wellington inspection remains in progress and will be prioritised'.

231 Information provided by Corrective Services NSW, 4 February 2026.

232 Information provided by Corrective Services NSW, 4 February 2026.

233 Prisoners requiring monitoring include those at risk of self-harm or suicide, affected by or withdrawing from drugs or alcohol, and those experiencing medical issues such as seizures -Corrective Services NSW, *Custodial Operations Policy and Procedures*, 5.2 Inmate accommodation (version 1.7, 3 September 2024) 15.

234 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.7 Management of inmates at risk of self-harm or suicide (version 1.10, 21 May 2024) 14-15.

We were pleased to find that televisions were provided in cells at almost every unit we inspected.

Recommendation: CSNSW removes, as a matter of priority, ligature points from all cells which accommodate prisoners alone and unsupervised.

Recommendation: CSNSW develops a policy and procedure for the use of cloth camera coverings at all segregation units and MPUs where cells without cameras are not available.

8.1 Silverwater Women's Correctional Centre

We visited Silverwater Women's CC on 25 March 2024 and inspected the 'induction unit' which accommodates a complex mix of prisoners including:

- Prisoners being received into custody (including those detoxing from drugs or alcohol)
- Segregated prisoners
- Prisoners at risk of self-harm or suicide
- Prisoners requiring camera monitoring for medical reasons
- Prisoners awaiting placement in the mental health screening unit
- SMAP prisoners

We also inspected the assessment cells in the mental health screening unit (MHSU).

The induction unit population was a highly complex group of prisoners with complex needs. The unit's design and level of staffing fell far short of achieving anything resembling meeting the needs of these women nor the procedural requirements in the numerous applicable policies.

Officers relied on practices to avoid immediate risks which likely increased risk over time. Women at risk of self-harm or suicide were not allowed out of their cells for exercise at all. The best cell (cell 16), due to its size, good condition and large, sunlit exercise yard, was not in use because officers were worried that a small portion of a bed was beyond the view of CCTV cameras. Women placed in assessment cells were excluded from using tablets as a blanket rule and not by an individualised assessment of risk. They could only make phone calls from a telephone cage that lacked privacy.

Six (and potentially up to eight) women in the SMAP section of the unit exercised most days in a small enclosed area resembling a cage. An officer advised us that access to the more appropriate and much larger, grassed area with exercise equipment was offered to them 'once a week, at best'.

Most of the cells were smaller than the minimum standard. Many were in desperately poor condition and received no fresh air and little natural light. Even the recently refurbished cells were covered in graffiti. Most exercise yards received no sunshine and looked out to more fences, offering little respite from the confined conditions. All cells used for segregation had two cameras with full view of the toilet and shower, placing women in a more vulnerable position.

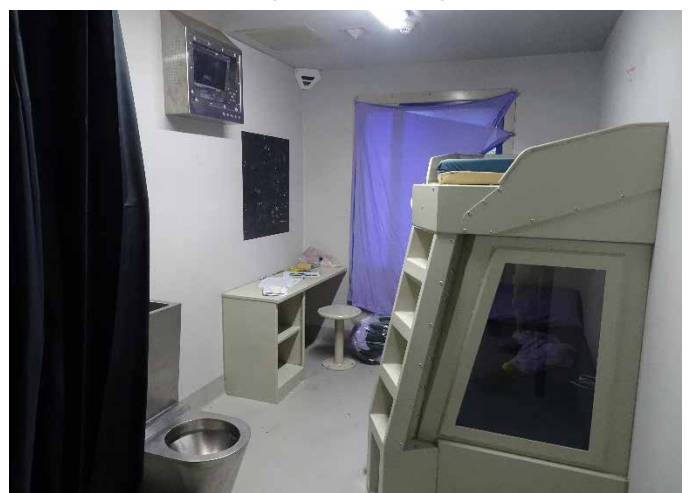
Table 5: Accommodation conditions – segregation/protective custody/separation at Silverwater Women’s CC

	Induction unit standard multipurpose cell	Adequate/ appropriate?
Cell size (square metres)	7.98	●
Natural light	Minimal	●
Fresh air	No	●
Air conditioned/heated	Yes	●
Shower in cell	Yes	●
Electrical power points	No	●
Phone access	Phone cage in unit Tablet from 2pm	●
Exercise space	Rear yard approx. 8 sq. metres, no sunlight	●
Ligature points	Yes (toilet cistern)	●
Information about complaint avenues	Yes	●
CCTV camera	2 in each cell	●
CCTV perspective maintains dignity	No	●
Cells with disability modifications	Nil	●
General condition	Some refurbished cells, extensive graffiti	●

Induction unit cell (unrefurbished)



Induction unit cell (refurbished)



Induction unit cell with CCTV directly facing toilet



Exercise space at rear of cell in induction unit



Outdoor exercise space (seldom used)



Special management area exercise space



Table 6: Accommodation conditions – assessment cells at Silverwater Women’s CC

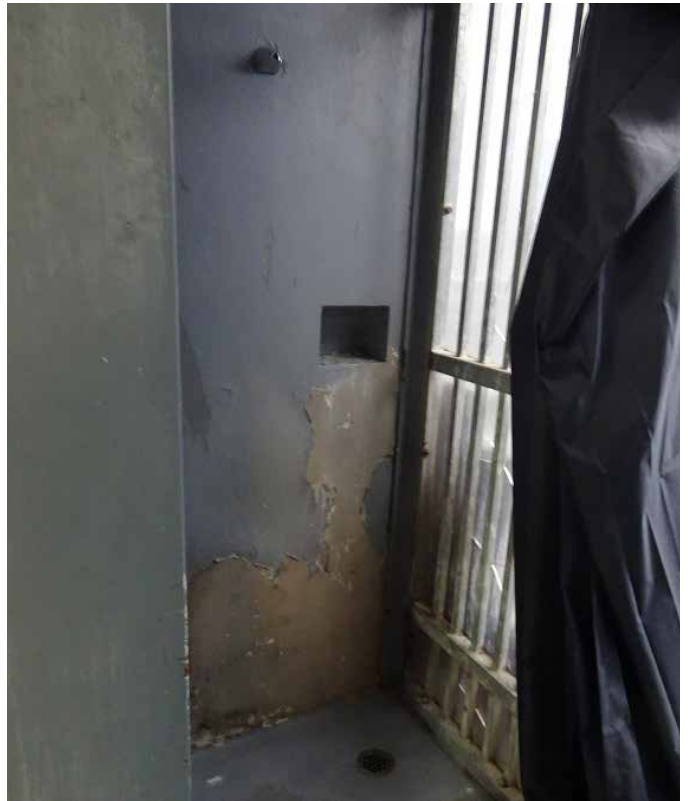
	Induction unit	MHSU	Adequate/ appropriate?
Cell size (square metres)	5.25	7.4 (plus ensuite)	● ●
Natural light	Some	No	● ●
Fresh air	No	No	● ●
Air conditioned/heated	Yes	Yes	● ●
Shower in cell	Yes	Yes	● ●
Phone access	Phone cage in unit No tablet access	Temporary use of cordless phone	● ●
Exercise space	No	Large, sunlit yard	● ●
Ligature points	Yes (toilet)	No	● ●
Information about complaint avenues	Yes	No	● ●
CCTV camera	2	2 (+ 1 in ensuite)	● ●

CCTV perspective maintains dignity	No	No	● ●
Cells with disability modifications	Nil	Nil	● ●
General condition	Very dilapidated	Dirty walls, mattress on floor	● ●

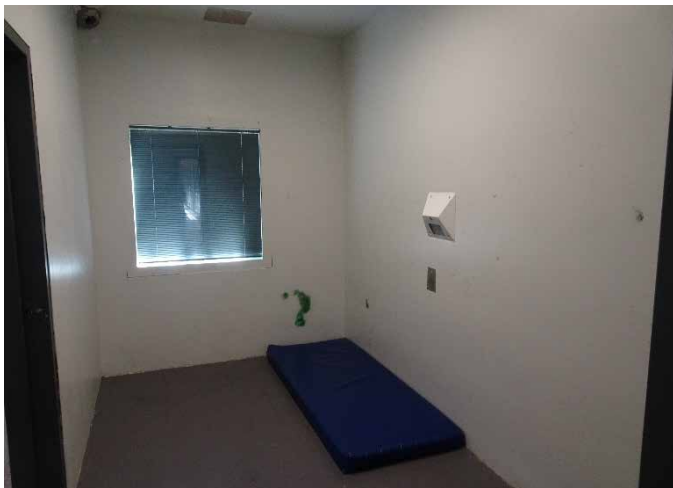
Assessment cell in induction unit



Shower in assessment cell in induction unit



Assessment cell in MHSU



Exercise space near MHSU assessment cells



Recommendation: CSNSW establishes fit-for-purpose units at Silverwater Women's CC to accommodate women subject to segregation or disciplinary orders, and closes the current induction unit.

8.2 Geoffrey Pearce Correctional Centre

We inspected the MPU at Geoffrey Pearce CC on 18 April 2024.

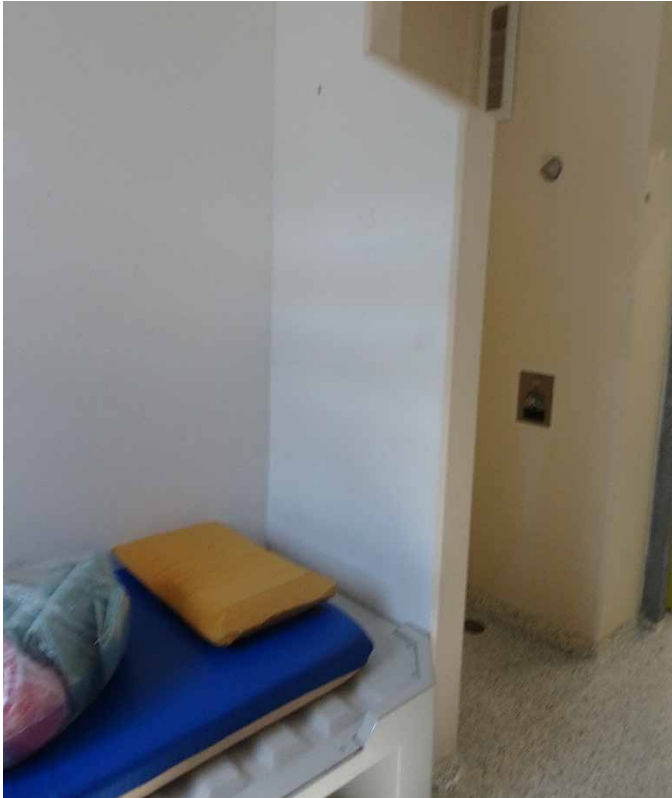
The MPU opened in 2020 as part of wider redevelopment work at the centre. For the most part, it is a modern, fit-for-purpose unit in good condition. The unit's five cells are undersized at just six square metres. Every cell has internal CCTV, though a wall provides some privacy when showering. The exercise yards at the rear of cells are reasonably spacious and receive plenty of sunlight.

There was some graffiti in the cells. Within it, we found an allegation about a named prisoner. We brought it to the attention of the Governor who directed officers to remove it immediately.

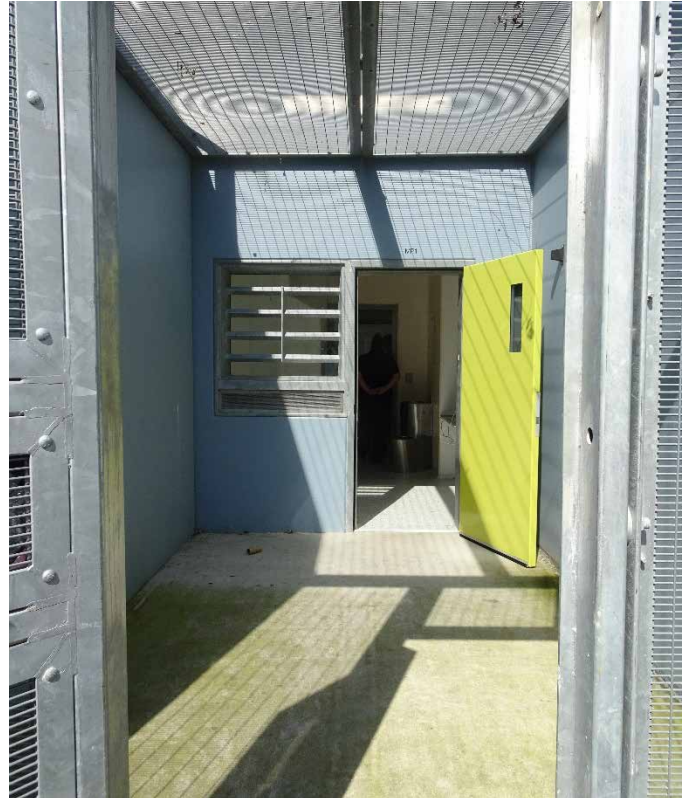
Table 7: Accommodation conditions – segregation/protective custody/separation at Geoffrey Pearce CC

	MPU	Adequate/ appropriate?
Cell size (square metres)	6.00	●
Natural light	Yes	●
Fresh air	Yes	●
Air conditioned/heated	Yes	●
Shower in cell	Yes	●
Electrical power points	Yes	●
Phone access	Tablet + phone in unit	●
Exercise space	Rear yard approx. 8 sq. metres in sunlight	●
Ligature points	No	●
Information about complaint avenues	Yes	●
CCTV camera	1 in each cell	●
CCTV perspective maintains dignity	Partly	●
Cells with disability modifications	Nil	●
General condition	Modern, generally good	●

MPU cell



Exercise yard connected at rear of MPU cell



8.3 Parklea Correctional Centre

We visited Parklea CC on 30 April 2024 and inspected the segregation and protective custody cells in two locations, units 2F and 3A, as well as the assessment cells at the health centre.

The cells in units 2F and 3A were in a dilapidated state. In 3A, they were particularly unclean. Many of the toilets and showers were in very poor condition. The exercise yards attached to the cells were small and resembled cages rather than exercises spaces. The people in these yards appeared unhappy and distressed, with little at their disposal to help pass time. Prisoners at Parklea CC have not had access to electronic tablets while it has been under private operation.

We found ligature points inside the cells in both units. In 2022, we recommended the removal of ligature points at Parklea CC, noting that this facility should be prioritised given its function as a major reception centre as prisoners are at increased suicide risk in the early stages of their time in custody.²³⁵ CSNSW is now undertaking a cell refurbishment and anti-ligature program which includes building new cells in line with anti-ligature design principles to replace ‘obsolete cells’, with priority given to cells which most frequently accommodate people at risk.²³⁶

A small selection of books was available in the units.

Parklea CC advised us that, at times, it receives more prisoners requiring segregation or protective custody than the number of beds in units 2F and 3A. In this event, the surplus prisoners are held in the reception unit where they can be managed safely as the other prisoners held there are subject to a restricted regime while being screened. The reception unit’s cells do not have exercise yards connected to them, so officers facilitate access to time out of cells as possible and record this in custodial case notes and the unit journal.²³⁷ We did not observe this as it was not occurring when we inspected Parklea CC on 30 April 2024.

235 Inspector of Custodial Services, *Inspection of Parklea Correctional Centre*, 52.

236 Information provided by Corrective Services NSW, 4 February 2026.

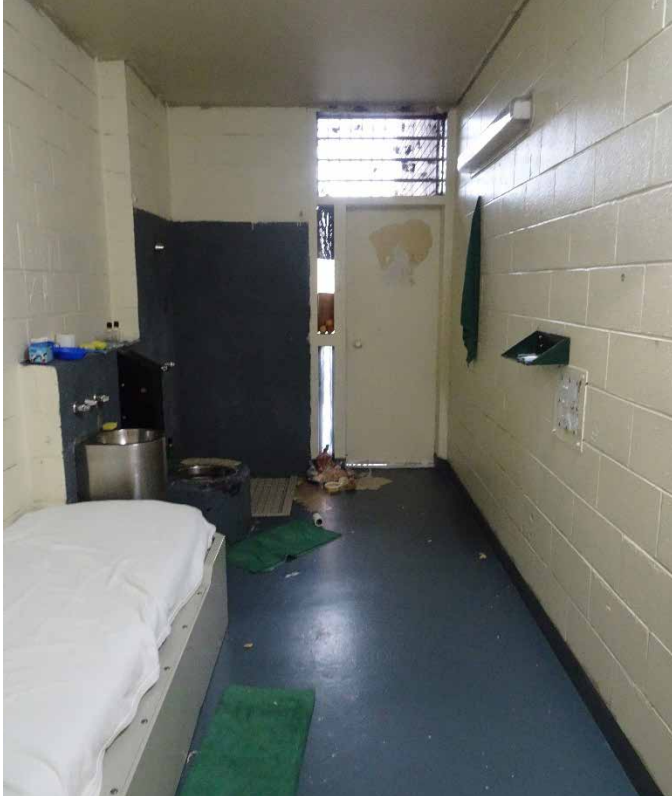
237 Information received from Parklea Correctional Centre, 2 December 2025.

Table 8: Accommodation conditions – segregation/protective custody/separation at Parklea CC

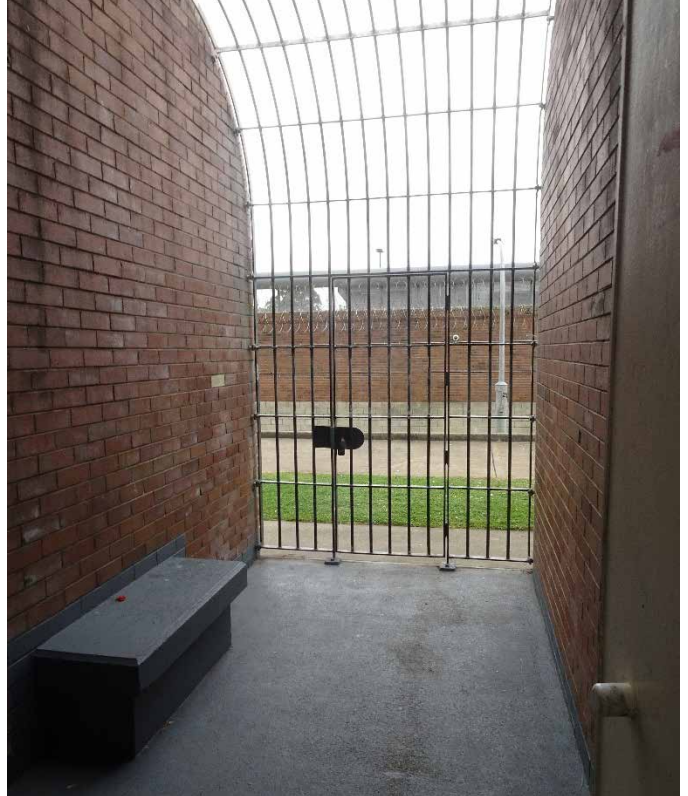
	Unit 2A	Unit 3A	Adequate/ appropriate?
Cell size (square metres)	9.37	10.08	● ●
Natural light	Minimal	Minimal	● ●
Fresh air	Yes	Yes	● ●
Air conditioned/heated	No	No	● ●
Shower in cell	Yes	Yes	● ●
Electrical power points	Yes	Yes	● ●
Phone access	Phone in a separate room	Phone in unit	● ●
Exercise space	Small yard at rear of cell	Small yard at rear of cell	● ●
Ligature points	Yes	Yes	● ●
Information about complaint avenues	Yes	Yes	● ●
CCTV camera	1 in each cell	No	● ●
CCTV perspective maintains dignity	Partly	N/A	● ●
Cells with disability modifications ²³⁸	Nil	Nil	● ●
General condition	Dilapidated	Dilapidated and unclean	● ●

238 The Governor advised us that the operating contract precludes the placement of prisoners with physical disabilities at Parklea CC.

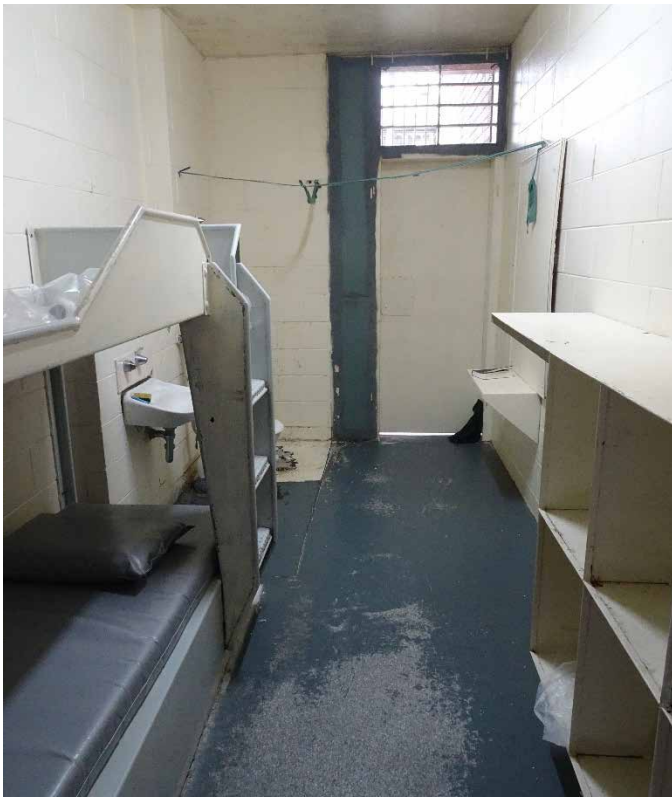
Cell in unit 2A



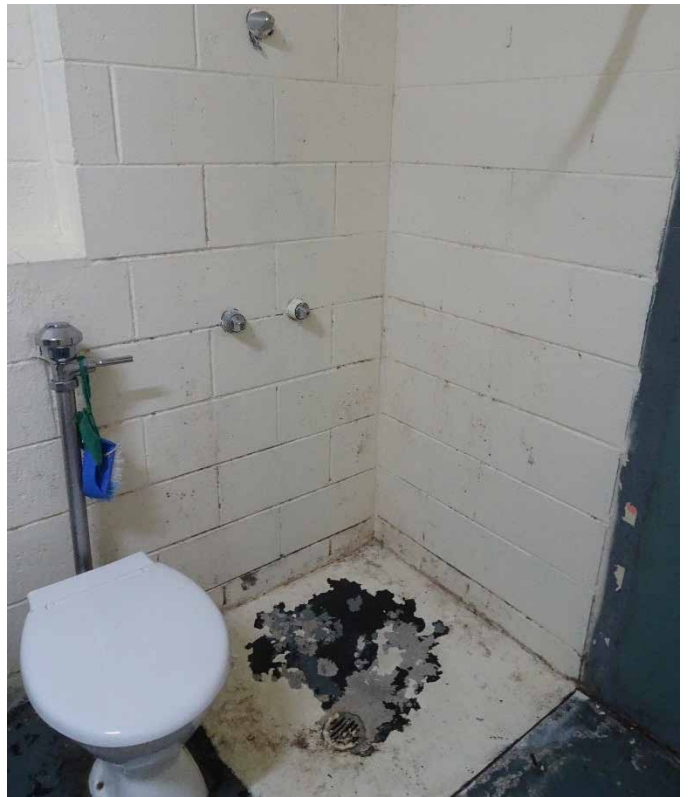
Exercise yard connected at rear of cell in unit 2A



Cell in unit 3A



Shower and toilet in cell in unit 3A



Toilet and basin in cell in unit 2A



Television hanging from shelf in cell in unit 2A



Table 9: Accommodation conditions – assessment cells at Parklea CC

	Clinic cell	Adequate/ appropriate?
Cell size (square metres)	Various	●
Natural light	Yes	●
Fresh air	Minimal	●
Air conditioned/heated	No	●
Shower in cell	No	●
Phone access	Phone within clinic	●
Exercise space	Large, separate yard in sunlight	●
Ligature points	No	●
Information about complaint avenues	No	●
CCTV camera	1 in each cell	●
CCTV perspective maintains dignity	Yes	●
Cells with disability modifications ²³⁹	Nil	●
General condition	At least one person did not have a pillow or TV. Otherwise ok.	●

239 The Governor advised us that the operating contract precludes the placement of prisoners with physical disabilities at Parklea CC.

Bed with no pillow in assessment cell at clinic



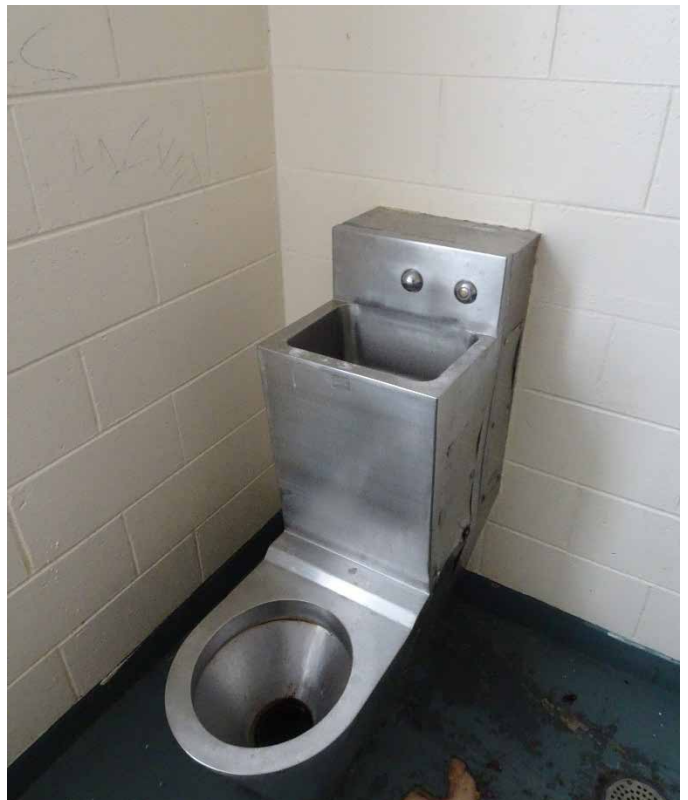
Exercise yard at clinic



Assessment cell at clinic



Toilet in assessment cell at clinic



8.4 Lithgow Correctional Centre

We inspected the MPU at Lithgow CC on 10 May 2024. We found a number of concerns with the infrastructure but also some good initiatives by staff.

Cells were in poor condition. They were dilapidated and unclean with extensive graffiti. The walls and ceilings around CCTV cameras were particularly filthy. The shower recesses were long overdue for waterproofing and painting, although we acknowledge that access for cleaning and painting MPU cells can prove challenging at times. An assessment cell was, strangely, missing a shower. This cell was not taken offline.

Cell windows had a layer of perspex added over the original mesh window which prevented any fresh air entering the cells when the exercise yard was closed.

We found a damaged mattress without a fire retardant case and covered in mould. There was extensive graffiti throughout the cells and telephone cages. We found two instances of graffiti naming a prisoner with an allegation that could place them in danger of serious harm. We reported these to staff immediately.

The unit had a large selection of books available. A staff member had donated an exercise bike to the unit for prisoners to use. We observed a barbecue which, according to staff, was being used by protective custody prisoners on weekends. The exercise yards on only one side of the building received sunlight. The other side of the unit should not be used to hold prisoners likely to remain in the MPU for extended periods.

We found obvious ligature points in all cells except for the assessment cells and dry cells. We also found plastic bags in cells. They should not be left in cells used for segregation or protective custody, nor in cells in the vicinity of assessment cells.

CSNSW advised that work has since been undertaken including refurbishment of assessment cells and dry cells, removal of perspex from windows, and purchase of additional mattresses.²⁴⁰ CSNSW is undertaking a cell refurbishment and anti-ligature program and is committed to improving cell safety which includes building new cells designed to anti-ligature design principles, removing obsolete cells from use, and refurbishing existing cells to remove ligature points. Cell refurbishments are guided by a prioritisation framework based on the standards of cells that most often accommodate people at risk. The prioritisation is based on historical data of self-harm incidents and the inmate cohort.

We inspected the MPU at Lithgow CC again from 16-18 March 2026. We confirmed that the assessment cells and dry cells had been refurbished. This included the installation of new floors, shower recesses and air vents in the ceilings. Televisions had been installed in the assessments cells.

New doors had been installed on all cells. However they had been incorrectly designed with the hatch misaligned to the corresponding space on the internal grill door. This means the outer door had to be opened every time a meal is delivered or handcuffs need to be removed.²⁴¹

The multipurpose cells had not been refurbished and the extensive graffiti remained.

The information in tables 10 and 11 was current at 10 May 2024.

Table 10: Accommodation conditions – segregation/protective custody/separation at Lithgow CC

	Segregation/ multipurpose cell	Adequate/ appropriate?
Cell size (square metres)	9.81	●
Natural light	Yes	●
Fresh air	No	●
Air conditioned/heated	No	●
Shower in cell	Yes	●
Electrical power points	Yes	●
Phone access	Phone cage in unit Tablet from 2pm	●
Exercise space	Rear yard approx. 8 sq. metres, 50% of yards with sunlight	●
Ligature points	Yes	●

240 Information provided by Corrective Services NSW, 4 February 2026.

241 Information provided by staff 18 March 2026.

Information about complaint avenues	Yes	●
CCTV camera	No	●
CCTV perspective maintains dignity	N/A	●
Cells with disability modifications	Nil	●
General condition	Dilapidated, unclean, extensive graffiti	●

Inside a wing of the MPU



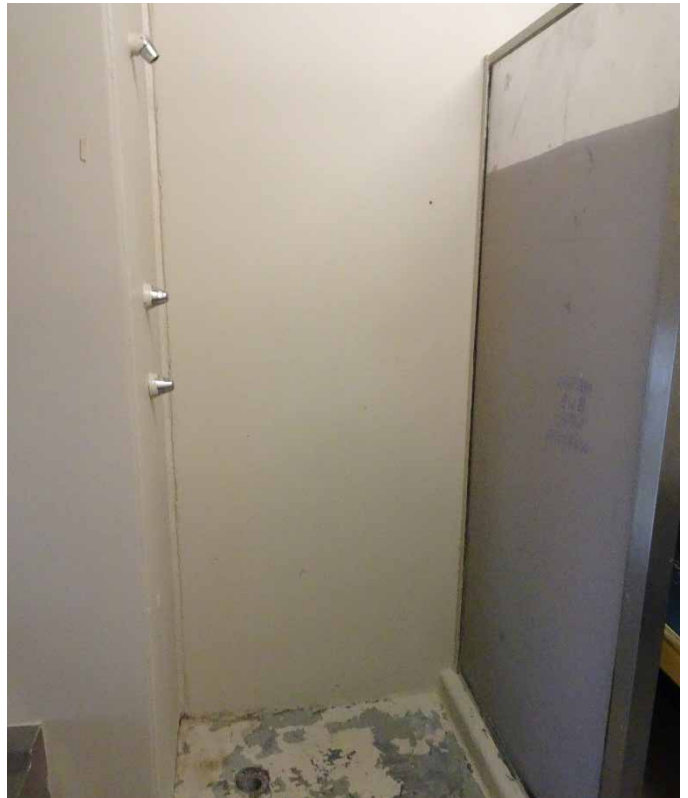
Exercise yard connected at rear of cell



Multipurpose cell



Shower in a multipurpose cell



Damaged and mouldy mattress without case



Table 11: Accommodation conditions – assessment cells at Lithgow CC

	MPU assessment cell	Adequate/ appropriate?
Cell size (square metres)	9.44	●
Natural light	Yes	●
Fresh air	Minimal	●
Air conditioned/heated	No	●
Shower in cell	Yes (except one cell)	●
Phone access	Phone cage in unit, tablet from 2pm	●
Exercise space	Rear yard approx. 8 sq. metres	●
Ligature points	No	●
Information about complaint avenues	Yes	●
CCTV camera	2 in each cell	●
CCTV perspective maintains dignity	No	●
Cells with disability modifications	Nil	●
General condition	Dirty ceilings and walls around CCTV cameras	●

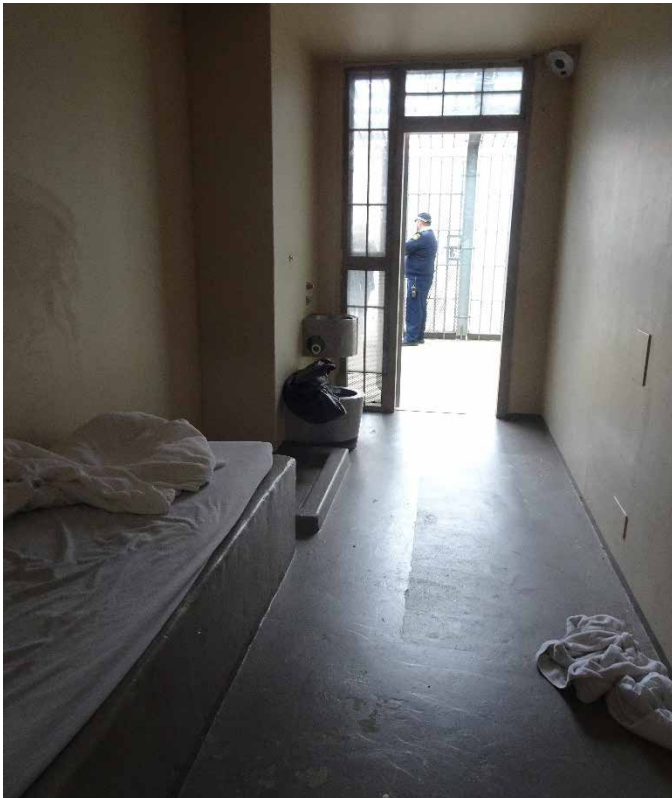
CCTV camera inside cell



Telephone in cage



Assessment cell with no shower



8.5 Hunter Correctional Centre

We inspected Hunter CC's MPU on 22 May 2024.

Hunter CC opened in 2018. The MPU is a modern unit, which has been well-maintained, providing fit-for-purpose accommodation for short-term use. It was built without access to electricity inside the cells. The relatively spacious cells receive little fresh air when closed but this was mitigated by staff allowing the rear doors (leading to the attached exercise yards) to remain open for approximately eight hours a day. The yards on one side of the unit do not receive any direct sunlight.

All cells in the MPU have CCTV.

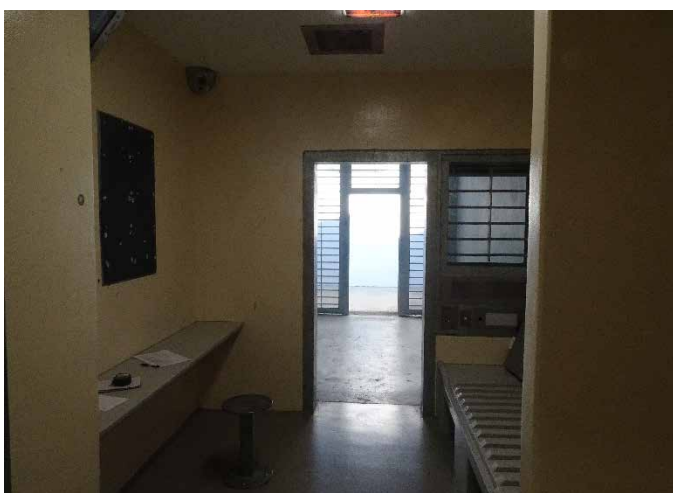
There are no tablets at Hunter CC as the dormitory cubicles are fitted with televisions offering similar functions.

We understand that placement within this unit is generally only for short durations. Prisoners who have been removed from the dormitories (due to their behaviour or by their own request) are usually moved relatively quickly to another correctional centre.

Table 12: Accommodation conditions – segregation/protective custody/separation at Hunter CC

	MPU	Adequate/ appropriate?
Cell size (square metres)	9.46	●
Natural light	Limited	●
Fresh air	No	●
Air conditioned/heated	Yes	●
Shower in cell	Yes	●
Electrical power points	No	●
Phone access	Phone cage in unit	●
Exercise space	Rear yard approx. 13 sq. metres, 50% of which receive sunlight	●
Ligature points	No	●
Information about complaint avenues	No	●
CCTV camera	1 per cell	●
CCTV perspective maintains dignity	Partly	●
Cells with disability modifications	1	●

MPU cell



Exercise yard at rear of MPU cell



8.6 Goulburn Correctional Complex

We inspected a newly constructed unit at Goulburn CC and the existing segregation unit (which may hold prisoners from both the HRMCC and the main prison) on 24 July 2024.

The new building is a modern, bright unit with 16 multipurpose cells (without internal CCTV but capability to install it if required), two assessment cells (with CCTV) and two accessible cells (also without internal CCTV but capability to install it if required). The accessible cells appeared suitable for use as assessment cells. All cells are connected to reasonably large exercise yards which receive sunlight for several hours a day. The internal doors and walls of the unit have been painted in various bright colours, softening the visual impact of the highly secure environment.

The cells were designed with attention to the detail of prisoners' day-to-day needs. All cells have smoke alarms (often absent in older units), secured televisions, power points, data connection points, safe mirrors, bedside reading lights, and rubber wall-pins for hanging towels. These details do not represent luxuries but useful, basic amenities to uphold the dignity of prisoners and avoid creating additional sources of frustration. This, in turn, will make the work of officers a little easier.

Within the unit are a range of facilities to meet prisoners' needs including health consultation rooms, a medication dispensary, multipurpose activity rooms/classrooms, interview rooms and audiovisual link (AVL) suites. By avoiding the need to escort prisoners beyond the unit, staff resources can be allocated more efficiently.

The existing segregation unit is a mostly fit-for-purpose unit which we found to be in reasonable condition. However, its location within the same building as the HRMCC is problematic when used to accommodate prisoners from the main prison. When a prisoner from the main prison is placed in this unit, their custodial record is updated to reflect placement in the HRMCC. We understand that this is an issue with the CSNSW prisoner management system, OIMS. These prisoners are not HRMCC prisoners and should not be recorded as such. We have frequently observed that staff at other correctional centres receiving prisoners who were placed in segregation while at Goulburn CC incorrectly perceive them as high risk management prisoners. Prisoners at risk of self-harm may be held in this unit.²⁴²

Prisoners from the main prison lose access to their tablets once placed in the segregation unit as staff apply HRMCC rules to them.²⁴³ Tablets are a very useful tool in mitigating the boredom, reduced human contact, and near total dependence on officers that otherwise occur when a prisoner is placed in segregation or similar arrangements.

We found a mouldy mattress without a fire retardant case in an assessment cell in the existing segregation unit.

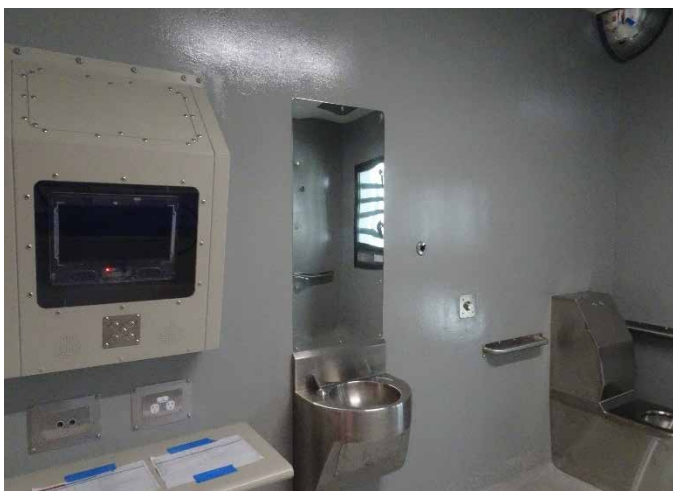
For these reasons, we hope to see the new MPU commissioned as soon as possible.

242 Inspector of Custodial Services, *Inspection of Goulburn Correctional Centre and the High Risk Management Correctional Centre 2021*, 60.
243 As advised by custodial staff at the HRMCC on 24 July 2024.

Table 13: Accommodation conditions – segregation/protective custody/separation at Goulburn Correctional Complex

	Goulburn CC MPU	HRMCC segregation unit	Adequate/ appropriate?
Cell size (square metres)	8.69	9.23	● ●
Natural light	Yes	Yes	● ●
Fresh air	Yes	Yes	● ●
Air conditioned/heated	Yes	Yes	● ●
Shower in cell	Yes	Yes	● ●
Electrical power points	Yes	Yes	● ●
Phone access	Tablets	Access to a cordless phone 30 mins per day	● ●
Exercise space	Rear yard approx. 8 sq. metres in sunlight	Small rear yard with sunlight + separate large yards with exercise equipment	● ●
Ligature points	No	No	● ●
Information about complaint avenues	Not at time of visit but available in tablets	No	● ●
CCTV camera	No	No	● ●
CCTV perspective maintains dignity	N/A	N/A	● ●
Cells with disability modifications	2	Nil	● ●
General condition	New	Well-maintained, mostly clean.	● ●

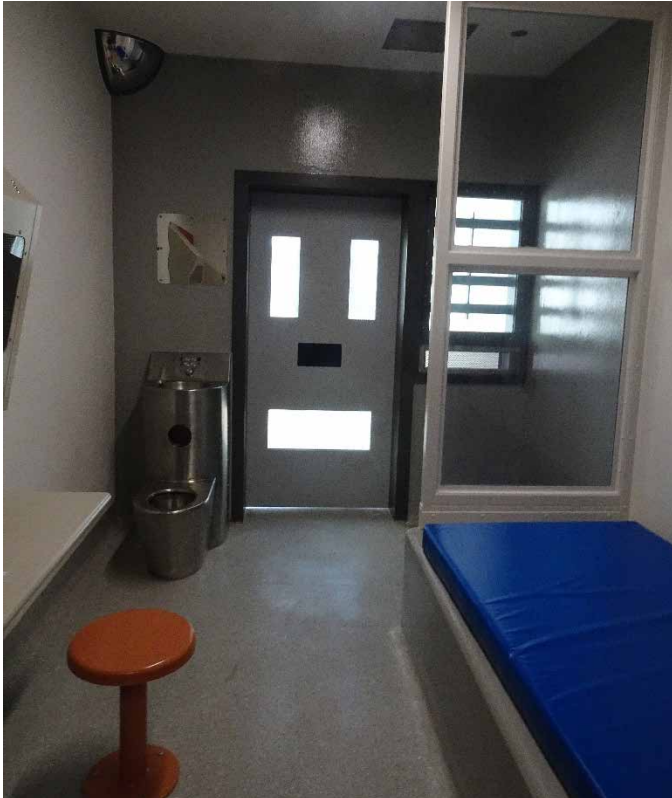
Accessible cell facilities in the new MPU



Exercise yard at rear of cell in the new MPU



Standard cell in the new MPU



Corridor between cells in the new MPU



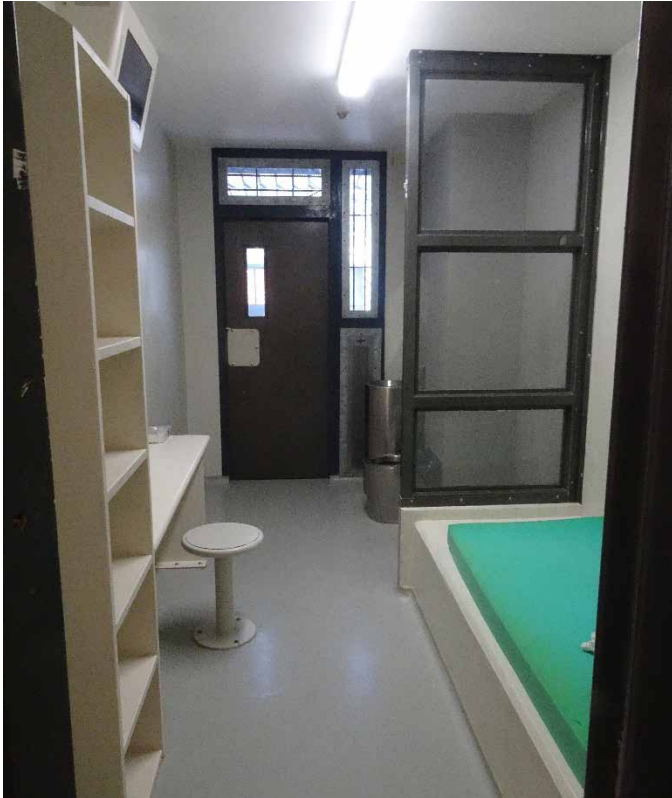
Health consultation room in the new MPU



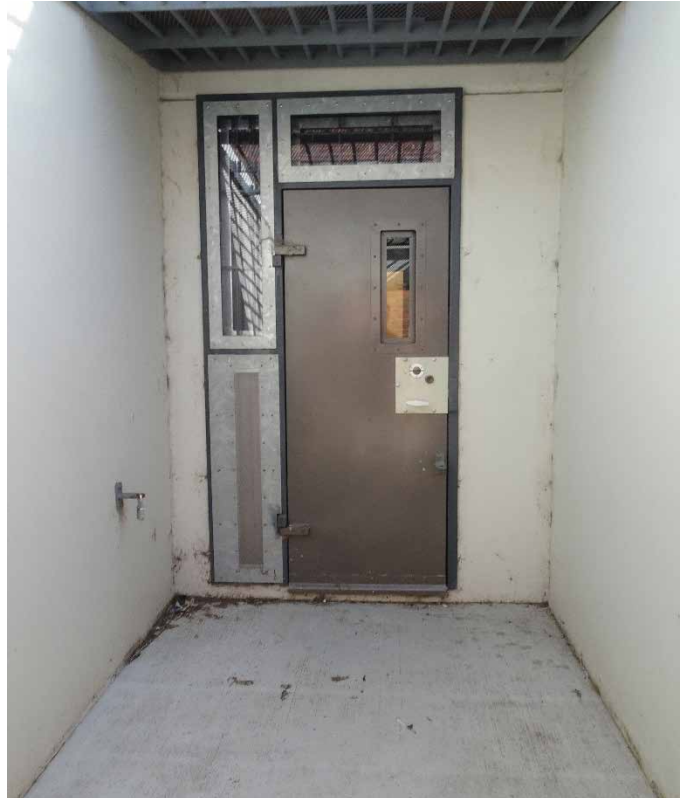
Medication dispensary in the new MPU



HRMCC segregation cell



Exercise yard at rear of HRMCC segregation cell



Large exercise yard at HRMCC segregation unit



Table 14: Accommodation conditions – assessment cells at Goulburn Correctional Complex

	Goulburn CC MPU	HRMCC C/D decks	Adequate/ appropriate?
Cell size (square metres)	8.69	9.23	● ●
Natural light	Yes	Yes	● ●
Fresh air	Yes	Yes	● ●
Air conditioned/heated	Yes	Yes	● ●
Shower in cell	Yes	Yes	● ●
Phone access	Tablets	Phone in unit	● ●
Exercise space	Rear yard approx. 8 sq. metres in sunlight	Yard at rear of cell with sunlight + large, separate yards with exercise equipment	● ●
Ligature points	No	No	● ●
Information about complaint avenues	Not at time of visit	No	● ●
CCTV camera	1 in each cell	2 in each cell	● ●
CCTV perspective maintains dignity	No	No	● ●
Cells with disability modifications	2	Nil	● ●
General condition	New	Well-maintained, semi-clean, some graffiti.	● ●

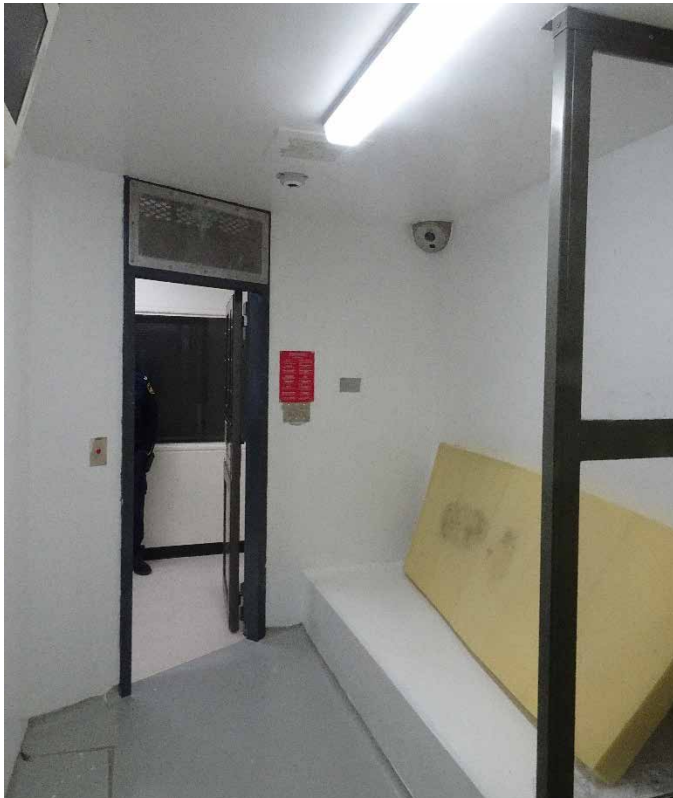
Assessment cell in the new MPU



Assessment cell bed & reading light in new MPU



Assessment cell at HRMCC with mouldy mattress



Recommendation: CSNSW commissions the new segregation unit at Goulburn CC.

8.7 Clarence Correctional Centre

We inspected the segregation unit (Area 1) and MPU (Area 2) on 2 August 2024.

Clarence CC opened in 2020. Both units are modern, fit-for-purpose and generally in good condition.

The units have interview rooms where non-custodial staff deliver education, programs, psychology and community corrections services. We were advised that this has included one-on-one delivery of criminogenic programs to prisoners unable to participate in group programs.

Prisoners held in these units have access to their tablets 24 hours a day because they can recharge them in their cells. Uninterrupted access to tablet functions, including phone calls, significantly reduces boredom, isolation and dependence for prisoners. This in turn, makes managing prisoners a slightly easier task for officers.

The cells were well-designed with privacy walls at the showers, safe mirrors, reading lights by the beds, and rubber wall-pins for hanging towels.

Every cell in both units had CCTV cameras.

Table 15: Accommodation conditions – segregation/protective custody/separation at Clarence CC

	Area 1 segregation unit	Area 2 MPU	Adequate/appropriate?
Cell size (square metres)	Various, appears adequate	Various, appears adequate	● ●
Natural light	Yes	Yes	● ●
Fresh air	Yes	Yes	● ●
Air conditioned/heated	Yes	Yes	● ●
Shower in cell	Yes	Yes	● ●
Electrical power points	Yes	Yes	● ●
Phone access	Tablets 24 hours/day Phone kiosk in unit	Tablets 24 hours/day	● ●
Exercise space	50% of cells have yards at rear 4 separate, large yards with sunlight	50% of cells have yards at rear 2 separate, large yards with sunlight	● ●
Ligature points	No	No	● ●
Information about complaint avenues	Available in tablets	Available in tablets	● ●
CCTV camera	1 per cell	1 per cell	● ●
CCTV perspective maintains dignity	For showers but not toilets	For showers but not toilets	● ●
Cells with disability modifications	2	1	● ●
General condition	Well-maintained and generally clean	Well-maintained and generally clean	● ●

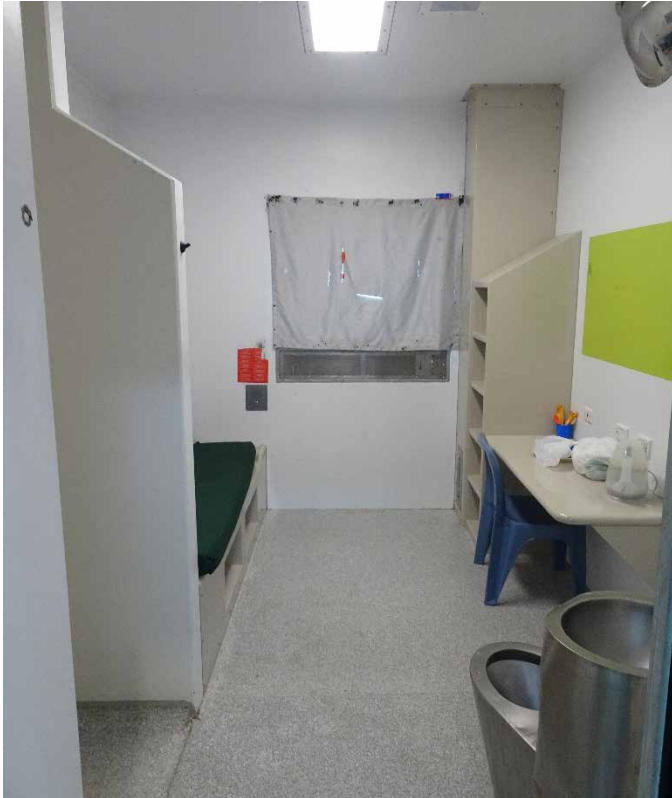
Area 1 segregation cell



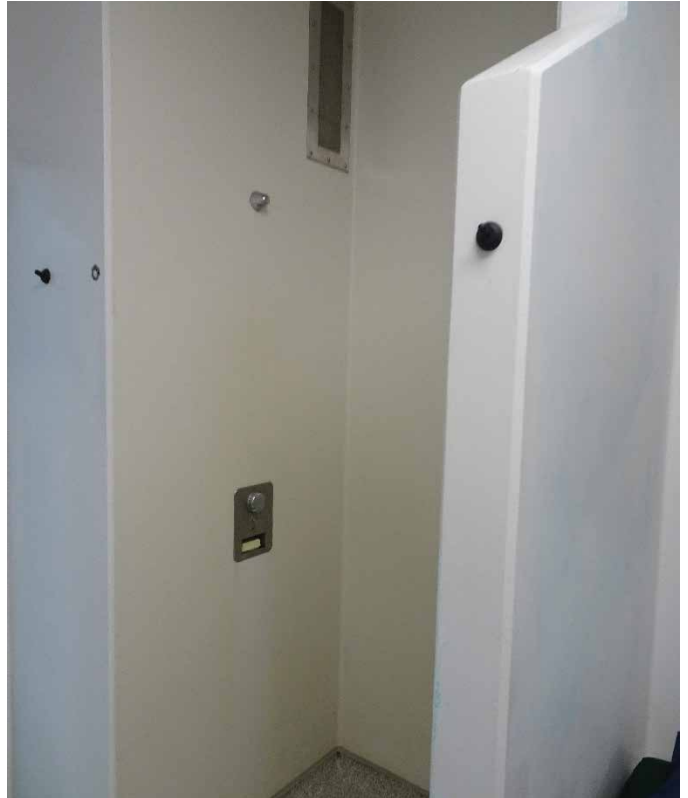
Area 1 segregation exercise yard



Area 2 MPU cell



Shower in Area 2 MPU cell



8.8 Metropolitan Special Programs Centre

We inspected the secure housing unit (SHU) and assessment cells in the intensive support unit (ISU) and 7 wing at MSPC in May 2024 during the inspection of the Long Bay Correctional Complex.

The SHU opened in 2018. It was originally intended to hold HRMCC prisoners who needed to be in Sydney to attend court. Instead, those prisoners are held at the MRRC and the SHU is mostly used for segregation as well as protective custody. It is well-suited to these purposes. We found it in good condition other than some mould in the showers and some graffiti on cell walls. It has an AVL suite for court appearances, an AVL suite for professional appointments, a health consultation room, a medication dispensary, and a facility for non-contact visits or interviews. A room marked as an activities room was being used as a storeroom.

There are two cameras in every cell. One camera provides a clear view of the entire cell, while the second camera faces the toilet directly. The second camera should be permanently covered as it is unnecessary. An officer commented that this camera is useful because it can show a prisoner receiving unauthorised items through the cell door. Officers should use other means to monitor people approaching cell doors.

At the time of the inspection, MSPC was about to trial the use of cloth coverings over cameras for prisoners who do not require CCTV monitoring. We hope to see this become an ongoing practice at this and other correctional centres. As most prisoners in segregation and protective custody do not require CCTV monitoring, the cloth covers should be in place as the default and removed as required.

The assessment cells in the ISU and 7 wing were small, dated and lacking in basic amenity, with no access to fresh air, natural light, or appropriate exercise space. At the ISU, showers are located externally and are inaccessible during lockdowns caused by staff shortages. The ISU assessment cells were relatively well-maintained, while the 7 wing assessment cells were extremely dilapidated with cracked floors and mould and graffiti throughout. The 7 wing assessment cells are entirely unsuitable and should not be used.

CSNSW is not considering the closure of any assessment cells 'given the cells play a vital role in the placement of inmates on RIT' but has prioritised maintenance work including the removal of mould and graffiti.²⁴⁴

There were no cells with disability modifications at any of these three locations.

Table 16: Accommodation conditions – segregation/protective custody/separation at MSPC

	SHU	Adequate/ appropriate?
Cell size (square metres)	10.04 ²⁴⁵	●
Natural light	Yes	●
Fresh air	Yes	●
Air conditioned/heated	Yes	●
Shower in cell	Yes	●
Electrical power points	Yes	●
Phone access	Tablets, cordless phone and phone cage in unit	●
Exercise space	Rear yard approx. 8 sq. metres, limited sunlight	●
Ligature points	No	●
Information about complaint avenues	Yes	●
CCTV camera	2 per cell	●
CCTV perspective maintains dignity	No	●
Cells with disability modifications	Nil	●
General condition	Well-maintained, clean some mould in showers.	●

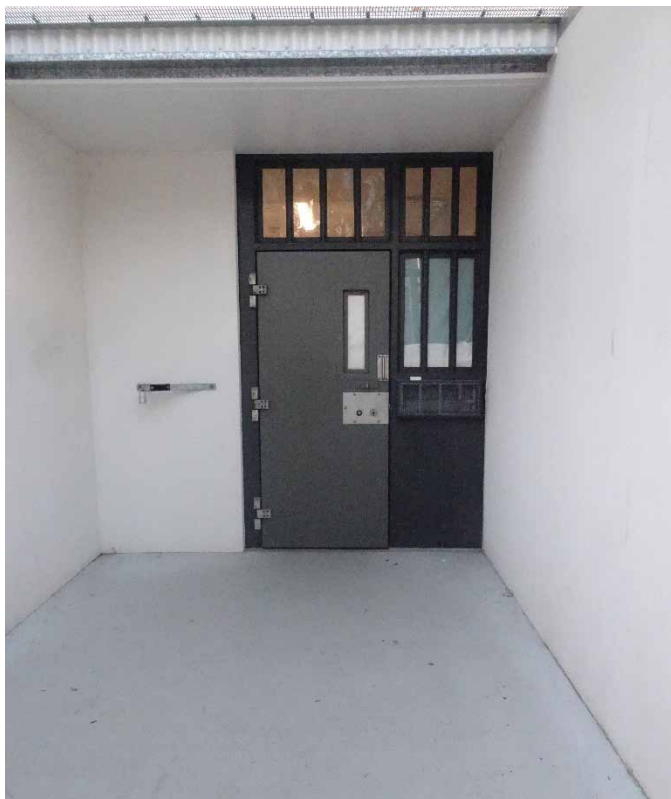
244 Information provided by Corrective Services NSW, 4 February 2026.

245 Cells varied in size slightly.

SHU cell



Exercise yard at rear of SHU cell



Shower and toilet in SHU cell



Exercise yards at SHU



Trial cover for CCTV cameras



SHU health consultation room



Table 17: Accommodation conditions – assessment cells at MSPC

	7 wing	ISU	Adequate/ appropriate?
Cell size (square metres)	Not measured but certainly less than minimum standard	Not measured but certainly less than minimum standard	● ●
Natural light	No	No	● ●
Fresh air	No	No	● ●
Air conditioned/heated	No	No	● ●
Shower in cell	No	No	● ●
Phone access	Tablets Phone in corridor	Tablets Phone in corridor	● ●
Exercise space	No	Separate, large yard with no sunlight ²⁴⁶	● ●
Ligature points	No	No	● ●
Information about complaint avenues	Yes	Yes	● ●
CCTV camera	2	1	● ●
CCTV perspective maintains dignity	No	No	● ●
Cells with disability modifications	Nil	No ²⁴⁷	● ●
General condition	Very dilapidated. Mould and graffiti on walls and ceiling	Well-maintained, clean, faded graffiti	● ●

246 There is another large, sunlit exercise yard which is inaccessible to prisoners held in the assessment cells.

247 Disability modifications are available in a nearby cell. This cell does not have CCTV cameras.

7 wing assessment cell



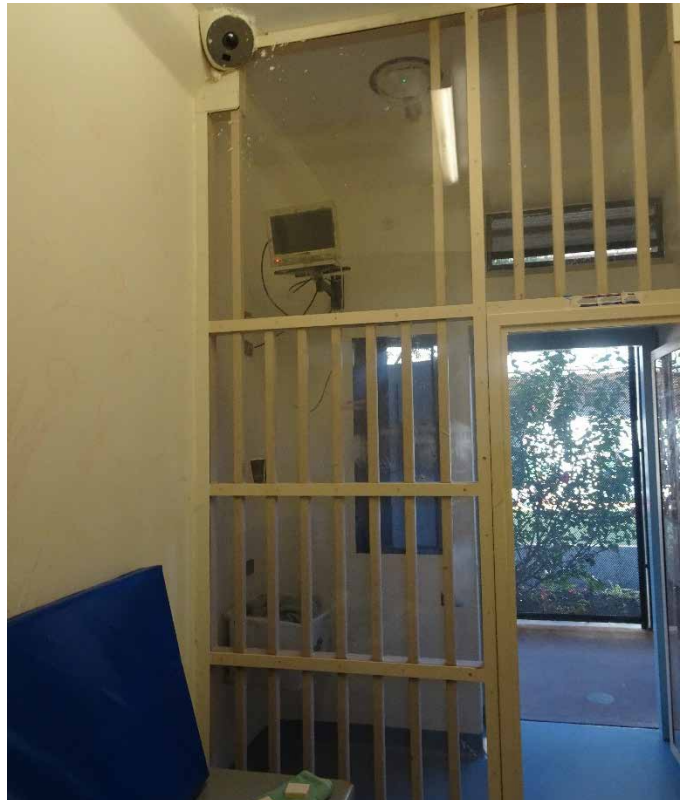
7 wing assessment cell ceiling mould



ISU assessment cell



ISU assessment cell (reverse angle)



8.9 Macquarie Correctional Centre

We inspected the MPU at Macquarie CC on 13 August 2024 during our inspection of the correctional centre.

Opened in 2018, Macquarie CC’s MPU is modern, well-maintained and provides fit-for-purpose accommodation for a range of uses. It is particularly appropriate for the placement of prisoners in protective custody. Its relatively spacious cells receive fresh air and are equipped with power points and bedside reading lights. Prisoners generally cannot have their electrical appliances in the cells but an exception was made for a man in long-term protective custody. The relatively large exercise yards are open for eight hours a day and receive ample sunlight.

There are no tablets at Macquarie CC as the dormitory cubicles are fitted with televisions offering similar functions. The MPU has a kiosk facility replicating these functions.

A small selection of books was available.

All cells in the MPU have CCTV.

Table 18: Accommodation conditions – segregation/protective custody/separation at Macquarie CC

	MPU	Adequate/ appropriate?
Cell size (square metres)	9.45	●
Natural light	Yes	●
Fresh air	Yes	●
Air conditioned/heated	Yes	●
Shower in cell	Yes	●
Electrical power points	Yes	●
Phone access	Phone cage in unit	●
Exercise space	Rear yard approx. 13 sq. metres with sunlight	●
Ligature points	No	●
Information about complaint avenues	Yes	●
CCTV camera	1 per cell	●
CCTV perspective maintains dignity	No	●
Cells with disability modifications	1	●
General condition	Well-maintained and clean	●

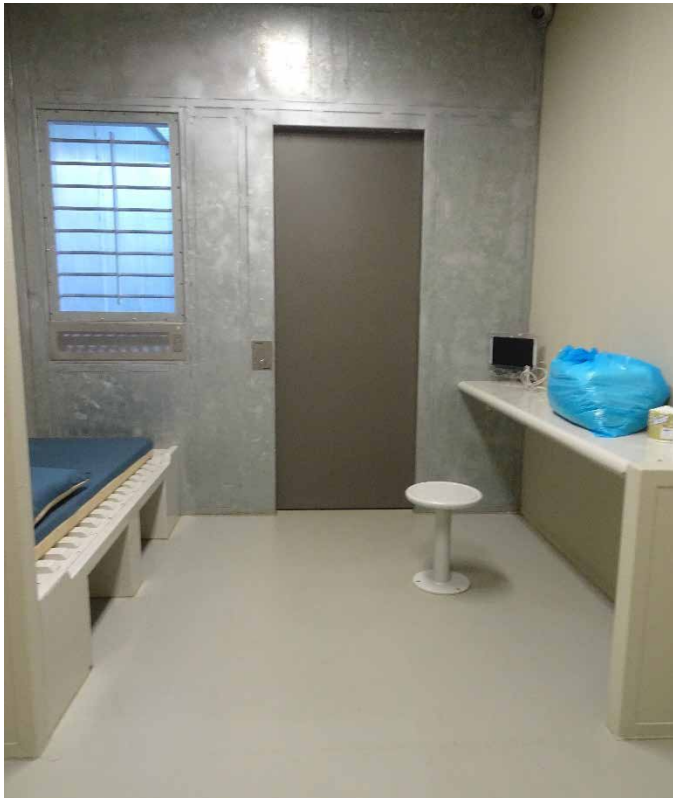
Wing of the MPU including telephone (in cage)



Digital kiosk for prisoners



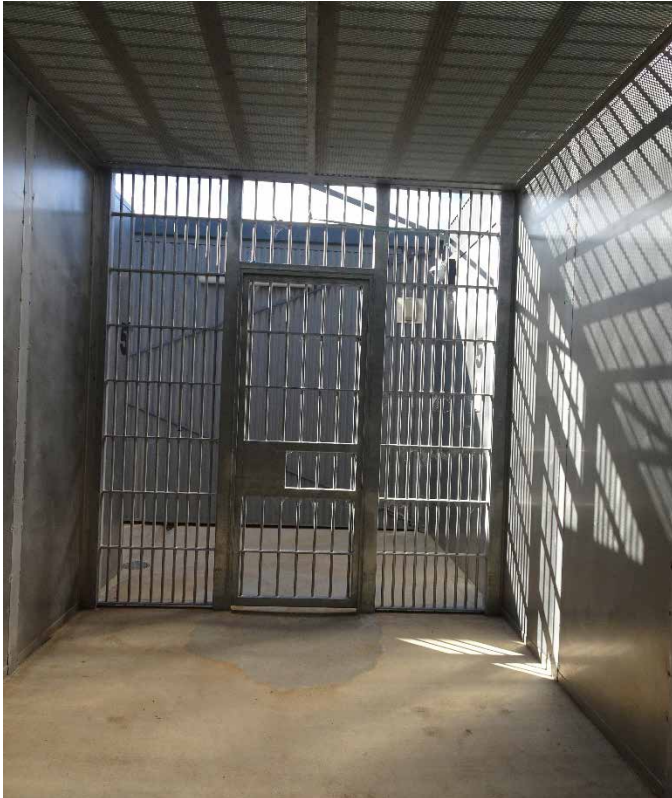
MPU cell



Accessible cell shower and toilet



Exercise yard at rear of MPU cell



8.10 Dillwynia Correctional Centre

We inspected the multipurpose unit, behaviour intervention unit and assessment cells at Dillwynia CC on 7 August 2025.

The multipurpose unit is located in the maximum security part of the correctional centre (Area 1). Women held in these cells had access to their tablets 24 hours a day as they were able to recharge the devices in their cells. Exercise yards at the rear of cells were open from 10.30am to 2.30pm. The cells were in reasonable condition but repainting should be planned as we found extensive graffiti and paint peeling.²⁴⁸ We were pleased to find that only five of the 10 cells had internal CCTV cameras, allowing women who do not require camera monitoring to maintain some privacy and dignity.

Women in segregated custody were subject to blanket security restrictions including the requirement for handcuffs and three officers to escort them outside of their cells.

The behaviour intervention unit (BIU) is located in the minimum security part of Dillwynia CC (Area 2). We were advised that it is no longer used for behaviour intervention purposes and that women on behaviour management contracts are generally moved to T block in Area 1.

There were four women in the BIU when we inspected it: two were in segregated custody; one was in SMAP; and one was there for her protection. Only the women in segregated custody were being held under lawful directions which authorised their separation from other prisoners. Women are highly vulnerable when placed in locations where they are separated from the general population and other staff. This vulnerability is increased when this occurs without authorisation by a lawful direction.

We are concerned that this is still an issue at Dillwynia CC despite the evidence examined in the *Special Commission of Inquiry into Offending by Former Corrections Officer Wayne Astill at Dillwynia Correctional Centre*, and work undertaken by CSNSW to address concerns outlined by the Inquiry.²⁴⁹

²⁴⁸ Information provided by Corrective Services NSW, 4 February 2026 stated 'The centre is subject to a maintenance schedule that includes the painting of the cells. Further to this, in the event that damage is located prior to scheduled maintenance, maintenance requests are completed and the damage is rectified'.

²⁴⁹ Letter received from Minister Chanthivong to the Inspector Of Custodial Services, 17 March 2026.

The inquiry found that Mr Astill's offending occurred in locations including the BIU.²⁵⁰

CSNSW advised that staff are reminded during weekly segregation review meetings that legal orders are required for all women separated from other prisoners.²⁵¹

The two officers working in the BIU when we inspected it did not understand what directions were required to lawfully manage prisoners under these arrangements. This implies that they also did not understand their obligations in managing each prisoner nor the prisoners' rights and entitlements. The officers advised us that all women in segregated custody required handcuffs and three officers present to facilitate any movements outside their cells.

Exercise yards at the rear of cells were open from approximately 9.30am to 2.15pm. A separate, larger exercise yard was not being used by any of the prisoners while we were present. Staff told us that access to this yard is not offered to women in segregated custody and did not offer a reason for this rule.

We were advised that an Aboriginal inmate delegate visits women in the BIU on most days.

Cells in the clinic in Area 1 could hold women at risk of self-harm or suicide as well as women requiring observation for medical reasons. A day room and small outdoor space provided opportunities to spend time outside of the cell environment.

We also briefly inspected some additional assessment cells in Area 2 but were unable to take photographs or measurements. We were told that these cells were rarely used and only when the clinic's assessment cells reach full capacity. These cells appeared spacious, in good condition and appropriately designed to manage women at risk of self-harm or suicide. However, we did not see any space where at-risk women could exercise.

Table 19: Accommodation conditions – segregation/protective custody/separation at Dillwynia CC

	Area 1 MPU	Area 2 BIU	Adequate/ appropriate?
Cell size (square metres)	10.64	9.3	● ●
Natural light	Yes	Yes	● ●
Fresh air	No	No	● ●
Air conditioned/heated	Yes	Yes	● ●
Shower in cell	Yes	Yes	● ●
Electrical power points	Yes	Yes	● ●
Phone access	Tablets 24 hours per day	Tablets and cordless phone	● ●
Exercise space	Rear yard 9 sq. metres	Rear yard 7 sq. metres with limited sunlight. Large, separate exercise yard.	● ●
Ligature points	No	No	● ●
Information about complaint avenues	Yes	Available in tablets	● ●
CCTV camera	50% of cells	1 per cell	● ●

250 Report of the Special Commission of Inquiry into Offending by Former Corrections Officer Wayne Astill at Dillwynia Correctional Centre (the Honourable Peter McClellan AM KC, 29 February 2024) 92.

251 Information provided by Corrective Services NSW, 4 February 2026.

CCTV perspective maintains dignity	Yes	Yes	● ●
Cells with disability modifications	Nil	Nil	● ●
General condition	Graffiti, paint peeling, otherwise clean	Well-maintained and clean	● ●

Area 1 MPU cell



Area 2 BIU cell

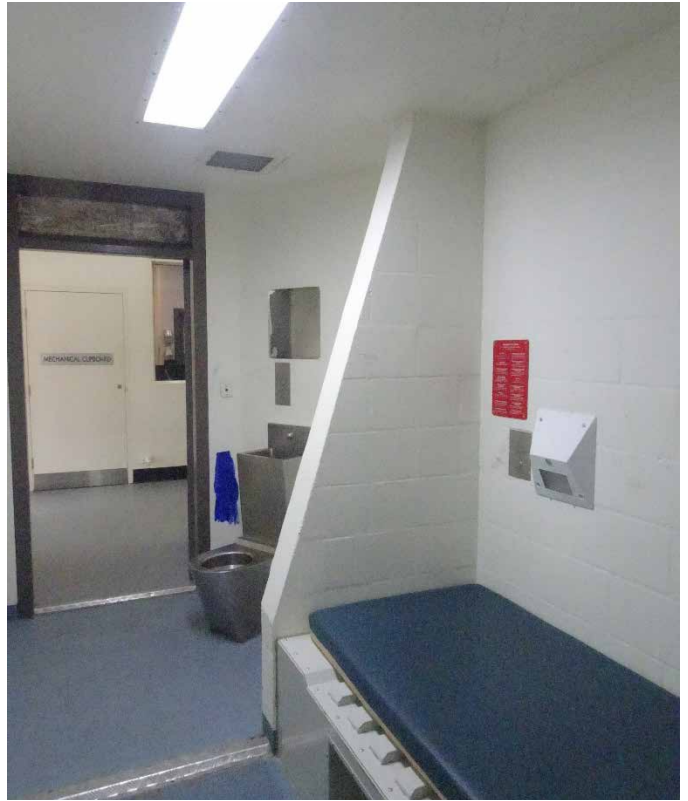


Table 20: Accommodation conditions – assessment cells at Dillwynia CC

	Area 1 clinic	Adequate/ appropriate?
Cell size (square metres)	10.71	●
Natural light	Yes	●
Fresh air	No	●
Air conditioned/heated	Yes	●
Shower in cell	Yes	●
Phone access	Tablets (if permitted) and wall phone in unit	●
Exercise space	Separate, outdoor yard and day room	●
Ligature points	No	●
Information about complaint avenues	Available in tablets	●
CCTV camera	2 in each cell	●
CCTV perspective maintains dignity	No	●
Cells with disability modifications	Accessible facilities available in a separate bathroom	●
General condition	Substantial chalk graffiti, otherwise clean	●

Area 1 clinic cell



Area 1 clinic exercise yard



Appendix A – Previous ICS recommendations

Report	Date tabled	Recommendation
<i>Inspection of Macquarie and Hunter Correctional Centres 2024</i>	December 2025	19. Corrective Services NSW ensures that Hunter Correctional Centre inmates held in the multipurpose unit are held on a legal order and managed in accordance with relevant legislation.
<i>Inspection of the Long Bay Correctional Complex 2023–24</i>	December 2025	6. Corrective Services NSW permanently closes the Long Bay Hospital multipurpose unit.
<i>Inspection of South Coast Correctional Centre 2023</i>	November 2025	17. Corrective Services NSW reviews the decision to remove the Protection Limited Association placement option. 18. Corrective Services NSW reviews the correctional system’s capacity to accommodate ‘Protection Non-Association’ inmates.
<i>Inspection of Bathurst Correctional Centre 2023</i>	February 2025	4. Corrective Services NSW develops and implements a plan for the closure of the Bathurst Correctional Centre Multi-Purpose Unit as inmate accommodation. 10. Corrective Services NSW ensures that lockdowns at Bathurst Correctional Centre are implemented equitably across the centre and that access to open air is maintained, particularly for those held in the Multi-Purpose Unit and the Multi-Function Accommodation Unit.
<i>Inspection of Mid North Coast Correctional Centre 2023</i>	December 2024	15. Corrective Services NSW ensures special housing inmates at Mid North Coast Correctional Centre are placed on a section 78A order and their placement is reviewed via weekly segregation review meetings. 25. Corrective Services NSW removes all hanging points from the cells allocated to inmates on a risk intervention team management plan in Mid North Coast Correctional Centre’s Sector 1 multipurpose unit (G pod) and ensures until such is completed inmates at risk of self-harm are not placed in this area. 26. Corrective Services NSW builds a new fit-for-purpose multipurpose unit in Sector 1 of Mid North Coast Correctional Centre that can safely accommodate inmates at risk.
<i>Inspection of Junee Correctional Centre 2023</i>	December 2024	14. GEO managers speak to relevant inmates before the weekly segregation meeting.

<p><i>Inspection of Geoffrey Pearce Correctional Centre 2022</i></p>	<p>December 2024</p>	<p>11. Corrective Services NSW ensures that Geoffrey Pearce Correctional Centre complies with obligations under Custodial Operations Policy and Procedures with respect to segregated custody.</p> <p>12. Corrective Services NSW ensures that Geoffrey Pearce Correctional Centre follows correct procedures when issuing a direction for separation of an inmate under section 78A of the Crimes (Administration of Sentences) Act 1999.</p> <p>13. Corrective Services NSW only places inmates under camera supervision when required to ensure their safety.</p>
<p><i>Inspection of Shortland Correctional Centre and Cessnock Correctional Centre 2023</i></p>	<p>June 2024</p>	<p>4. Corrective Services NSW ensures that lockdowns at Shortland Correctional Centre are implemented equitably across the centre and that access to daily exercise is maintained for people held in I block.</p> <p>6. Corrective Services NSW ensures that Shortland Correctional Centre does not use H block as overflow placement for people who should be placed in I block. If protective custody inmates cannot be accommodated in I block, they should be transferred to another correctional centre.</p> <p>14. Corrective Services NSW ensures Shortland Correctional Centre arranges for the protective custody cells in I block to be retrofitted with electrical access.</p> <p>68. Corrective Services NSW ensures that Cessnock Correctional Centre's use of segregation and separation orders is consistent with legislation and policy and does not circumvent safeguards and review mechanisms.</p> <p>69. Corrective Services NSW ensures Cessnock Correctional Centre displays contact information for the Corrective Services Support Line, NSW Ombudsman, Legal Aid Commission and Official Visitors on inmate tablet devices and on posters in all areas where separation, segregation and protective custody occur.</p> <p>70. Corrective Services NSW ensures Cessnock Correctional Centre ensures people on separation orders always receive access to a television and tablet device and receive the statutory daily minimum access to exercise.</p>

<i>Inspection of Wellington Correctional Centre 2022</i>	May 2024	19. Corrective Services NSW ensures Wellington Correctional Centre removes or covers the murals in the multipurpose unit (G pod) and allows other inmates held in this area to engage in therapeutic artwork.
<i>Inspection of the Metropolitan Remand and Reception Centre 2022</i>	February 2024	11. Corrective Services NSW and Justice Health and Forensic Mental Health Network review the demand for camera cells within the high needs area of the Mental Health Screening Unit, consider ways to increase capacity, and refurbish the existing assessment cells within this area.
<i>Inspection of Mannus Correctional Centre and Glen Innes Correctional Centre 2022</i>	February 2024	10. Corrective Services NSW removes hanging points in the holding and segregation cells at Mannus Correctional Centre.
<i>Inspection of Silverwater Women's and Dillwynia Correctional Centres 2022</i>	December 2023	21. Corrective Services NSW establishes fit for purpose units at Silverwater Women's Correctional Centre to accommodate new reception inmates, and other inmates subject to segregation or disciplinary orders, and closes the current induction unit.
<i>Inspection of Parklea Correctional Centre 2020</i>	June 2022	14. Corrective Services NSW ensures onsite monitors are regularly reviewing the operation of segregation and related governance processes. 15. Corrective Services NSW and MTC-Broadspectrum review the protection non-association regime at Parklea Correctional Centre.
<i>Inspection of Goulburn Correctional Centre and the High Risk Management Correctional Centre 2022</i>	June 2022	27. Corrective Services NSW ceases using the High Risk Management Correctional Centre to hold inmates from Goulburn Correctional Centre and other correctional centres subject to segregation and separation orders.
<i>Inspection of Lithgow Correctional Centre 2021</i>	May 2022	5. Corrective Services NSW reviews the Special Management Unit and ensures custodial staff are trained on the differences between segregation, protective custody, and separation. 9. Corrective Services NSW increases time out of cell and activity for inmates in the Special Management Unit and develops reintegration pathways for inmates on long term protective custody placement at Lithgow Correctional Centre.
<i>Inspection of St Heliers Correctional Centre 2021</i>	November 2021	1. Corrective Services NSW prioritises identifying and resolving immediate and ongoing maintenance issues at St Heliers Correctional Centre, including ensuring that the segregation cells are fit for purpose.

<i>Inspection of Macquarie Correctional Centre and Hunter Correctional Centre 2020</i>	November 2020	<p>13. Macquarie Correctional Centre staff require additional training on the differences between segregation, separation and confinement to a cell for committing a correctional centre offence.</p> <p>24. Hunter Correctional Centre staff require additional training on the differences between segregation, separation and confinement to a cell for committing a correctional centre offence.</p> <p>25. Corrective Services NSW should develop a policy regarding the use of Multipurpose Units in NSW correctional centres.</p>
<i>Inspection of Oberon Correctional Centre 2020</i>	November 2020	4(b). Corrective Services NSW conducts regular maintenance at Oberon Correctional Centre of segregation cells and the provision of adequate bedding.
<i>Kariong and Kirkconnell Correctional Centres and the Integration Support Centre 2020</i>	November 2020	2. CSNSW provides staff with training to ensure that professional language is used that reflects contemporary correctional practice.
<i>Inspection of Cooma Correctional Centre 2020</i>	November 2020	<p>2. Corrective Services NSW ensures inmates assessed as being at risk of self-harm are safely accommodated with suitably covered mattresses.</p> <p>3. Corrective Services NSW monitors separation orders at Cooma Correctional Centre and ensures timely transfer of those inmates from Cooma Correctional Centre.</p>
<i>Inspection of Five Minimum Security Correctional Centres in Non-Metropolitan NSW 2020</i>	February 2020	20. Corrective Services NSW refurbishes holding and segregation cells [at Mannus Correctional Centre] to appropriate standards and remove any hanging points.
<i>Women on Remand 2020</i>	February 2020	10. Corrective Services NSW considers the closure of the Induction Unit at Silverwater [Women's Correctional Centre] and creation of a new induction unit at Silverwater.
<i>Full House: the Growth of the Inmate Population in NSW</i>	April 2015	4. Corrective Services NSW minimises the practice of holding inmates with different separation requirements at a centre.

Appendix B - Relevant standards

The *United Nations Standard Minimum Rules for the Treatment of Prisoners*²⁵² (generally referred to as the Nelson Mandela Rules) were adopted in 2015 with unanimous support from members of the United Nations General Assembly, including Australia, as the primary, global set of minimum standards of modern prison and prisoner management. This collection of 122 rules sets the benchmarks for adequate, effective and humane correctional systems and practices.

The following overarching rules particularly guided our assessments of correctional centre practices, records and infrastructure during this review:

- Rule 11 - The different categories of prisoners shall be kept in separate institutions or parts of institutions, taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment; thus:
 - a) Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women, the whole of the premises allocated to women shall be entirely separate
 - b) Untried prisoners shall be kept separate from convicted prisoners
 - c) Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence
 - d) Young prisoners shall be kept separate from adults.
- Rule 36 - *Discipline and order shall be maintained with no more restriction than is necessary to ensure safe custody, the secure operation of the prison and a well-ordered community life.*
- Rule 39(2) - *Before imposing disciplinary sanctions, prison administrations shall consider whether and how a prisoner's mental illness or developmental disability may have contributed to his or her conduct and the commission of the offence or act underlying the disciplinary charge. Prison administrations shall not sanction any conduct of a prisoner that is considered to be the direct result of his or her mental illness or intellectual disability.*
- Rule 42 - *General living conditions addressed in these rules, including those related to light, ventilation, temperature, sanitation, nutrition, drinking water, access to open air and physical exercise, personal hygiene, health care and adequate personal space, shall apply to all prisoners without exception.*
- Rule 45 (1) - *Solitary confinement shall be used only in exceptional cases as a last resort, for as short a time as possible and subject to independent review, and only pursuant to the authorization by a competent authority. It shall not be imposed by virtue of a prisoner's sentence.*
- Rule 45 (2) - *The imposition of solitary confinement should be prohibited in the case of prisoners with mental or physical disabilities when their conditions would be exacerbated by such measures. The prohibition of the use of solitary confinement and similar measures in cases involving women and children, as referred to in other United Nations standards and norms in crime prevention and criminal justice, continues to apply.*²⁵³
- Rule 46(1) - *Health-care personnel shall not have any role in the imposition of disciplinary sanctions or other restrictive measures. They shall, however, pay particular attention to the health of prisoners held under any form of involuntary separation, including by visiting such prisoners on a daily basis and providing prompt medical assistance and treatment at the request of such prisoners or prison staff.*

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

253 For example, *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders* (the Bangkok Rules), rule 22 - 'Punishment by close confinement or disciplinary segregation shall not be applied to pregnant women, women with infants and breastfeeding mothers in prison'.

- Rule 46(2) -Health-care personnel shall report to the prison director, without delay, any adverse effect of disciplinary sanctions or other restrictive measures on the physical or mental health of a prisoner subjected to such sanctions or measures and shall advise the director if they consider it necessary to terminate or alter them for physical or mental health reasons.
- Rule 46(3) -Health-care personnel shall have the authority to review and recommend changes to the involuntary separation of a prisoner in order to ensure that such separation does not exacerbate the medical condition or mental or physical disability of the prisoner.

Our inspection standards,²⁵⁴ incorporate a range of domestic and international instruments including the *Guiding Principles for Corrections in Australia 2018*, the national correctional reporting framework, the *Standard Minimum Rules for the Treatment of Prisoners 2015* (Nelson Mandela Rules) and the *European Prison Rules*. The following ICS standards were relevant to this review.

Segregation

- ICS standard 11.1 -Segregated and protective custody directions must be in writing. As soon as practicable after the directions are given, the inmate must be advised of their rights to a review of the direction.
- ICS standard 11.2 -Segregation and protective custody may be used only as an interim measure and should never be used for an extended period or as a punishment.
- ICS standard 11.3 -Inmates in segregated or protective custody should never be denied access to medical attention or any existing schedule of medication.
- ICS standard 42 -The conditions and treatment of inmates placed in segregated and protective custody must not be capable of being construed as punishment. The management of segregated and protected custody inmates must ensure their immediate safety and should be directed in the longer term to returning them safely back into a normal correctional centre regime.
- ICS standard 42.3 -Segregated and protective custody inmates should have equitable access to the range of activities, education, employment, incentive schemes, and visiting entitlements that are available to other inmates. Segregated and protective custody inmates must have daily access to the open air and be able to exercise.
- ICS standard 42.4 -Segregated and protective custody inmates should be reviewed daily to ensure health care needs are met in a timely manner.
- ICS standard 42.6 -Segregated and protective custody inmates must be made aware of the review process and should have their status regularly reviewed.
- ICS standard 53.7 -Every inmate who is placed in segregated custody must be able to exercise in the open air for at least one hour every day. In this regard, the space made available should be large enough to enable the inmate to have meaningful exercise.

Protective Custody

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

254 Inspector of Custodial Services, *Inspection Standards for Adult Custodial Services in New South Wales*.

- ICS standard 42 -The conditions and treatment of inmates placed in segregated and protective custody must not be capable of being construed as punishment. The management of segregated and protected custody inmates must ensure their immediate safety and should be directed in the longer term to returning them safely back into a normal correctional centre regime.
- ICS standard 42.3 -Segregated and protective custody inmates should have equitable access to the range of activities, education, employment, incentive schemes, and visiting entitlements that are available to other inmates. Segregated and protective custody inmates must have daily access to the open air and be able to exercise.
- ICS standard 42.4 -Segregated and protective custody inmates should be reviewed daily to ensure health care needs are met in a timely manner.
- ICS standard 42.6 -Segregated and protective custody inmates must be made aware of the review process and should have their status regularly reviewed.
- ICS standard 53.7 -Every inmate who is placed in segregated custody must be able to exercise in the open air for at least one hour every day. In this regard, the space made available should be large enough to enable the inmate to have meaningful exercise.

Separation

- ICS standard 11.1 -Segregated and protective custody directions must be in writing. As soon as practicable after the directions are given, the inmate must be advised of their rights to a review of the direction.
- ICS standard 11.2 -Segregation and protective custody may be used only as an interim measure and should never be used for an extended period or as a punishment.
- ICS standard 11.3 -Inmates in segregated or protective custody should never be denied access to medical attention or any existing schedule of medication.
- ICS standard 42 -The conditions and treatment of inmates placed in segregated and protective custody must not be capable of being construed as punishment. The management of segregated and protected custody inmates must ensure their immediate safety and should be directed in the longer term to returning them safely back into a normal correctional centre regime.
- ICS standard 42.3 -Segregated and protective custody inmates should have equitable access to the range of activities, education, employment, incentive schemes, and visiting entitlements that are available to other inmates. Segregated and protective custody inmates must have daily access to the open air and be able to exercise.
- ICS standard 42.4 -Segregated and protective custody inmates should be reviewed daily to ensure health care needs are met in a timely manner.
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- ICS standard 53.7 -Every inmate who is placed in segregated custody must be able to exercise in the open air for at least one hour every day. In this regard, the space made available should be large enough to enable the inmate to have meaningful exercise.

Confinement

- ICS standard 53.1 -Any punishment imposed must be prescribed in law, and be just and proportionate to the offence.
- ICS standard 53.4 -An inmate who is under punishment should be provided with information

concerning the duration and nature of the punishment.

- ICS standard 53.5 - Prolonged solitary confinement, corporal punishment, punishment by placement in a dark cell, reduction of diet, sensory deprivation and all cruel, inhumane or degrading punishments must not be used.
- ICS standard 53.8 - Punishment by confinement or disciplinary segregation shall not be applied to pregnant women, women with infants and breastfeeding mothers in correctional centres.²⁵⁵

Management of people at Risk of Self Harm or Suicide

- ICS standard 28.1 - Inmates who are distressed and at risk of self-harm or suicide should not be placed in a punishment-type cell or specialised maximum security unit that deprives the inmate of reasonable amenities and interaction with others. Should this occur as a result of no other alternative being available it must be only for the shortest possible time.
- ICS standard 89.13 - Correctional centres must seek to minimise the adverse impacts of imprisonment on the mental health of inmates. This is particularly important with inmates who are experiencing suicidal or self-harming ideation.
- ICS standard 89.14 - Correctional centre regimes should promote good mental health through purposeful activities, contact with family, health promotion, exercise and diet.
- ICS standard 90 - Correctional centres must have effective processes to detect and manage inmates in crisis, particularly where they may self-harm. These processes should be multidisciplinary and should develop a therapeutic and supportive management regime for such inmates.
- ICS standard 90.1 - Inmates in crisis, particularly those at risk of self-harm, should be fully consulted and informed concerning any change to their management regime, including the criteria for a return to normal regime management. Consideration should be given to imposing the least restrictive regime commensurate to risk, including the use of 'buddy' arrangements with other inmates.
- ICS standard 90.3 - Aboriginal inmates should have access to traditional healers, or Elders, where appropriate and practicable.
- ICS standard 90.4 - Trauma and grief counselling should be offered where appropriate, and multidisciplinary mental health crisis teams should be available at all closed security correctional centres.
- ICS standard 90.6 - In the event of a self-harming (or any other psychologically damaging) incident, appropriately skilled and trained counsellors should be made available to all affected inmates and staff, and should conduct an impact assessment with a view to ensuring that adequate supports are made available for as long as necessary.
- ICS standard 90.7 - Any inmate held in a special cell should be visited daily and as frequently as is necessary by a health professional to monitor physical and mental health.

Accommodation infrastructure

- ICS standard 17 - Correctional centres must never be dilapidated, degrading or inhumane. Site layout, movements and building design should support a full range of service delivery and maximise opportunities for positive human interaction.
- ICS standard 19.3 - All internal unsupervised inmate areas should be free of obvious ligature points.

²⁵⁵ ICS standard 43.8 reaffirms rule 22 of the *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders* (commonly known as 'The Bangkok Rules').

- ICS standard 20.4 -8.75 sqm is considered a satisfactory size for an individual cell, and 12.75 sqm for a two person cell.
- ICS standard 20.11 -Reasonable accommodation and adjustments should meet the needs of inmates with physical, mental or other disability. For example, wheelchair access, ramps and handrails.
- ICS standard 28 -The design of special accommodation for inmates that are deemed to be at risk of suicide and require a temporary separate management regime should incorporate therapeutic environmental principles that include regard for a good level of amenity and activity, natural light, high levels of staff/inmate interaction and appropriate monitoring facilities.
- ICS standard 28.1 -Inmates who are distressed and at risk of self-harm or suicide should not be placed in a punishment-type cell or specialised maximum security unit that deprives the inmate of reasonable amenities and interaction with others. Should this occur as a result of no other alternative being available it must be only for the shortest possible time.
- ICS standard 36.6 -All necessary measures should be taken (including the removal of ligature points) to reduce and prevent accidents, self-harm or unnatural deaths.

Appendix C - Terms of reference

The Inspector of Custodial Services will examine the management of inmates in segregation, separation, protective custody and other arrangements whereby a person may be managed separately from other inmates in NSW correctional centres. The Inspection will have particular reference to:

- a) relevant standards, legislation, policies and procedures
- b) review and oversight mechanisms and other safeguards
- c) daily routine, security measures, impacts of lockdowns and access to protective factors
- d) infrastructure
- e) alternative options
- f) any other related matters

Correctional centres may be visited as part of this inspection. Information collected during previous and upcoming inspections will also be considered in this inspection.

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