

Inspector of Custodial Services

Annual Report 2016-17





Produced by Inspector of Custodial Services

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1 Overview

1.1 Administration

1.1.1 Premises

The office of the Inspector of Custodial Services (ICS) moved from Level 13, 10 Spring Street to Level 3, 50 Phillip Street, Sydney, in July 2017.

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1.1.2 Staff

The permanent staffing establishment of the office is the Inspector, three Senior Inspection/Research Officers, one Inspection/Research Officer, one Official Visitor Coordinator, one Executive Assistant and one Research Assistant.

In addition to the permanent establishment there is one temporary Senior Inspection/Research Officer, one temporary Research Assistant and one temporary Administration Assistant.

1.1.3 Budget

The ICS is an independent statutory office. The budget for the 2016–17 financial year was \$2.4 million with actual costs of \$1.9 million. The budget includes \$300,000 from the previous financial year, due to unspent funds being carried forward.

NSW Treasury has approved a carry forward of part of the annual budget from the 2016–17 financial year to the 2017–18 financial year. As a result, the reported 2016–17 annual budget has been reduced by \$300,000 to \$2.1 million, and the 2017–18 annual budget indicates an increase by the same amount to \$2.4 million.

1.1.4 Additional resources

Expert consultants have been engaged on inspections to enhance the capacity of the office to examine specialised operational areas.

The ICS has also sought to enhance its inspection planning by drawing on the knowledge and expertise of the Official Visitors in the inspection planning process.

Additionally, the office hosted four interns under a program offered through the University of NSW Faculty of Law and plans to continue to provide this opportunity to students in the next reporting period.

1.2 Functions and powers

The purpose of the ICS is to provide independent scrutiny of the conditions, treatment and outcomes for adults and young people in custody and to promote excellence in staff professional practice.

The Inspector is independent of Corrective Services NSW (CSNSW) and Juvenile Justice NSW (JJNSW) and reports directly to NSW Parliament.

Under the provisions of the *Inspector of Custodial Services Act 2012*, the Inspector is required to inspect each custodial centre once every five years, and every juvenile justice centre once every three years.

The sites and assets included within the jurisdiction of the ICS include 36 correctional centres,¹ two transitional centres, two community residential facilities, one community offender support centre, six juvenile justice centres, 48 court cell complexes, a fleet of 105 escort vehicles and a detainee transport fleet of 35 vehicles.

The Inspector does not respond to individual complaints and, where appropriate, may refer complaints received to relevant agencies and/or oversight bodies for resolution.

1.2.1 Functions of the Inspector

The functions of the Inspector are set out in section 6 of the *Inspector of Custodial Services Act 2012*.

6 Principal functions of the Inspector

1. The principal functions of the Inspector are as follows:
 - a) to inspect each custodial centre (other than juvenile justice centres and juvenile correctional centres) at least once every 5 years,
 - b) to inspect each juvenile justice centre and juvenile correctional centre at least once every 3 years,
 - c) to examine and review any custodial service at any time,
 - d) to report to Parliament on each such inspection, examination or review,
 - e) to report to Parliament on any particular issue or general matter relating to the functions of the Inspector if, in the Inspector's opinion, it is in the interest of any person or in the public interest to do so,

¹ This is an increase from the 2015–16 reporting period: the Berrima Correctional Centre was reopened on 27 September 2016 and the Juniperina Juvenile Justice Centre was transferred to CSNSW in the second half of 2016.

- f) to report to Parliament on any particular issue or general matter relating to the functions of the inspector if requested to do so by the Minister,
 - g) to include in any report such advice or recommendations as the Inspector thinks appropriate (including advice or recommendations relating to the efficiency, economy and proper administration of custodial centres and custodial services),
 - h) to oversee Official Visitor programs conducted under the *Crimes (Administration of Sentences) Act 1999* and the *Children (Detention Centres) Act 1987*,
 - i) to advise, train and assist Official Visitors in the exercise of the functions conferred or imposed on them under those Acts,
 - j) such other functions as may be conferred or imposed on the Inspector under this or any other Act.
2. The functions of the Inspector may be exercised on the Inspector's own initiative, at the request of the Minister or in response to a reference by the Joint Committee or any public authority or public official.

1.2.2 Powers of the Inspector

The powers of the Inspector are set out in sections 7 and 8 of the *Inspector of Custodial Services Act 2012*.

7 Powers of the Inspector

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

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

8 Incidental powers

The Inspector has power to do all things necessary to be done for or in connection with, or reasonably incidental to, the exercise of the Inspector's functions. Any specific powers conferred on the Inspector by this Act are not taken to limit by implication the generality of this section.

1.3 Activities

The activities of the ICS relate to the inspection of custodial facilities and services. In addition to inspections, the Inspector also conducts liaison visits to centres to inform inspection work, monitor the implementation of recommendations, provide the opportunity for information sharing, and meet with Official Visitors. These liaison visits are an essential part of building strong, effective and productive relationships with key stakeholders.

ICS staff attend relevant meetings, forums and conferences to stay abreast of current and best practice in adult corrections and juvenile justice, identify key issues and concerns, and liaise with experts and other stakeholders.

1.3.1 Inspections

To respond to its legislative obligations using the resources available, a theme-based model of inspection has been developed which allows multiple centres to be included in a single theme-based inspection.

The office consults with relevant agencies and stakeholders when determining inspection themes and centres to be examined, so that priorities, risks and issues can be identified and canvassed.

Over the 2016–17 financial year, the ICS undertook the following inspections:

1.3.1.1 Clothing and bedding in NSW correctional centres

The inspection examined the provision and maintenance of clothing and bedding supplies in NSW correctional centres. The report *Prison Greens: The clothing and bedding of inmates in NSW* was tabled in NSW Parliament in June 2017 and included 21 recommendations.

1.3.1.2 Management of radicalised inmates in NSW correctional centres

Pursuant to a request by the Minister for Corrections and in accordance with section 6(1)(f) of the *Inspector of Custodial Services Act 2012*, a review of the management of radicalised inmates in NSW prisons was commenced on 22 April 2016.

Five maximum security centres were inspected: Metropolitan Remand and Reception Centre, Mid North Coast Correctional Centre, Goulburn Correctional Centre, High Risk Management Correctional Centre, and Lithgow Correctional Centre.

In particular, the inspection examined approaches and practices relating to the risk assessment, classification, designation, placement, and management of inmates, conditions within centres, and offender programs and services. Over 200 CSNSW staff were consulted, as well as executive and specialist staff.

1.3.1.3 Use of force, separation, segregation and confinement in NSW juvenile justice centres

This inspection examined how use of force against detainees in juvenile justice centres in NSW is managed. In October 2016 the Minister for Corrections requested an expansion of the terms of reference of the inspection to include an examination of the use of separation, segregation and confinement in juvenile justice centres.

During this inspection, a range of material was reviewed including legislation, policy documents, training material, academic literature and reports by government bodies and non-government stakeholders. The six juvenile justice centres across NSW were visited: Acmena, Cobham, Frank Baxter, Orana, Riverina, and Reiby Juvenile Justice Centres. These visits included discussions with centre staff, nurses, psychologists, principals, Official Visitors and young people. Wide consultation with external stakeholders was undertaken as part of this inspection.

1.3.1.4 24-hour court cells

This inspection examined the 24-hour court cells operated by CSNSW, with particular reference to the admission and length of time spent in court cells, the conditions and treatment of inmates, the provision of and access to health services provided by Justice Health & Forensic Mental Health Network (JH&FMHN), access to legal representatives, infrastructure and staffing, and relevant standards, legislation, policies and procedures.

The 24-hour court cell complexes were inspected during May and June 2017 at the following locations: Albury, Batemans Bay, Dubbo, Lismore, Moree, Newcastle, Parramatta, Penrith, Port Macquarie, Queanbeyan, Surry Hills, Wagga Wagga, and Wollongong. Amber Laurel Correctional Centre was also inspected.

1.3.1.5 Women on remand

The 2015–16 Annual Report observed that the female remand population was the fastest growing part of the rising prison population in NSW. This inspection is examining the conditions, treatment and outcomes for women detained on remand in NSW correctional centres.

This inspection commenced in June 2016 with a visit to Grafton Correctional Centre. In the 2017–18 reporting period, the following centres will be visited: Silverwater Women's Correctional Centre, Dillwynia Correctional Centre, Wellington Correctional Centre and Grafton Correctional Centre.

A full list of inspection visits undertaken during 2016–17 is as follows:

Inspections 2016-2017	
Centre	Date
Mid North Coast Correctional Centre	July 2016
Frank Baxter Juvenile Justice Centre	July 2016, March 2017
Lithgow Correctional Centre	August 2016
Goulburn Correctional Centre	August 2016
High Risk Management Correctional Centre (HRMCC), Goulburn	August 2016
Oberon Correctional Centre	August 2016
Cooma Correctional Centre	August 2016
Surry Hills Cell Complex	August 2016, May 2017
Riverina Juvenile Justice Centre	August 2016
Acmena Juvenile Justice Centre	September, November 2016
Orana Juvenile Justice Centre	September 2016
Cobham Juvenile Justice Centre	October, November, December 2016, February 2017
Reiby Juvenile Justice Centre	November 2016, June 2017
Albury Cell Complex	May 2017
Dubbo Cell Complex	May 2017
Moree Cell Complex	May 2017
Wagga Cell Complex	May 2017
Newcastle Justice Precinct	May 2017
Amber Laurel Correctional Centre	June 2017
Queanbeyan Cell Complex	June 2017
Batemans Bay Cell Complex	June 2017
Wollongong Cell Complex	June 2017
Grafton Correctional Centre	June 2017
Lismore Cell Complex	June 2017
Port Macquarie Cell Complex	June 2017
Penrith Cell Complex	June 2017
Parramatta Cell Complex	June 2017

1.3.2 Liaison visits

Liaison visits inform inspection work, assist in monitoring the implementation of recommendations, and provide the opportunity for information sharing and to meet with Official Visitors.

Effective inspection requires mutual respect and understanding between those inspecting the centres and staff where inspections are carried out. It is important for CSNSW and JJNSW staff to understand the purpose of independent custodial inspection and the approach being taken, and for inspection staff to have a detailed understanding of the correctional system and each centre within it.

Liaison visits are both an integral part of planning for inspections and allowing for the implementation of recommendations to be monitored. Liaison visits also support the induction and training of Official Visitors. The ICS has developed an annual plan of site visits and endeavours to inspect or visit each correctional centre once per annum.

Liaison Visits 2016-2017	
Centre	Date
Outer Metropolitan Multi Purpose Correctional Centre	July 2016, January 2017
Mid North Coast Correctional Centre	August 2016
Lithgow Correctional Centre	August, October 2016
Berrima Correctional Centre	August 2016
Lismore Cell Complex	August 2016
Wagga Wagga Cell Complex	August 2016
Newcastle Cell Complex	September 2016
Dubbo Cell Complex	September 2016
Bathurst Correctional Centre	September 2016
Bathurst Cell Complex	September 2016
Kirkconnell Correctional Centre	September 2016
Cooma Correctional Centre	October 2016
Silverwater Women's Correctional Centre	October 2016, March 2017
Tamworth Correctional Centre	October 2016, May 2017
Orana Juvenile Justice Centre	October 2016, April 2017
Acmena Juvenile Justice Centre	November 2016, February 2017
Ivanhoe (Warakirri) Correctional Centre	November 2016
Broken Hill Correctional Centre	November 2016

Liaison Visits 2016-2017	
Dillwynia Women's Correctional Centre	November 2016, March 2017
Amber Laurel Correctional Centre	November 2016
Dawn de Loas Correctional Centre	November 2016
Parklea Correctional Centre	November 2016
South Coast Correctional Centre	January 2017
St Heliers Correctional Centre	January 2017
Wellington Correctional Centre	February 2017
Riverina Juvenile Justice Centre	February, April 2017
Long Bay Correctional Complex	February 2017
Compulsory Drug Treatment Correctional Centre	February 2017
Cobham Juvenile Justice Centre	March 2017
Frank Baxter Juvenile Justice Centre	March 2017
Emu Plains Correctional Centre	March 2017
Goulburn Correctional Centre	April 2017
HRMCC, Goulburn	April 2017
Wellington Correctional Centre	April 2017
Glen Innes Correctional Centre	May 2017
Mannus Correctional Centre	May 2017
Cessnock Correctional Centre	May, June 2017
Brewarrina Correctional Centre	June 2017
Illawarra Reintegration Centre	June 2017

1.4 Official Visitors

1.4.1 Overview

Official Visitors are community representatives appointed by the Minister for Corrections to visit correctional centres and juvenile justice centres in NSW. The role of Official Visitors is to be independent observers of the custodial environment, and to report on the conditions in custodial facilities and to receive and deal with complaints.

The appointment of Official Visitors is established in NSW legislation: the *Crimes (Administration of Sentences) Act 1999* for the adult correctional system and the *Children (Detention Centres) Act 1987* for the juvenile justice system.

While at a given facility, Official Visitors record enquiries and complaints, and try to resolve them at the

local level by speaking to staff and inmates. At the conclusion of the reporting period, there were 58 CSNSW Official Visitors and 11 JJNSW Official Visitors who visited their assigned centres approximately once a fortnight throughout the year. Official Visitors attended 38 adult facilities and seven juvenile justice centres located around NSW throughout the reporting period.

The ICS commenced a review of the Official Visitor program in March 2017. The review, which is aimed at enhancing the program, is examining the recruitment process, increasing the diversity in Official Visitor appointments, length of the appointment term, remuneration, confidentiality and privacy in relation to communications with inmates and detainees, and reporting requirements. This review may result in recommendations requiring legislative change.

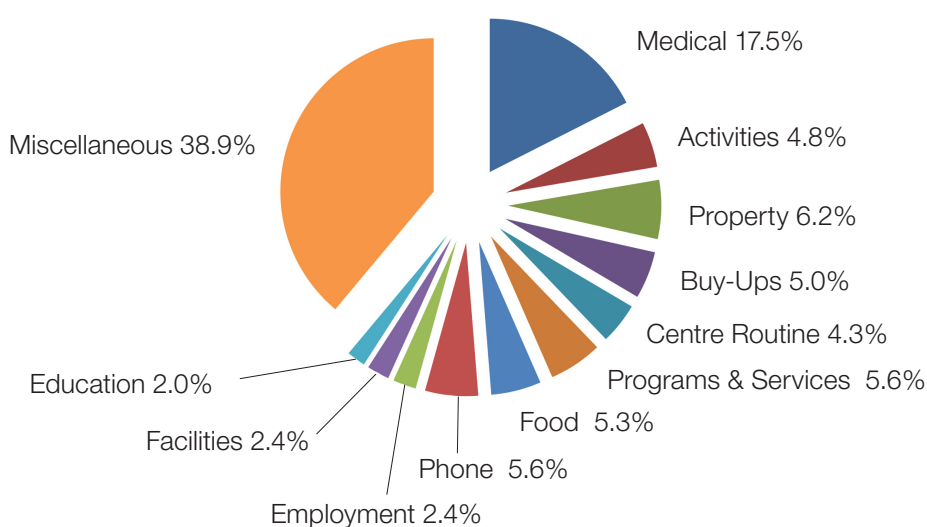
1.4.2 Complaints data

Corrective Services Official Visitors report to the Commissioner of Corrective Services NSW on a quarterly basis and to the Minister for Corrections and the Inspector on a six-monthly basis. Reports were provided to the Commissioner for the periods 1 July to 30 September 2016, 1 October to 31 December 2016, 1 January to 31 March 2017 and 1 April to 30 June 2017. The Minister and the Inspector received reports for the periods 1 July to 31 December 2016 and 1 January to 30 June 2017.

In the reporting period, 8952 complaints were heard by Corrective Services Official Visitors, an increase of 14% from the 2015–16 financial year reporting period.² Official Visitors also examine the facilities and make a note of conditions which, where necessary, are communicated back to the ICS.

The complaints data of adult inmates collected by Official Visitors for the 2016–17 reporting period is as follows:

Most Common Inmate Complaints Categories 2016-17



² As per records held for Corrective Services Executive Services and Complaint Management.

Corrective Services Complaint Numbers 1 July 2016 – 30 June 2017						
Categories most commonly complained about	Q1	Q2	Q3	Q4	TOTAL	% of Total Complaints for year
Medical	297	384	448	439	1568	17.5%
Activities	118	91	101	117	427	4.8%
Property	116	150	117	173	556	6.2%
Buy-Ups	92	100	143	111	446	5.0%
Centre Routine	82	104	87	115	388	4.3%
Programs & Services	119	109	115	160	503	5.6%
Food	67	100	147	158	472	5.3%
Phone	56	155	125	164	500	5.6%
Employment	35	40	78	66	219	2.4%
Facilities	-	-	110	101	211	2.4%
Education	-	-	100	76	176	2.0%
Miscellaneous						38.9%
TOTAL COMPLAINTS for the year	1646	2175	2614	2517	8952	

NOTE: 'Facilities' and 'education' were not listed as individual complaint categories until Q3.

Juvenile Justice Official Visitors report twice a year to the Minister for Corrections and the Inspector for the periods 1 July to 31 December and 1 January to 30 June. At present, Juvenile Justice Official Visitors do not report numbers of complaints.

1.4.3 Appointments

There were 65 Corrective Services and seven Juvenile Justice Official Visitor appointments made for a two-year period commencing in October 2015.

In the 2016–17 reporting period, the Minister for Corrections approved an additional six Aboriginal Official Visitor appointments to the six juvenile justice centres in NSW (Reiby, Frank Baxter, Cobham, Acmena, Riverina and Orana). These additional Official Visitor appointments were filled in December 2016, and have since enabled visits to juvenile justice centres on a weekly basis.

The ICS recommended that the Minister for Corrections approve an additional nine Official Visitor appointments to correctional centres and 24-hour court cell complexes to commence at the beginning of the new Official Visitor Term (1 October 2017). This was in response to the increasing prison population and bed numbers.

1.4.4 Official Visitor conferences

The Corrective Services and Juvenile Justice Official Visitors' Conference 2016 for CSNSW and JJNSW Official Visitors was held in Campbelltown, in December 2016. The two-day programme was the first conference to bring together CSNSW and JJNSW Official Visitors. The conference presented Official Visitors with the opportunity to hear from stakeholder agencies.

Pursuant to section 6(1) of the *Inspector of Custodial Services Act 2012*, the Inspector has the responsibility of providing training to Official Visitors. To this end, the conference also included a training workshop by a cultural awareness expert, titled 'Working with Aboriginal inmates and detainees who have experienced trauma and violence in their lives', and a presentation on Islamic culture.

1.5 Conferences and collaborations

In the interests of understanding best practice and key issues, ICS staff attended a number of conferences, workshops and visits to other jurisdictions in the 2016–17 financial year.

Conferences 2016–2017	
Conference	Date
Breakfast at Parliament House with Baroness Jean Corston	September 2016
Royal Australian & New Zealand College of Psychiatrists, Faculty of Forensic Psychiatry 2016, Fremantle, WA	September 2016
Chaplains Conference, Baulkham Hills	September 2016
2nd Australasian Youth Justice Conference, Griffith University	September 2016
Refuting the Theological Foundations of Violent Extremism and Radicalisation, Deakin University, Melbourne	October 2016
'Listen and Give Us a Say': Children and young people's views about safety in institutions, Royal Commission into Institutional Responses to Child Sexual Abuse Research Symposium, Sydney	October 2016
New South Wales Legal Assistance Forum - Prisoners Forum Meetings, Sydney	November 2016, February 2017, May 2017
Aboriginal Beyond the Bars, Justice Health & Forensic Mental Health Network, symposium, Sydney	November 2016

Conferences 2016–2017	
Human Rights Commission Roundtable Discussion on OPCAT Implementation in Australia, Sydney	December 2016, May 2017
Applied Research in Crime and Justice Conference, NSW Bureau of Crime Statistics and Research, Sydney	February 2017
Justice Health & Forensic Mental Health Network 2017 Conference & Awards Presentation, Sydney	May 2017

1.6 Relationships with other agencies

1.6.1 Liaison and communication with primary stakeholders

The ICS maintains communication and liaison with CSNSW and JJNSW, including regular meetings with the Commissioner of CSNSW, the Executive Director of JJNSW, and the Executive Director of JH&FMHN. ICS staff also liaise closely with appropriate officers in CSNSW and JJNSW when planning and undertaking an inspection. Information sharing occurs between the ICS and stakeholder agencies to support the research and inspection activities of the office.

Under a Memorandum of Understanding signed in December 2014, the ICS has regular meetings and ongoing communication and consultation with the NSW Ombudsman regarding complaint trends and areas of interest for inspection.

The ICS also communicates and consults with JH&FMHN and the NSW Auditor General on audit and inspection themes and outcomes.

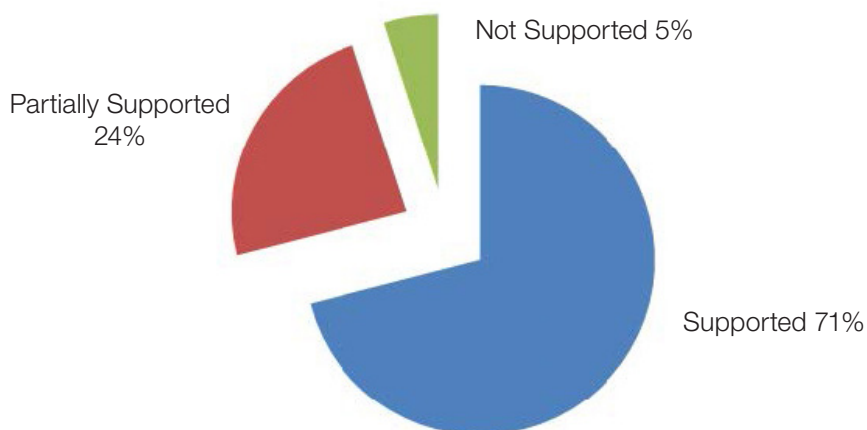
The ICS maintains a close relationship with similar inspection agencies in other jurisdictions. These include the Inspector of Custodial Services in Western Australia, the Office of the Custodial Inspector Tasmania, the Office of Correctional Service Review in Victoria, the Office of the Chief Inspector of Queensland Corrective Services and the Youth Detention Inspectorate in Queensland. These relationships foster the exchange of information, expertise and knowledge in relation to custodial services inspections.

Other jurisdiction visits 2016–2017	
Centre	Date
Acacia Prison, WA	September 2016
Wooroloo Prison Farm, WA	September 2016
Office of the Inspector of Custodial Services, WA	September 2016
Brisbane Youth Detention Centre, QLD	September 2016
Bimberi Youth Justice Centre, ACT	May 2017
Justice and Community Safety Directorate, ACT	June 2017
Office of the Chief Inspector, Queensland Corrective Services, QLD	February 2017
Townsville Women's Correctional Centre, Queensland Corrective Services, QLD	March 2017

1.6.2 Response to ICS recommendations made during 2016–17

Of the 21 recommendations made by the ICS in the report *Prison Greens: The clothing and bedding of inmates in NSW*, published in the 2016–17 financial year, CSNSW has supported 15 recommendations, partially supported five, and not supported one recommendation.

CSNSW Response to Recommendations made by ICS in 2016-2017



1.6.3 Response to ICS recommendations made during 2012–17

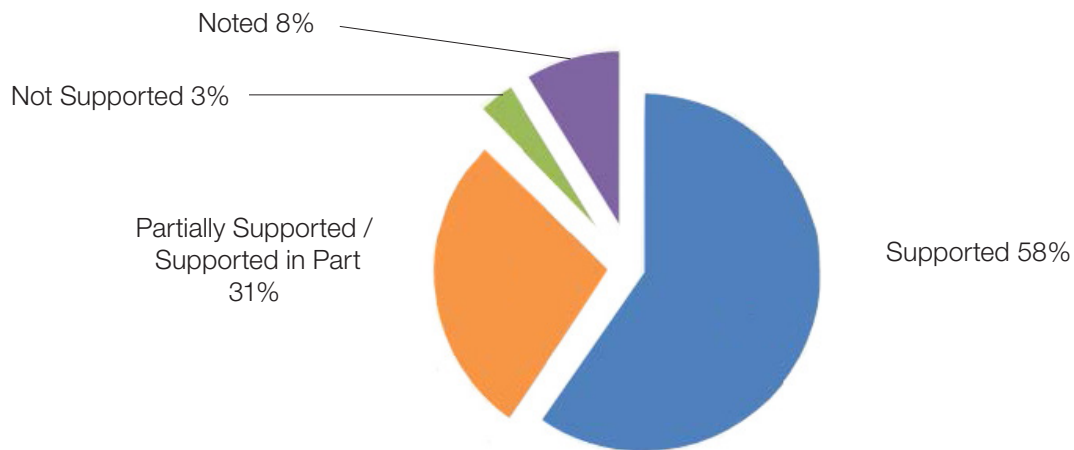
In the 2015–16 reporting period, it was clear that there was a need for the establishment of a monitoring program to oversee the implementation of recommendations that result from inspections and reviews. Regular reporting on the implementation of recommendations encourages the timely implementation of recommendations which can help to achieve system improvements.

During 2016–17, the ICS implemented a desktop monitoring and reporting framework to observe the progress made by each agency in relation to recommendations which were supported or partially supported. To create this monitoring framework the ICS visited and consulted with other inspectorates in Australia.

The reporting program is now supported by six-monthly desktop monitoring, with implementation data provided by CSNSW, JJNSW and JH&FMHN. This desktop monitoring data is verified through on-site visits.

A breakdown of the desktop monitoring data as requested from agencies at the conclusion of the 2016–17 reporting period regarding overall recommendation implementation is as follows:

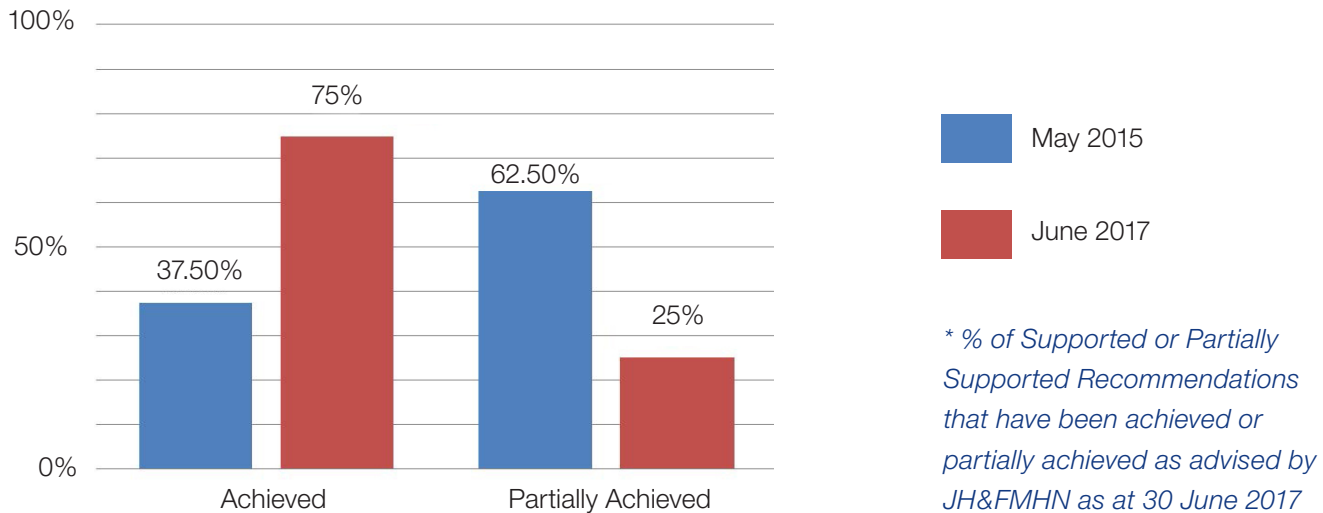
Responses by relevant agencies to ICS recommendations 2012-2017 (%)*



* As advised by JH&FMHN, JJNSW and CSNSW

ICS Recommendations Supported by Agencies 2012-2017					
	Supported	Partially Supported / Supported in Part	Not Supported	Noted	TOTAL
JH&FMHN Update	8	8	0	N/A	16
JJNSW Update	10	5	2	0	17
CSNSW Update	50	23	2	9	84
TOTAL	68	36	4	9	117

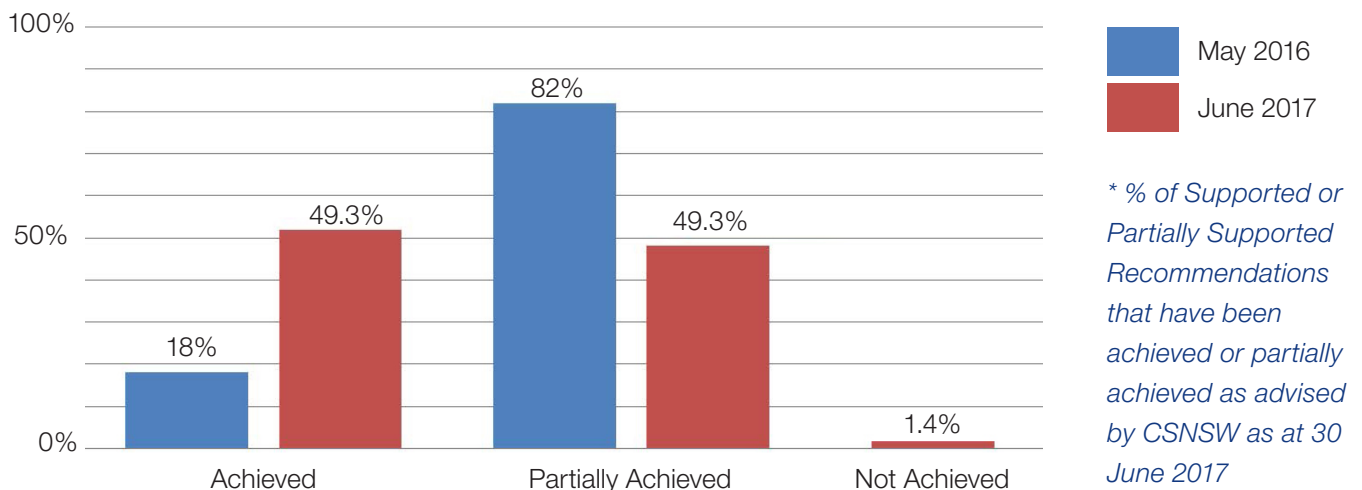
JH&FMHN Recommendation Achievement Progress (%)*



Supported or Partially Supported Recommendations that have been achieved or partially achieved by JH&FMHN at June 2017

Achieved	Partially Achieved	TOTAL
12	4	16
75%	25%	100%

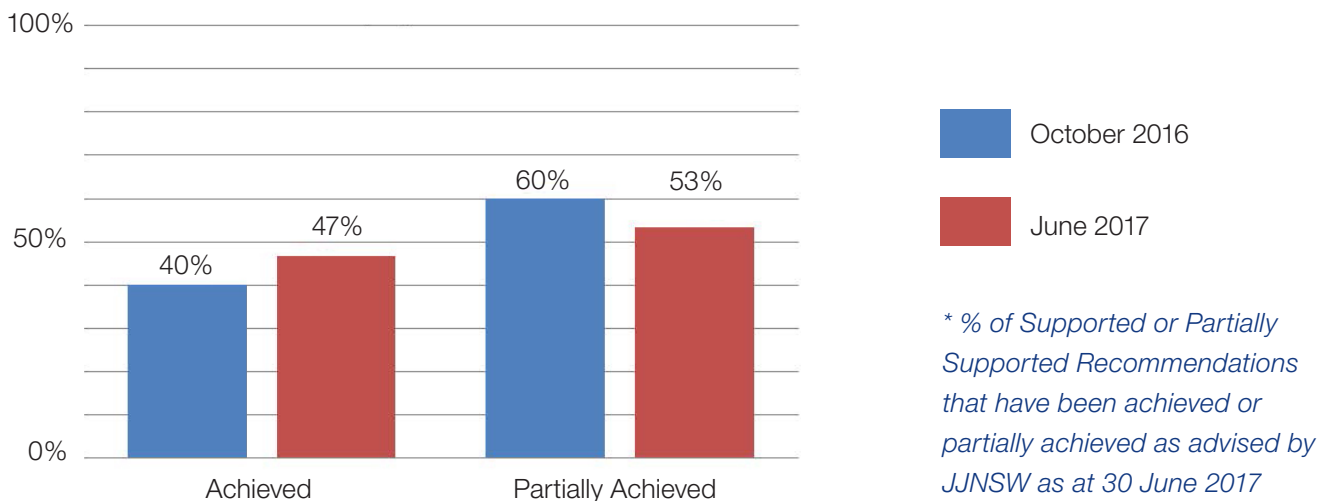
CSNSW Recommendation Achievement Progress (%)*



Supported or Partially Supported Recommendations that have been achieved or partially achieved by CSNSW at June 2017

Achieved	Partially Achieved	Not Achieved	TOTAL
36	36	1	73
49.3%	49.3%	1.4%	100%

JJNSW Recommendation Achievement Progress (%)*



Supported or Partially Supported Recommendations that have been achieved or partially achieved by JJNSW at June 2017		
Achieved	Partially Achieved	TOTAL
7	8	15
47%	53%	100%

These graphs demonstrate that across all relevant agencies, there has been an increase in the number of achieved recommendations, demonstrating progress in previously partially achieved recommendations.

In addition to the implementation of supported and partially supported recommendations, CSNSW also provided advice about its responses to several key findings and comments made by the ICS, and responses to noted recommendations. This has included reviewing sections of the Operational Procedures Manual, on-going evaluations of Offender Services and Programs, and the issuing of a Commissioner's Instruction regarding minimum floor area requirements for the construction of new inmate sleeping accommodation.

A full list of achieved ICS recommendations as advised by relevant agencies is contained in the Appendix.

1.7 Key observations from this period

During 2016–17, the office completed an inspection into clothing and bedding in the adult correctional system, resulting in 21 recommendations, and continued the inspection into the management of radicalised inmates. A review of how use of force is managed in Juvenile Justice involved the inspection of all six juvenile justice centres and was expanded in November 2016, at the request of the Minister, to include an examination of the use of separation, segregation and confinement in juvenile justice centres.

The impact of growing inmate numbers on the correctional system has been well documented and continues to inform much of the work of the ICS. During 2016–17, inmate numbers continued to climb. This remains the greatest challenge in the adult correctional system. Between July 2016 and June 2017, the NSW adult prison population grew by 4%, reaching a total adult inmate population of 13,092 as of June 2017.³

Notably, the remand population continues to constitute a large percentage of the total prison population. The increase in the remand population may affect the length of time prisoners spend in court cells before being transferred to correctional centres, as well as demand for services within correctional centres. The ICS announced two inspections to gauge the impact of the increasing remand population on the correctional system, these being inspections of 24-hour court cells and women on remand.

To alleviate overcrowding, additional bed capacity is being created across the adult correctional system through the reopening of old centres such as Berrima; the new Rapid Build Prisons in Wellington and Cessnock; the transfer of a juvenile justice centre to adult corrections; as well as additional beds in new and existing centres. These centres are being monitored and incorporated into the inspection planning process and additional Official Visitors have been appointed to these centres to hear and resolve inmate complaints.

Official Visitors are appointed by the Minister for a period of up to two years and recruitment for the appointment period from 1 October 2017 took place during the reporting period. This has resulted in an increase in the number and diversity of Official Visitors with 79 Official Visitors commencing in October 2017, including an increase in the number of Aboriginal Official Visitors to 14. These additional appointments mean that 50 custodial facilities now have Official Visitors.

Official Visitors play a crucial role not only in helping to resolve individual complaints in adult correctional centres and juvenile justice centres, but also in raising matters at a systemic level to inform inspections and thematic reviews.

An analysis of Official Visitor data by the ICS reveals that health services are a particular area of concern. An inspection is scheduled to commence in the first half of 2018 focusing on inmates' access to health services. Access to programs and education was also frequently raised by Official Visitors in their complaint reports.

The majority of inmates will return to the community after serving their sentence. Access to rehabilitation programs, education and employment is necessary to reduce reoffending and prepare inmates for reintegration into the community. Minimum security centres also play an important role in preparing inmates for release. Access to programs, education and employment and preparation for release will be an area of focus for the ICS during 2017-2018.

³ Bureau of Crime Statistics and Research, *NSW Custody Statistics: Quarterly Update June 2017*, July 2017.

The number of young people in juvenile justice detention remained relatively static during the 2016–17 financial year.⁴ Notably, the Juniperina Juvenile Justice Centre for young women was closed and the young women were transferred to the Reiby Juvenile Justice Centre, where young male detainees are also accommodated. The office has visited the centre on a number of occasions. Since the transition the Official Visitor appointed to Juniperina was transferred to Reiby to assist the young women with any concerns or complaints.

Aboriginal young people remain over-represented in the juvenile justice system, at 50% representation.⁵ An additional six Aboriginal Official Visitor appointments were created in juvenile justice centres in New South Wales to assist in meeting the needs of Aboriginal and Torres Strait Islander young people.

During 2016–17, a monitoring and reporting framework was established to track the progress of the implementation of recommendations by CSNSW, JJNSW and JF&FMH. An annual site visit plan has also been developed to support the implementation of the framework, informed by consultation with other inspectorates in Australia. However, with the ratification of the Optional Protocol to the Convention Against Torture due to occur by the end of 2017, it is clear that the office will require additional resourcing to enable regular visitation.

1.8 Resources and statutory obligations

An independent and appropriately resourced inspectorate plays a critical role in providing oversight and accountability in the adult correctional and juvenile justice systems.

During the 2016–17 financial year, the budget allocation of the office was underspent. A portion of the underspend has been carried forward into the 2017–18 financial year to facilitate additional inspections, assisting the office to meet its statutory obligation to inspect each juvenile justice centre every three years, and each adult centre every five years.

The Inspector has not made any recommendations for legislative change during the reporting period.

⁴ Bureau of Crime Statistics and Research, *NSW Custody Statistics: Quarterly Update June 2017*, July 2017.

⁵ Bureau of Crime Statistics and Research, *NSW Custody Statistics: Quarterly Update June 2017*, July 2017.

2 Legislation and corporate governance

2.1 Government Information (Public Access) Act 2009

The *Government Information (Public Access) Act 2009* (GIPA Act) came into force on 1 July 2010 and replaced the *Freedom of Information Act 1989*.

Section 20 of the GIPA Act requires all agencies to produce an agency information guide, outlining the structure and function of the agency, along with the kinds of information it holds and the manner in which the public may access it.

The ICS publishes all reports and responses to reports on its website. Inspection standards and manuals detailing the work of the office are also publicly available online.

Section 125 of the GIPA Act requires agencies to report on their obligations under the GIPA Act on an annual basis. As required by this section, the ICS advises that there were no applications made for access to information under the GIPA Act during the current reporting period.

2.2 Reporting

In the 2016–17 financial year, a range of key performance indicators were established to assess the work of the ICS, with measurement to commence in the new reporting period.

The results of pre-existing key performance indicators for the 2016–17 financial year as well as the previous reporting period are set out below.

Key Performance Indicator	2015-2016	2016-2017
Number of liaison visits conducted	26	48
Number of centre inspections	11	34
Number of reports tabled	2	1
% of recommendations accepted (adult)	59%	71%
% of recommendations accepted (juvenile)	58%	N/A

3 Appendix: Achieved ICS recommendations as advised by JJNSW, CSNSW and JH&FMHN

Full House: The growth of the inmate population in NSW

- (2) The Inspector recommends that the risk-avoidance practice of placing most remand inmates into maximum security centres be reviewed. A risk management approach that would assess individual risk levels of remand inmates in determining placement should be implemented.
- (8) The Inspector recommends that CSNSW ensures inmate induction is structured and meaningful and is made available to every inmate upon reception into Darcy Unit at the Metropolitan Remand and Reception Centre.
- (10) The Inspector recommends that JH&FMHN prioritise staffing all positions in their approved establishment.
- (11) The Inspector recommends that JH&FMHN ensure a standardised ratio of health centre staff to inmates across all like centres.
- (12) The Inspector recommends GEO and JH&FMHN ensure that the satellite clinics at Parklea CC are utilised to their full potential.
- (14) The Inspector recommends that CSNSW and JH&FMHN work together to implement processes which allow for the distribution of 'over the counter' medications by nurses when it is required.
- (15) The Inspector recommends that CSNSW and JH&FMHN ensure that when an inmate is too sick to work, they are issued with a medical certificate as a matter of priority so their wages are not affected.
- (16) The Inspector recommends that JH&FMHN and CSNSW work together to allow the health centres to continue to operate during lunchtime lockdowns in order to maximise the number of inmates who can be treated.*
- (17) The Inspector recommends that GEO work with JH&FMHN to ensure inmates are returned to their cell within 60 minutes of arriving back at Parklea CC from court.*
- (19) The Inspector recommends that CSNSW and JH&FMHN work together to develop policies and procedures that improve inmates' access to health services when there are staff shortages and lockdowns.*
- (20) The Inspector recommends that CSNSW and JH&FMHN work together to develop strategies to reduce the number of medical escorts.*

* JH&FMHN has advised that they have Achieved these recommendations; CSNSW has advised that they have Partially Achieved these recommendations

- (25) The Inspector recommends that CSNSW and GEO ensure consistent access to ovals for all inmates. If maintenance of ovals is scheduled to occur for protracted periods, compensatory measures should be in place to facilitate exercise for inmates.
- (26) The Inspector recommends where CSNSW and GEO have installed exercise aids and equipment these should be maintained in good working order or replaced.
- (27) The Inspector recommends that CSNSW ensure that centre libraries operate according to standard library practice and the Australian Library and Information Association's Australian Prison Libraries: Minimum Standard Guidelines, 1990.
- (28) The Inspector recommends that Parklea Correctional Centre provides alternative space for legal visits outside the secure perimeter.
- (31) The Inspector recommends that CSNSW improves program accessibility to reduce the number of inmates exceeding their Earliest Possible Release Date (EPRD) due to lack of access to programs.
- (32) The Inspector recommends that CSNSW investigates rates of attrition in the aggression and violence programs offered across the estate.
- (33) The Inspector recommends that CSNSW develops short-term drop-in and drop-out programs for remandees.
- (34) The Inspector recommends that the EQUIPS program model makes adequate program provision for inmates with short sentences.
- (35) The Inspector recommends CSNSW ensure that contact hours of OS&P in custodial settings are not compromised by accessibility of OS&P staff for operational routine.
- (36) The Inspector recommends that CSNSW increase program participation of inmates in drug and alcohol, aggression, and violence programs to address the unmet need.
- (41) The Inspector recommends that CSNSW ensures that the cells in all new facilities are constructed with conduits for in cell technology.
- (45) The Inspector recommends that CSNSW updates evacuation plans for centres where the inmate population exceeds design capacity of that centre.
- (46) The Inspector recommends that CSNSW introduces a measure to define a decent accommodation capacity limit.

Old and Inside: Managing aged offenders in custody

- (5) The Inspector recommends that the reception assessment processes include a consideration of the aged-care needs of an inmate in determining placement.
- (9) The Inspector recommends that JH&FMHN improves individual inmate understanding of medication management.
- (10) The Inspector recommends that JH&FMHN ensures that waiting times for the optometrist and podiatrist in correctional centres are improved.

- (15) The Inspector recommends that CSNSW ensures that ACRU and KWU have a comprehensive and resourced program of activities for inmates, which is structured and varied to respond to the particular needs of aged inmates.
- (16) The Inspector recommends that staff working in specialised aged-care centres undergo appropriate training for working with aged inmates.
- (17) Inspector recommends that all sweepers working with aged inmates receive basic workplace health and safety training.
- (20) The Inspector recommends that CSNSW reviews the nutritional goals, menu planning and service delivery of all diets provided to inmates.
- (21) The Inspector recommends that CSNSW works with JH&FMHN to adjust meal distribution times to meet community standards, ensuring food is available to manage medical requirements.*

Lifers: Classification and regression report

- (2) The Inspector recommends that CSNSW should, in regressing inmates managed by the Serious Offenders Review Council, act in accordance with the Crimes (Administration of Sentences) Regulation 2014.
- (4) The Inspector recommends that CSNSW develop its communication strategies to enable an improved understanding of the correctional system for victims.

Making Connections: Providing family and community support to young people in custody in juvenile justice centres

- (1) The Inspector recommends JJNSW reviews the phone contact policy to ensure that contact with family is not apportioned according to behaviour. This should not result in a reduction in the current available number of calls for young people.
- (2) The Inspector recommends that JJNSW regularly reviews the maintenance of phone headsets and the quality of calls.
- (4) The Inspector recommends that Reiby and Juniperina trial an additional visits day on Sunday and that this initiative is made widely known to visitors and detainees.
- (9) JJNSW should explore scheduling family visits through AVL suits at courts for those young people from regional areas who do not have access to a JJNSW office.
- (11) The Inspector recommends that JJNSW halt practice of using overalls for non-contact visits.
- (13) The Inspector recommends that JJNSW develop temporary leave arrangements for young mothers who are separated from their children that promote the maintenance of mother-child relationships.

* JH&FMHN has advised that they have Achieved this recommendation; CSNSW has advised that they have Not Achieved this recommendation

- (14) The Inspector recommends JJNSW bring to the attention of the NSW DEC the adverse impact of the Smart & Skilled program on access to vocational training for young people. JJNSW should ensure continued equitable access for all young people to apprenticeships and traineeships.

Prison Greens: The clothing and bedding of inmates in NSW

- (1) The Inspector recommends that all inmates across the state are issued with the reception clothing entitlements stipulated in the CSNSW Operations Procedures Manual.
- (3) The Inspector recommends that CSI provides an extra-small size for women in the unisex clothing range.
- (4) The Inspector recommends that the new range of clothes for women is rolled out across all women's prisons.
- (6) The Inspector recommends that CSNSW makes thermal underwear available for purchase by inmates in the colder months at all correctional centres.
- (7) The Inspector recommends that CSNSW allows inmates to wear approved prison clothing to visits in minimum-security centres.
- (8) The Inspector recommends that inmates should not be released from custody in prison greens.
- (9) The Inspector recommends that CSNSW monitors the quality of prison-issued footwear and replaces prison-issued shoes if they are no longer in suitable condition.
- (10) The Inspector recommends that Oberon Correctional Centre procures a more robust and durable footwear as the standard prison issue.
- (12) The Inspector recommends that CSI conducts an audit of CSI business units and service industry roles to identify work-wear requirements and provide the necessary items to inmates employed by CSI.
- (13) The Inspector recommends that all CSI industries requiring inmates to perform duties in work boots provide adequate quantities and sizes for inmates.
- (14) The Inspector recommends that inmates undertaking Gurnang Life Challenge should be provided with hiking boots in adequate quantities and sizes.
- (17) The Inspector recommends that Surry Hills Court Cells is regularly inspected to maintain appropriate standards.
- (18) The Inspector recommends that CSNSW conducts regular audits of mattresses to identify and replace those that are in poor condition.
- (19) The Inspector recommends that CSNSW centres and court cells introduce stock-management controls to maintain sufficient stock to meet inmate entitlements.
- (20) The Inspector recommends that CSNSW centres and court cells implement a quality-control process to assess the condition of clothing and bedding items before they are returned to the stockholding to be reissued.
- (21) The Inspector recommends that adequate laundry services are available to all inmates throughout the state.

