



Inspector of  
Custodial Services

# Inspector of Custodial Services

Inspection of 24-Hour Court  
Cell Complexes, Amber  
Laurel Correctional Centre,  
and Kariong Intake and  
Transit Centre



## Inspector of Custodial Services

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# Contents

- Glossary of terms and acronyms..... 4
- Executive summary ..... 5
- Summary of 24-hour court cells in NSW ..... 13
- Recommendations ..... 15
- Introduction.....17
- 1 Surry Hills 24-hour court cell complex..... 19
- 2 Amber Laurel Correctional Centre ..... 25
- 3 Wagga Wagga 24-hour court cell complex ..... 32
- 4 Albury 24-hour court cell complex ..... 36
- 5 Queanbeyan 24-hour court cell complex ..... 40
- 6 Batemans Bay 24-hour court cell complex ..... 44
- 7 Wollongong 24-hour court cell complex ..... 48
- 8 Penrith court cell complex ..... 51
- 9 Kariong Intake and Transit Centre ..... 53
- 10 Newcastle 24-hour court cell complex ..... 58
- 11 Port Macquarie 24-hour court cell complex ..... 61
- 12 Lismore 24-hour court cell complex ..... 64
- 13 Dubbo 24-hour court cell complex ..... 68
- 14 Moree 24-Hour court cell complex ..... 72

## Glossary of terms and acronyms

Aboriginal	'Aboriginal' when used in this report is inclusive of Aboriginal and Torres Strait Islander people
ACLO	Aboriginal Community Liaison Officer
AVL	Audio-visual link
CC	Correctional Centre
CCC	Court Cell Complex
CCTV	Closed-circuit television
COVID-19	Coronavirus disease 2019, caused by the SARS-CoV-2 virus
CSI	Corrective Services Industries
CSNSW	Corrective Services NSW
ERC	Emergency Restraint Chair
Governor	Governor of a Correctional Centre
ICS	Inspector of Custodial Services
ITC	Intake and Transit Centre
JH&FMHN	Justice Health and Forensic Mental Health Network
Mandela Rules	The United Nations Standard Minimum Rules for the Treatment of Prisoners
NUM	Nurse Unit Manager
PPE	Personal Protective Equipment
Remand	When an inmate has been charged with an offence but is not convicted or sentenced
RAT	Rapid Antigen Test
RIT	This is an alert that is placed on an inmate who has been deemed to be at risk of self-harm and is pending review from the Risk Intervention Team.
ROAMS	Remote Offsite and Afterhours Medical Services
ICS Act	<i>Inspector of Custodial Services Act 2012</i>

## Executive summary

The fully announced inspection of the 24-hour court cell complexes occurred from 15 June 2022 to 22 July 2022. There are 12, 24-hour court cell complexes in NSW, that are predominately co-located in police stations. As well as the 24-hour court cell complexes, the Kariong Intake and Transit Centre (ITC) and the Amber Laurel Correctional Centre were also inspected as both centres are used to accommodate inmates for a short period of time prior to being transferred to an adult custodial facility.

It is important to acknowledge the challenging environment that Corrective Services NSW (CSNSW) staff are subjected to when working in the court cells. These challenges include managing inmates directly from police custody who have no security classification and managing inmates who are withdrawing from illicit drugs as well as legal drugs such as alcohol and tobacco.

Inmates can also demonstrate challenging behaviours due to mental health issues, frustration due to their circumstances or simply the distress of being in custody. The inspection team witnessed examples of staff responding appropriately and professionally to situations that required immediate intervention.

The 24-hour court cells staff are not only responsible for managing inmates in the 24-hour court cells, but also for providing the physical security required for inmates to attend court or hospital. Court cell staff are also responsible for transporting inmates to correctional centres from court cell locations throughout NSW.

### Impact of COVID-19

This inspection took place during the COVID-19 pandemic. The challenges and impact that COVID-19 has placed on the management of the 24-hour court cells also needs to be highlighted.

To prevent the introduction and transmission of COVID-19 in the court cells, staff are required to take a daily Rapid Antigen Test (RAT) prior to attending the workplace.

In locations that have a JH&FMHN presence, it is the responsibility of the clinical nurse to conduct a RAT with each newly admitted inmate. However, in locations that do not have a JH&FMHN presence, inmates are not tested for COVID-19 until they are transferred to a correctional centre. Therefore, it is important and necessary for staff to wear the appropriate Personal Protective Equipment (PPE) when in direct contact with new receptions to custody in the court cells.

The CSNSW Commissioner's Instruction 29/2022 (Commissioner's Instruction) that was in force during the time of our inspection, categorises custodial facilities into three distinct zones based on staff contact with inmates. The zones are:

**Red:** People working directly with inmates, must wear P2/N95 mask, face shield or safety goggles, disposable gloves, and a long sleeve gown.

**Orange:** People who work where inmates are located but are not in direct contact must wear a surgical mask at all times.

**Green:** People working in areas without direct inmate contact including office-based settings, a surgical mask is strongly recommended.

Most locations inspected upheld the Commissioner's Instruction. However, there were locations where staff were not wearing the correct PPE in the red zone. This not only placed staff at risk, but also people in custody. It also increases the risk of introducing the virus into a correctional facility when inmates are transferred from court cells. The inspection team advised relevant managers at the time of inspection when staff were observed not wearing PPE in accordance with the Commissioner's Instruction.

It is recommended that all people entering custody at 24-hour court cell locations are RAT tested by either JH&FMHN or CSNSW staff and that staff comply with Commissioner Instructions, to reduce the risk of COVID-19 transmission.

Another impact of COVID-19 in the 24-hour court cells is staff shortages. This was not only due to staff having COVID-19 like symptoms or indeed testing positive to COVID-19 but includes staff who were deemed to be close contacts. In some cases, staff who refused to comply with mandated vaccination requirements had been suspended or had their employment terminated.

Furthermore, COVID-19 has also played a significant part in reducing the opportunities for staff to participate in training, and consequently staff at most locations were not current in some of their mandatory training, including first aid.

## **Previous fully announced inspection 2017**

The previous fully announced inspection of the 24-hour court cells occurred in 2017. The Inspector made 36 recommendations to CSNSW and Justice Health and Forensic Mental Health Network (JH&FMHN). Thirty-four of the recommendations were directed to CSNSW and seven recommendations were directed to JH&FMHN, with some recommendations directed to both agencies.

CSNSW supported or partially supported 32 recommendations whilst JH&FMHN supported all seven recommendations.<sup>1</sup> Significant progress has been made in implementing the recommendations from 2017. As of 30 June 2021, CSNSW had achieved or partially achieved 28 of the recommendations whilst JH&FMHN have achieved or partially achieved all seven recommendations.<sup>2</sup> Both CSNSW and JH&FMHN are to be commended for implementing the majority of the recommendations.

## **Outstanding recommendations from 2017 inspection**

There were 12 recommendations from the 2017 inspection that had not been fully implemented at the time of the 2022 inspection and require implementation to address issues found during the current inspection. In some circumstances the recommendations had been implemented in some court cell locations but not others.

- The Inspector recommends that, where appropriate, toilets and showers are provided with privacy screens to provide inmates with privacy while using these amenities.
- The Inspector recommends that JH&FMHN and CSNSW jointly monitor inmate reception numbers and patient flows to ensure adequate health coverage of 24-hour court cells with locations and times to be negotiated between CSNSW and JH&FMHN, depending on the distinct needs of each location.
- The Inspector recommends that CSNSW enters into a Memorandum of Understanding with the NSW Police Force which clarifies the roles and responsibilities of each agency, particularly in relation to the maintenance, repairs, and cleaning of 24-hour court cells.

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1 Inspector of Custodial Services, *Inspector of Custodial Services Annual Report 2020-21* (Report, October 2021) 37.

2 Inspector of Custodial Services, *Inspector of Custodial Services Annual Report 2020-21* (Report, October 2021) 55-57.

- The Inspector recommends that 24-hour court cells with air-conditioning are monitored on a regular basis to ensure the temperature is an acceptable level for staff and inmates.
- The Inspector recommends CSNSW risk assess and remove any potential hanging and ligature points from court cell complexes.
- The Inspector recommends that all correctional officers at 24-hour court cells are current in first-aid competency.
- The Inspector recommends that CSNSW ensures an appropriate number of female officers are rostered in 24-hour court cells locations to undertake searches of female inmates.
- The Inspector recommends that the doors for the male showers at Surry Hills Court Cell Complex are repaired and replaced, so inmates are provided with privacy when showering.
- The Inspector recommends that consideration be given to installing a television system at Dubbo Court Cell Complex, like that at Moree Court Cell Complex.
- The Inspector recommends that CSNSW considers creating an Aboriginal Community Liaison Officer position at 24-hour court cell locations, such as Wagga Wagga, Albury and Moree.
- The Inspector recommends that CSNSW conducts a review of staff facilities at Dubbo Court Cell Complex.
- The Inspector recommends that benches are installed at Batemans Bay Court Cell Complex for inmates to sit and sleep on.

Furthermore, one recommendation from our 2017 inspection was not supported by CSNSW but implemented at the Queanbeyan CCC.

- The Inspector recommends that cell lights should be dimmed at night time at all 24-hour court cell locations to a level that does not compromise security.

One significant change CSNSW implemented in response to our 2017 report is a system for monitoring the length of time people spend in 24-hour court cells. The electronic monitoring system alerts regional managers in real-time if inmates are held in a 24-hour court cell for more than 48 hours. Once notification is received, strategies are put in place to transfer the inmate to a correctional centre.

## Admissions and length of time spent in court cells

People are received into custody via court cells in NSW and must be transferred to a correctional centre within seven days.<sup>3</sup> It is preferable for inmates to be detained in the court cells for the shortest possible amount of time. In practice, new receptions are generally transferred to a correctional facility within 24 to 72 hours. This is the preferred outcome, as there is better access to medical and welfare services and the ability to make telephone calls as well as request and receive family visits in correctional centres.

There were two primary reasons given for why inmates stayed in court cells longer than 24 to 72 hours. Firstly, when an inmate was attending court, it was not always practical to return to the correctional centre because of the distance required to travel to the facility. This is an understandable reason, particularly in regional areas of NSW.

The other reason provided was the lack of camera cells in correctional centres, requiring at risk people to stay in a camera cell at a court cell location until a camera cell was available at a correctional centre.

Due to the volume of people who enter custody via Surry Hills CCC and the limited services that can be provided in a CCC, it is both necessary and good practice to transfer people to a correctional facility as soon as possible. However, since our earlier inspections a new policy has been implemented and the Metropolitan Remand and Reception Centre (MRRRC) no longer accepts new admissions after 12:30pm. All transfers after 12.30 pm are to Parklea CC. These can occur well into the evening and can result in new admissions not being assessed until the following day.

Transfer to Parklea CC is also an issue if the inmate has a serious mental health issue, as mental health services and resources are predominantly located at the MRRRC. Our inspection of Parklea CC found there was a deficit in mental health services and crisis support for inmates at Parklea CC and the Inspector recommended that acutely unwell persons in need of specialised mental health facilities are triaged to the Metropolitan Remand and Reception Centre.<sup>4</sup>

The implementation of the monitoring system has also led to a reduction in the number of people staying in the court cells for longer than the statutory maximum of seven days. During the 2021-22 financial year, 49 inmates out of 22,851 inmate receptions (0.21%) stayed beyond the statutory maximum of seven days.<sup>5</sup> Lack of suitable beds across the system (including mental health and protection placement) was the primary reason listed for inmates staying in the court cells beyond seven days.<sup>6</sup> At Kariang ITC, some COVID-19 positive inmates were held beyond seven days to complete their COVID-19 medical isolation period or while they waited for a medical isolation bed placement at another centre.<sup>7</sup>

Since 2016, CSNSW through the Better Prisons<sup>8</sup> project, has expanded the number of beds across the correctional system. Meanwhile, the number of people in custody has stabilised (12,550 in June 2016 compared with 12,336 in June 2022).<sup>9</sup> It is perplexing as to how the issue of suitable bed space continues across the system. This issue is more prominent in locations such as Newcastle. It is recommended that

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3 *Crimes (Administration of Sentences) Act 1999*, s 72(3).

4 Inspector of Custodial Services, *Inspection of Parklea Correctional Centre* (Report, June 2022) Recommendation 27, pp.12, 86-87.

5 Information provided by Corrective Services NSW, 26 August 2022.

6 Information provided by Corrective Services NSW, 31 August 2022.

7 Information provided by Corrective Services NSW, 31 August 2022.

8 Corrective Services NSW, 'Better Prisons' (Web Page, 25 Nov 2020), <<https://correctiveservices.dcj.nsw.gov.au/csnsw-home/correctional-centres/better-prisons.html>>

9 NSW Bureau of Crime Statistics and Research, 'NSW Custody Statistics June 2022' Infographic (July 2022), <<https://www.bocsar.nsw.gov.au/Publication%20Supporting%20Documents/custody/Custody-Infographic-2022-06.pdf>>

CSNSW develop a system for escalating bed space issues to senior officers for intervention if the number of beds is limited in custodial centres.

## The conditions and treatment of inmates

### Treatment of inmates

In all locations the inspection team witnessed staff interactions towards inmates as being courteous and respectful. Overall, the dynamics between staff and inmates was good, and this was more obvious in regional locations in NSW. Due to the lower numbers of people being received into these facilities, staff appeared to have more time to build rapport.

### Infrastructure

Historically, the management of inmates in 24-hour court cells was the responsibility of the NSW Police Force (NSWPF). In 1999 this responsibility was transferred to CSNSW. Although the role of court cell security and inmate management was transferred to CSNSW, the NSWPF retained responsibility for building infrastructure and maintenance, including professional cleaning. Any maintenance or professional cleaning requests must be lodged by CSNSW with the NSWPF. Due to this arrangement, repairs and maintenance can be delayed.

To address some of these issues the Inspector, in our 2017 report, recommended that CSNSW finalise a draft Memorandum of Understanding with the NSWPF to clarify the roles and responsibilities of each agency, particularly in relation to the maintenance, repairs and cleaning of 24-hour court cells. At the time of the 2022 inspection the MOU had not been signed by the commissioners of CSNSW or NSWPF. It was disappointing to see that five years later the MOU was still in draft form. Repairs and maintenance of 24-hour court cells remains an issue. The Inspector reinforces the recommendation that the MOU should be signed as soon as possible. CSNSW are confident that the MOU will be executed.<sup>10</sup>

### Cleanliness and hygiene

The inspection found that at many locations the standard of cleanliness and hygiene had improved. Graffiti was an issue at one court cell complex and mould was an issue in the cells at Kariong ITC.

Additional cleaning requirements had also been introduced across the system because of COVID-19. However, as identified in the previous inspection, the standard of cleaning requires improvement at a small number of court cell locations. Furthermore, the skylights at a small number of locations required cleaning to enhance access to natural light. This is not only beneficial for people in custody but also for staff.

### Modesty screens

Some court cell locations are designed to afford greater privacy to inmates using showers and toilets. During the 2017 inspection, the Inspector had concerns in relation to the lack of privacy at several of the court cell locations for inmates using toilets and, in some cases, showers.

The lack of privacy may influence a person's decision to shower or not. It was recommended in 2017 that, where appropriate, toilets and showers are provided with privacy screens to provide inmates with privacy while using these amenities. It was also recommended that the men's shower door at the Surry Hills Court

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<sup>10</sup> Information provided by Corrective Services NSW, 2 November 2022.

cells should be replaced. Unfortunately, since the previous inspection, not only have the doors for the male showers not been replaced, the doors to the female showers have also been removed. This requires immediate attention.

## Televisions

Because court cells are only designed for short stays, there is limited opportunity for people in custody to undertake meaningful activity to alleviate boredom or stress. In most court cell locations inmates have access to a television that can be a useful tool to provide inmates with some distraction. This was not the case at Surry Hills CCC, Dubbo CCC and Wagga Wagga CCC, where the inmate televisions are not working. It is recommended that televisions are installed, repaired or replaced at these locations.

## Clothing and Bedding

The provision of clothing and bedding had improved at most court cell complexes. Kariong ITC was the exception and torn and unhygienic mattresses need to be replaced. It is also recommended that people being released from court cells are provided with clothing so that they are not released wearing prison issued clothing.

## Food and water

The Inspection observed different practices for providing food across court cell locations. Surry Hills CCC, Amber Laurel CC, Newcastle CCC, Wollongong CCC, Penrith CCC, Kariong ITC and Queanbeyan CCC serve CSI meals to inmates. CSI frozen dinners do not have an expiry date on the packaging but contain a production code that represents the date of manufacture.<sup>11</sup> We received contradictory advice in relation to the shelf life of CSI meals. Ultimately, we were advised that the meal shelf life can be up to 12 months, but six months is preferable.<sup>12</sup>

During the inspection, it was found that some CSI frozen meals in stock were almost 12 months old and staff were unaware of the meal shelf life. CSNSW should ensure that all CSI frozen meals include expiry dates and are used well within the six-month period. It is noted that CSI sandwiches have expiry dates clearly marked.

Wagga Wagga CCC and Albury CCC served pies and sausage rolls to inmates. At Albury CCC, TV dinners are served to inmates who are at the court cells for extended periods of time. Local businesses supply meals to Batemans Bay CCC, Dubbo CCC and Moree CCC. At Lismore CCC, meals are supplied by Clarence CC and the inspection team were impressed by the quality and the variety of meals.

At the time of the inspection of Dubbo CCC, the water in the town of Dubbo was undrinkable due to a water contamination issue with the main water supply. Although signs were posted throughout the town of Dubbo advising not to drink the water unless it has been boiled, there were no warnings in the court cells. There were also no contingencies in place for people in custody to be provided with drinking water on reception and regularly throughout their time in custody.

## The provision of and access to health services provided by JH&FMHN

Pursuant to section 72A of the *Crimes (Administration of Sentences) Act 1999*, 'an inmate must be supplied with such medical attendance, treatment and medicine as in the opinion of a medical officer is necessary for

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11 Information provided by Corrective Services NSW, 15 August 2022.

12 Information provided by Corrective Services NSW, 15 August 2022.

the preservation of the health of the inmate, of other inmates and of any other person’.

Section 236A(a) of the same Act sets out that Justice Health is to provide health services to offenders and other persons in custody within the meaning of section 249. This includes the provision of health care in specified court cell complexes and CCs.

At the time of the inspection JH&FMHN provided onsite health services at all the larger locations, such as Surry Hills CCC, Amber Laurel CC and Kariong ITC. Other locations such as Moree CCC, Newcastle CCC, Port Macquarie CCC, and Wollongong CCC also have some coverage.

Albury CCC, Batemans Bay CCC, Dubbo CCC, Queanbeyan CCC, and Wagga Wagga CCC did not have onsite health coverage, and this was a valid concern raised by the vast majority of CSNSW staff interviewed at these locations. At Lismore CCC, onsite health presence has ceased while works are completed to make the site fully operational following the flood damage in February 2022.<sup>13</sup> Staff raised concerns that people are often on medication when they are taken into custody, however, do not have their medication on them at the time of arrest, or if they do have their medication the staff member is not authorised to provide it to the person. One staff member gave an example that involved not being able to provide an inmate with medication for diabetes.

At court cells where there are no onsite health services provided, there are discrepancies in practices in relation to management of inmates who are on the methadone program. Some locations have an unofficial agreement with the local pharmacist to visit the court cells on an as needs basis to administer methadone to inmates. Other locations stated that they were advised that only JH&FMHN can provide the service, and consequently the inmate is not provided with treatment.

JH&FMHN also acknowledges challenges around medication management and general clinical assessment and treatment at sites where there is no onsite health presence, however notes that procedures are in place to facilitate medication provision and priority transfer of patients to correctional centres for further care.<sup>14</sup>

Whilst all court cell locations have access to ROAMS, a 24-hour phonenumber operated by JH&FMHN, this service was not heavily relied on by staff as ROAMS will often advise that a person in custody should be transferred to hospital. CSNSW advised that staffing levels can make facilitating hospital escorts difficult. This suggests decisions on care provision to patients are based on resourcing rather than clinical expertise or patient need. Irrespective of escort challenges, if patients require transfer to hospital it is CSNSW’s role and duty of care to facilitate the transfer. JH&FMHN data on hospital transfers from police and court cell complexes from 2019 (pre-pandemic) shows that 95% were for clinically required hospital-level care, including medical emergencies (37%), and treatment that is not available through JH&FMHN (58%).<sup>15</sup> This demonstrates the range of health concerns that cannot be managed in the custodial setting, even with an onsite health presence.

A concerning aspect of 24-hour court cells not always having an onsite JH&FMHN presence was the resulting failure to conduct RAT testing on people coming into custody at every 24-hour court cell location. This placed staff and other people at risk of contracting COVID-19. It also increased the risk of the virus being transmitted either during transit or upon entering a correctional centre.

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13 Information provided by Justice Health & Forensic Mental Health Network, 20 October 2022.

14 Information provided by JH&FMHN, 20 October 2022.

15 Information provided by JH&FMHN, 20 October 2022.

JH&FMHN have advised that following a joint project with Corrective Services NSW to identify health service demand, care provision options and related health resource implications, JH&FMHN is establishing a pilot virtual care model to sites without an in-person health presence. This approach will enable health coverage to all 24-hour sites, while optimising in-person health service provision in areas of high-demand. Expansion of health service provision to police and court cell complexes, delivered through virtual care or in-person, would require identification of new funding for JH&FMHN.<sup>16</sup>

## Access to legal representatives

Access to legal visits or legal telephone calls was available at all 24-hour court cell locations as per CSNSW standard practice. Inspectors also witnessed legal representatives visiting their clients in the court cell legal rooms.

Whilst no issues or concerns were raised about access to legal representatives by people in custody during the inspection, some stakeholders raised concerns about access to legal services in court cells in their submissions to our current *Review of the Response to COVID-19 in NSW Custodial Centres and Services*.<sup>17</sup> Ongoing vigilance is required to ensure timely access to legal representatives in 24-hour court cells.

## Amber Laurel Correctional Centre and Kariong ITC

Amber Laurel CC and Kariong ITC were also included in this inspection as both operate as 24-hour court cells. Unlike other court cell locations, both Amber Laurel CC and Kariong ITC have outdoor exercise facilities and visits areas. Although such facilities are available the inspection team found that inmates do not generally access these areas.

In 2017, the Inspector noted that the purpose of Amber Laurel CC required clarification and recommended that inmates should not stay longer than seven days if CSNSW operates Amber Laurel Correctional Centre as a 24-hour court cell complex. This inspection found that whilst the majority of inmates are transferred to a correctional centre within 48 to 72 hours, a small number of inmates were still being held at ALCC for longer than seven days. This should cease.

## Emergency Restraint Chair

An Emergency Restraint Chair (ERC) was observed at Amber Laurel CC. The ERC was trialled as part of a pilot of “soft restraints”. The pilot commenced in March 2020 in response to a coronial recommendation. The inspector recommends that CSNSW cease the use of ERCs in 24-hour court cell locations (Surry Hills CCC and Amber Laurel CC). If CSNSW is intent on using this equipment, the legislation requires the use of the chairs to be authorised. Associated policies and procedures should also guide their appropriate use.

## Staff identification badges

The Inspection found that at the majority of 24-hour court cell locations CSNSW officers were not wearing identification badges, despite it being mandatory as per CSNSW policy.<sup>18</sup> The Inspector is of the view that if NSW police officers are required to wear an identification badge, court cell staff should also comply. Wearing of identification badges assists with accountability and transparency when working in custodial facilities.

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16 Information provided by JH&FMHN, 20 October 2022.

17 Submission to the Inspector of Custodial Services *Review of the response to COVID-19 in NSW custodial centres and services* (February 2022), pp.19-20; Submission to the Inspector of Custodial Services *Review of the response to COVID-19 in NSW custodial centres and services* (March 2022), pp.12-13.

18 Corrective Services NSW, *Custodial Operations Policy and Procedures: 21.03 Identification Badges* (Version 1.1, March 2020) 4-5.

## Summary of 24-hour court cells in NSW

	Inmate receptions (2021-22)	Number of inmates who stayed longer than statutory maximum of 7 days*	JH&FMHN presence	Prison-issued clothing available	Inmate access to television	Access to natural light	Privacy screens for toilets	Exercise area	Phone access	Audio-video link (AVL)	Hanging/ligature points in cells	COVID-19 compliance
Albury CCC	868	1	No	Yes	Yes, outside cells	Yes (however, skylights require cleaning)	No	Yes	No	Yes, in police station	None identified	Non-compliant
		0										
Amber Laurel CC	5,673	14	Yes, 7 days a week	Yes	Yes	Yes	No	Yes, but not used	No	Yes	None identified	Compliant
		12	0700-2230									
Batemans Bay CCC	266	0	No	Yes	Yes, outside cells	No	No	No	No	Yes	None identified	Compliant
		0										
Dubbo CCC	1,486	0	No	Yes	Yes, outside cells	No	Yes	No	No	Yes	None identified	Non-compliant
		0										
Kariong ITC	436	12	Yes, 7 days a week	Yes	Yes	Yes	Yes	Yes, but not used	No	Yes	Yes	Compliant
		11	0700-2030									
Lismore CCC	844	1	No**	Yes	No	No	No	No	No	Yes, via tablets	None identified	Unable to observe
		0										
Moree CCC	492	1	Yes, 5 days a week	Yes	Yes, outside cells	Yes (exercise yard only)	No	Yes	No	Yes	None identified	Compliant
		1	1200-1600 Mon-Fri									

Inmate receptions (2021-22)	Number of inmates who stayed longer than statutory maximum of 7 days*	JH&FMHN presence	Prison-issued clothing available	Inmate access to television	Access to natural light	Privacy screens for toilets	Exercise area	Phone access	Audio-video link (AVL)	Hanging/ligature points in cells	COVID-19 compliance
Newcastle CCC	0 0	Yes, 7 days a week 1700-2100	Yes	Yes	No	No	No	No	Yes	None identified	Unable to observe
Port Macquarie CCC	0 0	Yes, 4 days a week 1600-2000 Mon-Thurs	Yes	Yes, outside cells	No	No	No	No	Yes	None identified	Non-compliant
Queanbeyan CCC	0 0	No	Yes	Yes	No	No	No	Yes, one per day	Yes	None identified	Compliant
Surry Hills CCC	0 17	Yes, 7 days a week 0700-2300	Yes	No	No	No	No	No	Yes	Yes	Compliant
Wagga Wagga CCC	2 0	No	Yes	No	No	No	No	No	Yes	None identified	Non-compliant
Wollongong CCC	18 0	Yes, 7 days a week 1800-2100	Yes	Yes, outside cells	No	Yes	No	No	Yes	Yes	Non-compliant

\* Data on top row was provided by the Governance, Security & Intelligence Unit of CSNSW on 19 August 2022 and data on the bottom row was provided by the Corrections Research, Evaluation & Statistics Unit of CSNSW on 31 August 2022.

\*\* Onsite health presence has ceased while works are completed to make the site operational following flood damage in February 2022.

# Recommendations

## The Inspector recommends:

### Admission and length of time spent in court cells

1. Corrective Services NSW reviews local procedures in relation to prioritising the transfer of inmates from the 24-hour court cells and implements a system for escalating bed space issues to senior officers for intervention if the number of beds is limited in custodial centres.

### Conditions and treatment of inmates

2. Corrective Services NSW conducts regular audits of mattresses and pillows; and torn or unhygienic mattresses are replaced.
3. Corrective Services NSW removes graffiti from court cells that poses a security or wellbeing risk to people in custody or staff.
4. Corrective Services NSW ensures that all CSI frozen meals include expiry dates; and safe drinking water is provided at all locations.
5. Corrective Services NSW provides a selection of non-prison issued clothing for people to wear on their release from a CCC, rather than being released in prison issued clothing.
6. Corrective Services NSW staff cease the practice of leaving the hatches in cell doors open as this practice creates a ligature point.
7. Corrective Services NSW do not authorise the use of the Emergency Restraint Chair in the 24-hour court cell complexes (and Amber Laurel CC and Kariong ITC). If authorised for use by the Commissioner there must be strict policy and procedural guidelines for its use to ensure the safety and wellbeing of people restrained; and every use of the Emergency Restraint Chair should be treated as a Tier 1 use of force with automatic referral to the use of force committee.

### The provision of and access to health services

8. Justice Health & Forensic Mental Health Network provide onsite or virtual health services to all 24-hour court cell locations.
9. Corrective Services NSW ensures COVID-19 RAT testing occurs on admission of inmates to custody in each 24-hour court cell location.

### Operational standards

10. Corrective Services NSW officers at 24-hour court cell locations are current in first aid training, and those officers who are required to carry a firearm complete a Corrective Services NSW refresher firearms course and are tested annually.

11. Corrective Services NSW staff at all court cell locations follow all COVID-19 Commissioner's Instructions that are in place.
12. Corrective Services NSW staff in 24-hour court cell locations wear identification badges.

### **Court cell specific**

13. Corrective Services NSW replace the doors for the male and female showers at the Surry Hills CCC to provide men and women in custody with privacy when showering.
14. Corrective Services NSW conducts a risk assessment and removes any potential hanging and ligature points from Kariong ITC, Amber Laurel CC and other 24-hour court cell locations.
15. Corrective Services NSW conduct a deep clean of Dubbo CCC and ensure regular thorough cleaning occurs of the cells and the officer's stations.
16. 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*.

## 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 is required to inspect each adult custodial centre at least once every five years and report on each such inspection to the NSW Parliament with relevant advice and recommendations.<sup>19</sup>

Inspection provides independent information gathering and analysis concerning what is working well and the areas that require improvement. The inspection of 24-hour court cells, Amber Laurel Correctional Centre, and Kariong Intake and Transit Centre focused on:

- custodial conditions, including safety and security
- treatment, care and wellbeing of inmates, including privacy
- resources and systems, including the staffing and management of each correctional centre.

As part of the legislative requirements, the Inspector has a statutory responsibility to inspect all 24-hour CCCs throughout NSW. In total, there are 12 facilities and two short term custody centres. The full list is as follows:

### 24-hour court cell complexes

- Surry Hills CCC
- Dubbo CCC
- Moree CCC
- Wagga Wagga CCC
- Albury CCC
- Newcastle CCC
- Queanbeyan CCC
- Batemans Bay CCC
- Wollongong CCC
- Port Macquarie CCC
- Lismore CCC<sup>20</sup>
- Penrith CCC<sup>21</sup>

Amber Laurel CC and the Kariong ITC were also included in this inspection as both operate like 24-hour CCCs.

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

20 Lismore CCC at the time of the Inspection had significant flood damage and was only operational for day-time use.

21 Penrith CCC is only used intermittently.

The inspection consisted of onsite visits to each 24-hour court cell complex by ICS staff during June and July 2022. Structured and semi-structured interviews were conducted with CSNSW senior management, regional managers, correctional officers, the ACLO, nurse unit managers, clinical nurses, mental health nurses and Official Visitors, representatives from the New South Wales Police Force responsible for the 24-hour court cells, and people in custody. It was not always possible to interview inmates at each location. Secondary data was provided by CSNSW.

The report is formatted in the chronological order of the dates that the 24-hour court cells were inspected.

The inspection team consisted of an ICS staff member and an inspector from another jurisdiction. The ICS acknowledges the assistance of Mr Graham Morrison, and Queensland Corrective Services in allowing Mr Morrison to assist the Inspector of Custodial Services.

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

A draft report or relevant parts thereof were provided to CSNSW, and JH&FMHN in accordance with section 14(2) of the ICS Act. Submissions were received from Corrective Services NSW and Justice Health and Forensic Mental Health Network. In accordance with section 14(1) of the ICS Act, the Inspector provided the Minister for Corrective Services 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.

# 1 Surry Hills 24-hour court cell complex

## 1.1 Overview

Surry Hills 24-hour CCC is located within the Surry Hills Police Station on Goulburn Street, Sydney and was inspected on 15 June 2022.

The NSWPF is responsible for managing the maintenance contracts for the building and infrastructure and CSNSW is responsible for managing the inmates.

The holding capacity is 87 inmates across 30 cells. Men and women are detained in separate sections of the CCC.

## 1.2 Admissions and length of time spent in court cells

During the 2021-22 financial year, there were 6,183 inmates admitted to Surry Hills CCC, which makes it the busiest 24-hour court cell location in NSW.<sup>22</sup> The average length of stay is less than 24 hours, and the longest length of stay was 12 days. Seventeen people stayed longer than the statutory maximum of seven days, with lack of suitable bed space cited as the primary reason for exceeding the statutory time frame.<sup>23</sup>

Since the last inspection in 2017, there has been one death in custody.<sup>24</sup> The death was subject to a coronial inquest from 2 to 6 November 2020.<sup>25</sup>

There have been no escapes from these court cells since 2017.<sup>26</sup>

**Recommendation: CSNSW reviews local procedures in relation to prioritising the transfer of inmates from the 24-hour court cells and implements a system for escalating bed space issues to senior officers for intervention if the number of beds is limited in custodial centres.**

## 1.3 Previous Inspection

The previous fully announced inspection of Surry Hills CCC occurred on 4 May 2017. Surry Hills CCC was also inspected in 2015 and 2016 for our inspection into inmate clothing and bedding in NSW. The 2017 inspection found several areas of good practice, but also some areas of concern. These concerns included lack of privacy for male inmates when showering, as the doors of the showers had been removed.

In our 2017 report the Inspector recommended that the doors to the male showers at Surry Hills Court Cell Complex are repaired and replaced, so inmates had privacy when showering.

The 2022 inspection identified that the doors to the male showers had not been replaced, and the doors to the female showers had also been removed. Inspectors were advised that the doors were removed because there were concerns that they could be used as a potential hanging or ligature point by inmates.

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22 Information provided by Corrective Services NSW, 19 August 2022.

23 Information provided by Corrective Services NSW, 31 August 2022.

24 Information provided by Corrective Services NSW, 19 August 2022

25 Lee, D (2021). *Inquest into the death [of Dimitrios Mavris]* (Ref no. 2018/16603). Coroners Court of New South Wales. [https://coroners.nsw.gov.au/coronerscourt/download.html/documents/findings/2021/MAVRIS\\_Dimitrios\\_-\\_Findings\\_-\\_redacted.pdf](https://coroners.nsw.gov.au/coronerscourt/download.html/documents/findings/2021/MAVRIS_Dimitrios_-_Findings_-_redacted.pdf)

26 Information provided by Corrective Services NSW, 19 August 2022.

As a result of the death in custody in 2018, the NSWPF and CSNSW examined potential hanging and ligature points in all 24-hour court cells in 2019. Action was taken to eliminate the risks by modifying or removing any identified points of concern. The doors to the female showers were not identified as being a risk, however they were removed. Hanging points in the form of metal tap covers next to the showers were identified in the 2019 review. These are still in place and could be used as a ligature point. CSNSW should prioritise their removal.

## 1.4 COVID-19

At the time of the inspection CSNSW had a COVID-19 safety officer rostered on each shift. The purpose of the position is to ensure that staff adhere to the Commissioner's Instruction. The inspectors team observed a strict level of compliance and understanding of the Commissioner's Instruction. There were no issues or concerns raised or witnessed in this area.

Additionally, inmates who are released directly from the court cells are provided with a COVID-19 Safe Kit, that includes three face masks, (two surgical and one P2/N95, a tube of hand sanitiser and information detailing COVID-19 safe practices). Surry Hills CCC was the only location that inspectors observed this positive practice.

### Supplies of PPE, hygiene, and sanitising products at Surry Hills CCC



## 1.5 Conditions and treatment of inmates

Several inmates were interviewed. All inmates stated that they had been treated fairly by staff.

The cells are basic in design, and some could do with re-painting. Some cells are designed to hold up to three inmates at a time and in-cell toilets do not have modesty screens. Men and women were detained in different cells.

### Inmate toilets without modesty screens



### Bedding

Inmates are provided with a mattress and blankets for sleeping. The mattress is placed on the cell bench that substitutes as a bed in the evenings. It is noted however, that inmates are not provided with a pillow, which was also identified in the 2017 inspection report. There were no issues or concerns in relation to the condition, or quality of the mattresses or blankets.

### Cell temperature

The inspection team noted that the cells were cool in temperature and not consistent with the more moderate temperature in other parts of the complex, such as the officers' station. Staff advised that in summer the cells are noticeably warmer than other sections of the complex.

### Shower facilities

Shower facilities are available at Surry Hills CCC, however, the doors to all the showers have been removed, offering no privacy for men and women when showering.

**Recommendation: CSNSW replace the doors for the male and female showers at the Surry Hills CCC to provide men and women in custody with privacy when showering.**

**Images 1 and 2: Male showers with no doors**



**Image 3: Female shower with no doors**



## Clothing

CSNSW issued clothing is made available to people remanded in custody and there was ample supply of inmate clothing in stock. It was however identified that on occasions, people are released from custody in prison greens. This is not unique to Surry Hills CCC as it was a recurring theme across all 24-hour court cells. The reason provided by staff was that personal clothing may be soiled and unwearable; or confiscated by the police as evidence. It is not ideal to release people from custody in prison issued clothing. A store of non-prison issued clothing should be available, similar to the service provided at many correctional centres.

**Recommendation: CSNSW provides a selection of non-prison issued clothing for people to wear on their release from a CCC, rather than being released in prison issued clothing.**

## Food

Corrective Services Industries (CSI) meals are provided to people in custody at Surry Hills CCC. This includes cereal, milk and toast for breakfast, sandwiches for lunch and a CSI meal for dinner. No issues regarding the quantity of food available were identified. However, the inspection team could not readily identify the expiry date on the CSI meals, due to the coding system used by CSI. Staff were unable to advise the use by dates of the meals. This was not exclusive to Surry Hills CCC as other locations serving CSI meals had the same issue.

**Recommendation: CSNSW ensures that all CSI frozen meals include expiry dates.**

## Televisions

Unlike other 24-hour court cell complexes, inmates at Surry Hills do not have access to television. The 2017 inspection recommended that television sets in the 24-hour court cells that were not in working order were repaired. This recommendation has not been implemented and the few television sets that were previously working are now also faulty.

## Access to telephone calls

Inmates are not able to access the telephone while at Surry Hills CCC, however, staff advised that calls will be made on behalf of the inmate upon request.

## 1.6 Access to legal representatives

Surry Hills CCC is equipped with four audio-visual link (AVL) suites to local courts.<sup>27</sup> These AVL suites can also be utilised for people in custody to contact their legal representatives. There are a further three AVL suites that are used to contact legal representatives.

## 1.7 The provision of and access to health services provided by JH&FMHN

Surry Hills CCC has nursing coverage from 7:00 am – 11:00 pm (16 hours), seven days a week. The shifts are split between a Nurse Unit Manager (NUM) and clinical nurse. There are no administrative staff, and all administrative tasks are completed by either the NUM or clinical nurse.

The health service places an emphasis on urgent care and risk reduction because of the volume and frequent turnover of patients. Medical emergencies are transported to hospital under the guard of CSNSW correctional officers.

An important aspect of the nurses' role is to administer methadone for people on a prescribed methadone program. This ensures people in custody are not disadvantaged by not receiving the required treatment.

COVID-19 has created additional duties for the nursing staff, as they are required to test all people admitted to custody. This is an important risk mitigation strategy to prevent the introduction and transmission of COVID-19 to staff and other people in custodial facilities.

In 2017, the Inspector recommended that the nurse's station at Surry Hills CCC should be refurbished to create a separate office for the NUM from the consultation room, provide an additional consultation room and replace the existing flooring. At the time of this inspection the treatment area was being renovated, and the NUM's office was being painted. New furniture and medical equipment are being supplied by JH&FMHN.

## 1.8 Staffing

Surry Hills CCC previously had a Services and Programs Officer position, that was rostered in the morning and afternoons, five days a week. This position was responsible for assisting with making welfare telephone calls, contacting legal representatives as well as assessing any risk of harm. Since our last inspection in 2017 the Services and Programs Officer position at Surry Hills CCC has been removed.

The Services and Programs Officer role plays a crucial function in assisting people coming into custody, often for the first time. Consideration should be given to reinstating a Services and Programs Officer at Surry Hills CCC, due to the large volume of people who come into custody through this complex.

## 1.9 Transfer of inmates

Due to the volume of people who enter custody via Surry Hills CCC and the limited services that can be provided in a CCC, it is both necessary and good practice to transfer people to a correctional facility as soon as possible. This is an area where there has been noticeable improvement since our earlier inspections of Surry Hills CCC.

However, since our earlier inspections a new policy has been implemented and the Metropolitan Remand and Reception Centre (MRRC) no longer accepts new admissions after 12:30pm. All transfers after 12.30 pm are to Parklea CC. Transfers to Parklea CC can occur well into the evening and can result in new

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<sup>27</sup> Information provided by Corrective Services NSW, 19 August 2022.

admissions not being assessed until the following day. Transfer to Parklea CC is also an issue if the inmate has a serious mental health issue, as mental health services and resources are predominantly located at the MRRC.

Our inspection of Parklea CC found there was a deficit in mental health services and crisis support for inmates at Parklea CC and have subsequently recommended that mental health resources and psychology resources be increased as a priority.<sup>28</sup>

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28 Inspector of Custodial Services, *Inspection of Parklea Correctional Centre* (Report, June 2022), 82-84.

## 2 Amber Laurel Correctional Centre

### 2.1 Overview

The Amber Laurel Correctional Centre (ALCC) was inspected on 16 June 2022. The centre is located in Emu Plains, 60 kms west of Sydney. ALCC is gazetted as a correctional centre, however, is operated in line with practices of 24-hour court cells.

The centre has 28 double cells that can accommodate a maximum of 56 people.<sup>29</sup> Both men and women can be accommodated at ALCC, in separate cells.

At the time of the inspection there had been one death in custody that occurred in 2018.<sup>30</sup> There have been no escapes from this location since it was previously inspected in 2017.<sup>31</sup>

### 2.2 Admissions and length of time spent in court cells

During the 2021-22 financial year, there were 5,673 people admitted to Amber Laurel CC with an average length of stay of one day.<sup>32</sup> Twelve people stayed longer than seven days with the longest stay being 13 days.<sup>33</sup>

#### Outdoor area



### 2.3 Previous Inspection

The previous inspection identified that in some cases inmates were being held at ALCC for periods of seven days and longer. This is not ideal as the inmates have minimal, if any time out of their cells.

### 2.4 COVID-19

At the time of the inspection CSNSW had a COVID-19 safety officer rostered for each shift. The purpose of the position was to ensure that staff adhered to the Commissioner's Instructions. A strict level of compliance was observed.

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29 Information provided by Corrective Services NSW, 19 August 2022.

30 Information provided by Corrective Services NSW, 19 August 2022.

31 Information provided by Corrective Services NSW, 19 August 2022.

32 Information provided by Corrective Services NSW, 19 August 2022.

33 Information provided by Corrective Services NSW, 31 August 2022.

## 2.5 Conditions and treatment of inmates

Although ALCC is gazetted as a correctional centre, it is operated in line with a 24-hour court cell complex. In practice this means that the inmates are contained in their cells for most of their time while at ALCC. Staff advised that they are reluctant to allow inmates out of their cells for fresh air or exercise as the majority of inmates are not classified, and potentially could pose an unacceptable security risk.

Several men and women in custody were interviewed. They were predominantly positive towards the conditions and the treatment by staff. The main concern raised was in relation to the lack of access to showers. This is because the showers are located outside the cells and inmates need to be escorted to and from the shower. As part of the COVID-19 strategy all internal escorts of inmates are limited to avoid any potential transmission of the virus.

### Two-person cell at Amber Laurel CC



### Bedding

Bedding that was inspected was in good condition. A standard CSNSW mattress and blanket are provided, however, like other CCC's, pillows are not provided.

### Cell temperature

The temperature of the cells was appropriate. There were no issues or concerns raised in this area.

### Clothing

There were ample amounts of clothing, including shoes as well as an ample supply of hygiene products. There were no issues or concerns in relation to the quality or quantity of clothing.

### Food

Standard CSI meals are provided, consisting of cereal, milk and toast for breakfast, sandwiches for lunch and a CSI meal for dinner. No issues regarding the quantity of food were identified. However, the inspection team could not readily identify the expiry date on the meals, due to the coding system used by CSI. Staff were also not able to advise what the use by dates were for the CSI meals. This issue was not distinct to Amber Laurel CC.

**Recommendation: CSNSW ensures that all CSI frozen meals include expiry dates.**

## Television

All cells at Amber Laurel CC have working televisions.

## Access to telephone calls

Although ALCC has telephone facilities, inmates are not permitted to make telephone calls to family or significant others. Inmates can request that staff make a telephone call on their behalf.

## 2.6 Access to legal representatives

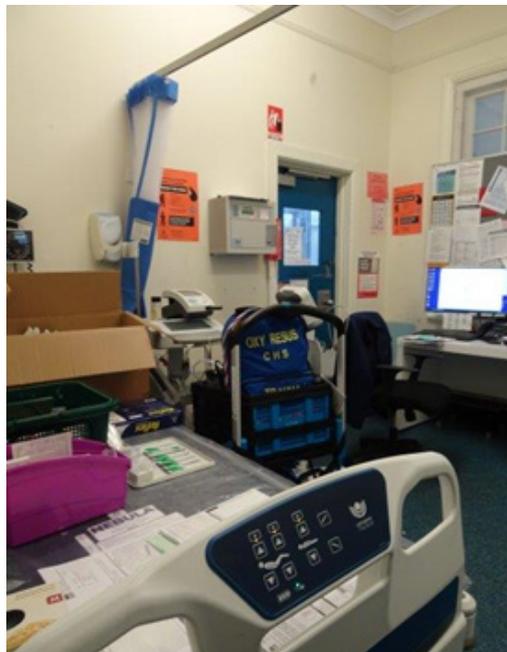
There are nine AVL suites used for court and a further four AVL suites that people can use to access their legal representatives.<sup>34</sup> Inspectors observed staff wearing full PPE when escorting people from their cells to the AVL area. There were no issues raised or identified in this area.

## 2.7 The provision of and access to health services provided by JH&FMHN

ALCC has a clinical nurse onsite seven days a week from 07:00am to 10:30pm.<sup>35</sup> A NUM who is located nearby at Emu Plains CC can also attend the centre if required or in emergencies.

At the time of the inspection the health area was unsuitable as it did not allow ample space for storage of patient files or medications, and medical equipment. This however will be addressed as funding has been approved for a new fit-for-purpose area.

### JH&FMHN clinic



34 Information provided by Corrective Services NSW, 19 August 2022.

35 Information provided by Justice Health & Forensic Mental Health Network, 20 October 2022.

## 2.8 Emergency Restraint Chair

During the inspection, an Emergency Restraint Chair was found to be in use. We were informed that this was part of a trial of additional restraint equipment under a pilot of, “soft restraints”. The trial of suitable soft restraints commenced in March 2020 in response to a coronial recommendation:

Corrective Services New South Wales complete the trial of a suitable soft restraint system for use in the Mental Health Unit as an alternative to the use of handcuffs, with the relevant training to be provided to applicable staff including staff in G Ward.<sup>36</sup>

Although the recommendation related to the Mental Health Unit, CSNSW believes there is an increased risk of self-harming behaviour and use of force in court cell locations due to the nature of the environment. Therefore, soft restraints were also trialled at Long Bay Hospital, Metropolitan Special Purpose Centre, Silverwater Women’s Correctional Centre, Surry Hills CCC, and the Amber Laurel CC.

The types of restraints trialled included:

- Emergency Restraint Chair (ERC), that is designed to assist in controlling chronic self-harming behaviour and reduce the risk of harm and injury to offenders and others.
- Hand Kuzi, handcuffs with mittens that are designed to restrict dexterity and prevent contact with objects that may be used to inflict self-harm.
- Pro-Tactical soft restraint kit that consists of a soft restraint belt with soft restraint cuffs fixed in place as well as separate restraint cuffs. Designed as a less intrusive form of control to help restrict an offender from self-harming and other injuries. It can also be applied to help safely manage an inmate in transport.

### What is an Emergency Restraint Chair?

The ERC that was trialled is the SureGuard Correctional Safety Restraint Chair. It is a secure chair that is designed to restrain an inmate in a seated upright position. The inmate’s arms are strapped to each arm of the chair, and straps are placed over each shoulder to restrict the inmate from leaning too far forward.

The inmate’s legs are also secured by strapping them to the base plate that also secures the chair so that it cannot be toppled. The chair is designed with rear wheels so that it can be moved by staff to different locations if required.

The website for SureGuard states that:

The chair is intended to help control combative, self-destructive, or potentially violent detainees. If used properly it can reduce the risk of physical harm to both the detainee and staff. Violent behaviour may mask dangerous medical conditions; therefore, detainees must be monitored for and provided with medical treatment if needed. Detainees should not be left in the SureGuard Correctional Safety Restraint Chair™ for more than two hours. The SureGuard Correctional Safety Restraint Chair™ should never be used as a means of punishment.<sup>37</sup>

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36 Lee, D (2019). *Inquest into the death [of David Dungay]* (Ref No. 2015/381722). Coroners Court of New South Wales. <https://coroners.nsw.gov.au/coronerscourt/download.html/documents/findings/2019/DUNGAY%20David%20-%20Findings%20-%20v2.pdf>

37 ‘SureGuard Correctional Safety Restraint Chair’, *Tactical Gear Australia* (Web Page) <https://tacticalgear.com.au/products/sureguard-correctional-restraint-chair?adlt=strict>

## SureGuard Correctional Safety Restraint Chair (Emergency Restraint Chair)



### The trial of the ERC

According to CSNSW, the ERC had been used on nine separate occasions. Overall, the pilot found that the ERC did appear to serve its purpose to stop self-harming behaviour.

However, there was one incident involving an inmate with a history of chronic self-harming issues, where the situation deteriorated quickly. The Inspector is of the understanding that this incident did not occur at a 24-hour court cell.

The trial of the soft restraints recommended that CSNSW continue using the ERC as a last resort in response to any serious self-harming incident. It also recommended making the ERC available at specific locations managing chronic self-harmers at serious risk.

The CSNSW review of the pilot did not recommend investing in the Hand Kuzi or the Pro-tactical soft restraint kit, as the uptake of these devices were minimal with more concerns raised than benefits during the pilot.

### Authority to use the ERC

Although clauses 131 and 132 of the *Crimes (Administration of Sentences) Regulation 2014* do not specifically authorise the use of restraint chairs, the Commissioner may authorise the use of other articles (but not chains or irons) for restraining inmates.

Clause 132 of the *Crimes (Administration of Sentences) Regulation 2014* provides that:

- (1) With the concurrence of the governor, a correctional officer may use handcuffs, security belts, batons, chemical aids and firearms for the purpose of restraining inmates.

- (2) With the concurrence of the Commissioner, a correctional officer may also use the following equipment for the purpose of restraining inmates—
- (a) ankle cuffs,
  - (b) other articles, other than chains or irons, approved by the Commissioner for use for that purpose.

CSNSW could not provide the Commissioner's authorisation for the use of the ERC. A Local Operating Procedure, titled Soft Restraints was authorised for Amber Laurel CC, Long Bay Hospital, Metropolitan Special Programs Centre, Silverwater Women's CC and Surry Hills CCC effective from 18 October 2021.

## Use of force

The Inspector acknowledges that there are times when some inmates can pose a serious risk to themselves by committing self-harming behaviour, and staff are required to intervene to reduce further injuries. This type of intervention is often challenging, complex and in some cases can last for lengthy periods of time and involve physical force.

Correctional staff are at times required to use mechanical restraints such as body belts, and handcuffs. In some cases, multiple officers are required to physically restrain an inmate on the ground. This is referred to as prone restraining.

The risks of using prone restraining techniques are serious and can have unintended consequences such as death due to positional asphyxiation, or heart attack, especially if the person being restrained has an underlying health condition. This is well documented through numerous coronial inquests nationally and internationally.

Although the ERC may be appropriate for use in some custodial settings in limited circumstances, the Inspector has considerable concerns regarding the use of the ERC at 24-hour court cell complexes (and Amber Laurel CC and Surry Hills CCC) for the following reasons:

- The ERC is not a soft restraint tool.
- 24-hour court cells are not Mental Health Units, and do not have mental health services available onsite to monitor an inmate's wellbeing when restrained in an ERC.
- Surry Hills CCC and Amber Laurel CC are the busiest court cell complexes in NSW, and only have one nurse rostered for each shift, who would not have the capacity to assess new admissions and monitor an inmate in the ERC.
- Access to general health supervision and oversight is limited, and in some cases not available in 24-hour court cell complexes.
- Due to the dynamic nature and staffing structure at the 24-hour court cells, staff training is often compromised. Consequently, there are concerns that unqualified or poorly trained staff may not have the skills or training to identify wellbeing or risk factors when monitoring an inmate in an ERC.
- That the use of the restraint chair has potential to simulate experience of trauma in some people, particularly women who have been victims of abuse.

If CSNSW intend to use the ERC it is imperative that the Commissioner of CSNSW authorise its use in accordance with the requirements of clauses 131 and 132 of the *Crimes (Administration of Sentences) Regulation 2014* and any other relevant legislation.

A policy and procedure with clear instructions on when the ERC can be used, who must authorise its use, and reporting and oversight of its appropriate use, would be essential. It is recommended that authorisation for the use of the ERC should be at Governor level, and that every use should be treated as a Tier 1 use of force with automatic referral to the use of force committee.

**Recommendation: CSNSW do not authorise the use of the Emergency Restraint Chair in the 24-hour court cell complexes (and Amber Laurel CC and Kariong ITC). If authorised for use by the Commissioner there must be strict policy and procedural guidelines for its use to ensure the safety and wellbeing of people restrained; and every use of the Emergency Restraint Chair should be treated as a Tier 1 use of force with automatic referral to the use of force committee.**

## 2.9 Hanging and ligature points

In 2019 NSW Police conducted an audit of hanging and ligature points in all 24-hour court cell locations. Amber Laurel CC was not included in this audit as it is classified as a correctional centre. Although there were no obvious hanging points identified on the inspection, it is concerning that Amber Laurel CC was not included in this audit as it operates like a 24-hour court cell location and a death in custody occurred in 2018.<sup>38</sup>

**Recommendation: CSNSW conducts a risk assessment and remove any potential hanging and ligature points from Kariong ITC, Amber Laurel CC and other 24-hour court cell locations.**

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38 Information provided by Corrective Services NSW, 19 August 2022.

## 3 Wagga Wagga 24-hour court cell complex

### 3.1 Overview

Wagga Wagga CCC is opposite Wagga Wagga police station and adjacent to Wagga Wagga courthouse. Consistent with all other 24-hour court cells in NSW, inmate safety and management of inmates is the responsibility of CSNSW. The CCC was last inspected in 2017.

The Wagga Wagga CCC comprises of six holding cells, with five being operational, that hold a capacity of six inmates.<sup>39</sup> Men and women are held at this location.

At the time of the inspection, there were 19 correctional officers employed at the cells, including one female correctional officer. Wagga Wagga CCC also has a JH&FMHN mental health court liaison officer.

There have been no deaths in custody or escapes from these court cells since our last inspection in 2017.<sup>40</sup>

### 3.2 Admissions and length of time spent in court cells

During the 2021-22 financial year, there were 871 inmates admitted to Wagga Wagga CCC with an average length of stay of one day.<sup>41</sup> There were some anomalies in the data concerning the number of inmates who stayed longer than the statutory maximum of seven days at this location. Court cell management reported two inmates and centralised data reported nil inmates stayed longer than seven days.<sup>42</sup>

### 3.3 Previous Inspection

The previous inspection occurred in May 2017. The Inspector recommended that as Wagga Wagga and surrounding areas have a large Aboriginal population that CSNSW consider creating an Aboriginal Community Liaison Officer position. Although a position has been established at Dubbo CCC, there is no position at Wagga Wagga CCC.

### 3.4 COVID-19

At the time of the inspection COVID-19 restrictions such as physical distancing, mandatory vaccination for staff, rapid antigen testing, and PPE were in place. Despite this, it was observed that PPE instructions were not being followed at the complex.

Since there is no JH&FMHN presence, inmates are not tested for COVID-19 at Wagga Wagga CCC and are tested after they are transferred to a correctional centre.

To prevent the spread of COVID-19, CSNSW should ensure that staff at all CCCs follow any COVID-19 Commissioner's Instruction that are in place and inmates should be RAT tested by correctional officers on admission to CCCs, if there is no nurse onsite.

**Recommendation: CSNSW ensures COVID-19 RAT testing occurs on admission of inmates to custody in each 24-hour court cell location.**

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39 Information provided by Corrective Services NSW, 19 August 2022.

40 Information provided by Corrective Services NSW, 19 August 2022.

41 Information provided by Corrective Services NSW, 19 August 2022.

42 Information provided by Corrective Services NSW, 19 August 2022 and 31 August 2022.

**Recommendation: CSNSW staff at all court cell locations follow all COVID-19 Commissioner's Instructions that are in place.**

## 3.5 Conditions and treatment of inmates

### Design of cells

As noted in our 2017 inspection, the design of the court cells is basic, as they are intended for short term custodial use only. Each cell contains a concrete bench that inmates use for sitting and sleeping. As with most court cells in NSW, the cells are designed for single and multiple inmate containment.

The cells contain a toilet and a separate wash basin, that is also used as a drinking fountain. There is no modesty screen or barrier to provide privacy when using the toilet.

### Toilet in cell without privacy barrier



### Bedding

The complex had appropriate levels of stock for bedding and mattresses. Extra blankets can be provided on request. There were no issues identified or raised in relation to the mattresses or blankets.

### Graffiti and cleanliness

There were minimal amounts of graffiti on the walls and the cells are cleaned on a regular basis, by a professional cleaner. In our 2017 inspection we raised the issue of damage to the observation windows in cell doors. This had been fixed and was not identified as an issue in this inspection.

### Cell temperature

It was noted that the cells were unreasonably cold, and staff advised that in summer they are uncomfortably hot.

### Shower facilities

Showers are available outside of the holding cells and inmates may access the facilities daily. There was a purpose-built screen around the shower to provide inmates with privacy.

## Clothing

It was positive to see that people can wear their own clothing while in the cells, or request CSNSW clothing, that is also issued to inmates at correctional facilities. This clothing is manufactured and laundered by CSI. There was a significant stockpile of inmate clothing stored at the complex.

It was identified that on occasions, people are released in prison greens. This can be because personal clothing has been soiled and cannot be worn, or clothing has been confiscated by the NSWPF as evidence.

It is recognised that in court cell locations, it can be difficult to source appropriate clothing due to the high turnover of inmates. Nevertheless, releasing inmates in prison greens can cause unwarranted community alarm, or stigma for the person being released. In the ICS report *Prison Greens: The clothing and bedding of inmates in NSW* the Inspector raised concerns about this practice and recommended that inmates should not be released in prison greens.<sup>43</sup>

**Recommendation: CSNSW provides a selection of non-prison issued clothing for people to wear on their release from a CCC, rather than being released in prison issued clothing.**

## Food

As reported in our 2017 inspection, inmates receive cereal for breakfast as well as a selection of frozen meals such as meat pies, vegetable pasties, sausage rolls and chicken rolls for lunch and dinner. A pie warmer is used to heat the pies and sausage rolls. CSI meals are not used because they are required to be heated in a large oven and there is not enough space for such an oven in the complex.

Despite the frozen meals being an easy and economic option, they lack nutrition and are not suitable for people who stay at the CCC for several days. CSNSW should explore options for inmate meals at court cells that meet nutrition standards.

## Inmate interviews

Two people in custody were interviewed. They were both wearing their personal clothing and were being detained for court appearances. They reported that staff had treated them well throughout their time in the court cells. The main issues raised were the cold temperature of the cells and poor quality of food.

## Televisions

People in custody at the Wagga Wagga CCC do not have access to a television as televisions were perceived to be a hanging point by staff. This is inconsistent with practices at other court cells and correctional centres. Access to television alleviates boredom and provides inmates with access to information. The Inspector is of the view that access to television can be provided while mitigating risks regarding hanging points.

## 3.6 Access to legal representatives

The court cells have a purpose-built area for people to speak privately and confidentially to their legal representatives. Staff also noted that a second AVL suite would be beneficial for the complex.

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<sup>43</sup> Inspector of Custodial Services, *Prison Greens: The clothing and bedding of inmates in NSW* (Report, June 2017), 25.

### 3.7 The provision of and access to health services provided by JH&FMHN

As raised in our 2017 inspection, there is no onsite medical coverage provided by JH&FMHN or any other health provider. This remains the case. Staff raised legitimate concerns that inmates are not able to easily access essential medication due to the lack of JH&FMHN presence.

Positively a JH&FMHN mental health court liaison officer services the court cells during Monday to Thursday every week to speak to people in custody and provide a report to the court as required.

**Recommendation: JH&FMHN provide onsite or virtual health services to all 24-hour court cell locations.**

### 3.8 Staffing

As raised in our 2017 report, staff reported that it remains difficult to complete mandatory training requirements such as first aid, and re-accreditation in weapons competency. Data provided by CSNSW shows that only seven correctional officers out of 19 are current in first aid at this location.<sup>44</sup> It is acknowledged that COVID-19 has created disruption with training requirements.

**Recommendation: CSNSW officers at 24-hour court cell locations are current in first aid training, and those officers who are required to carry a firearm complete a CSNSW refresher firearms course and are tested annually.**

At the time of the inspection, Wagga Wagga CCC only had one female officer. It is acknowledged that recruiting for staff can be difficult in regional locations, however, additional female officers are required to conduct strip searches on women coming into custody. This was also a recommendation from our earlier report.

As in other locations, officers were not wearing identification badges.

**Recommendation: CSNSW staff in 24-hour court cell locations wear identification badges.**

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<sup>44</sup> Information provided by Corrective Services NSW, 19 August 2022.

## 4 Albury 24-hour court cell complex

### 4.1 Overview

Albury CCC is located on Olive Street, Albury, between Albury Police Station and Albury Court House and was inspected on 23 June 2022. It was previously inspected in 2017.

In the 2017 inspection, concerns were raised in relation to the security of the centre and the Inspector recommended a security review of the Albury Court Cell Complex. The review has since been completed and infrastructure upgrades have commenced, including installing a secure corridor from the court cells to the court. CSNSW advised that the work is expected to be completed by January 2023.

There are six cells and a holding capacity of 18 inmates.<sup>45</sup> There are 13 staff at this location, including four female officers. In relation to security and wellbeing, there have been no deaths in custody or escapes from Albury CCC since our last inspection in 2017.<sup>46</sup>

#### Construction work occurring at Albury CCC



### 4.2 Admissions and length of time spent in court cells

During the 2021-22 financial year, there was 868 inmates admitted to Albury CCC with an average length of stay of one day.<sup>47</sup> Local data indicated one person stayed longer than the statutory maximum and central data reported nil.<sup>48</sup>

### 4.3 COVID-19

At the time of the inspection COVID-19 restrictions such as physical distancing, mandatory vaccination for staff, rapid antigen testing, and PPE were in place. Despite this, it was observed that PPE instructions were not being followed at the complex.

As there is no JH&FMHN presence at the complex, inmates are not tested for COVID-19 until they transfer to a correctional centre. To help prevent the spread of COVID-19, CSNSW should ensure that staff at all

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45 Information provided by Corrective Services NSW, 19 August 2022.

46 Information provided by Corrective Services NSW, 19 August 2022.

47 Information provided by Corrective Services NSW, 19 August 2022.

48 Information provided by Corrective Services NSW, 31 August 2022.

court cell complexes follow the Commissioner's Instructions and that all new receptions are tested for COVID-19 on admission to custody at the court cells.

**Recommendation: CSNSW ensures COVID-19 RAT testing occurs on admission of inmates to custody in each 24-hour court cell location.**

**Recommendation: CSNSW staff at all court cell locations follow all COVID-19 Commissioner's Instructions that are in place.**

## 4.4 Conditions and treatment of inmates

The cells at Albury CCC are more contemporary in their design, however, there is no modesty screen inside the cells to provide privacy when using the toilet. Each cell contains a concrete bench that the inmate uses for sitting and sleeping, as well as a toilet and a sink. Cells can cater for either two or three inmates at a time. The inspection team found the cells to be mostly clean, recently painted, and free of graffiti.

Consistent with our findings in 2017, the lights in the cells are left on 24 hours a day and are unable to be dimmed. Rule 43 of the *UN Standard Minimum Rules for the Treatment of Prisoners* (Nelson Mandela Rules) prohibits the 'placement of a prisoner in a dark or constantly lit cell'.<sup>49</sup>

The inspection team also noted that the skylights were dirty and needed to be cleaned. Skylights are an important design aspect in court cells, as they provide a form of natural light.

Two people in custody were interviewed.

### Bedding

Bedding supplies were sufficient, and mattresses were observed to be in good condition. No issues were raised as to the availability of clean and dry bedding.

### Cell temperature

Inspectors observed that some cells were noticeably cold. Staff advised that inmates can be provided with additional blankets on request.

### Shower facilities

Showers are located in the exercise yard in front of the cells and have modesty screens to provide inmates with privacy.

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<sup>49</sup> Rule 43, *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).

### Inmate shower with privacy screen



### Clothing

Clothing supplies were adequate. It was however identified that staff recently had to release an inmate in prison greens because they had no other clothing on hand. Releasing inmates in full prison greens should be avoided. In the ICS report *Prison Greens: The clothing and bedding of inmates in NSW* the Inspector raised concerns about this practice and recommended that inmates should not be released in prison greens.<sup>50</sup>

**Recommendation: CSNSW provides a selection of non-prison issued clothing for people to wear on their release from a CCC, rather than being released in prison issued clothing.**

### Food

As reported in our 2017 inspection, inmates can expect to receive food such as cereal for breakfast as well as a selection of frozen meals such as meat pies, vegetable pasties, sausage rolls and chicken rolls for lunch and dinner.

Frozen meals that have been microwaved are served for inmates who are at the complex for extended periods of time. Inspectors were advised that CSI meals are not provided because they are required to be heated in a large oven and there is not sufficient space for it in the complex.

### Televisions

There is a small indoor exercise yard in front of each cell that also contains a shower with a modesty screen and a television that is to be shared between two cells.

### Access to telephone calls

Inmates cannot make telephone calls; however, staff will make one on their behalf.

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<sup>50</sup> Inspector of Custodial Services, *Prison Greens: The clothing and bedding of inmates in NSW* (June 2017), 25.

## 4.5 Access to legal representatives

As noted in our 2017 inspection, there is no AVL at the court cells, however, inmates can access the AVL suite in the police station. No issues or concerns were raised about access to legal representatives, however, staff noted that a second AVL suite would be beneficial.

## 4.6 The provision of and access to health services provided by JH&FMHN

As noted in our 2017 inspection there is no JH&FMHN presence at Albury CCC. A local pharmacist attends the court cells to administer methadone and provide medication as required. Staff noted that the lack of JH&FMHN services at the court cells results in inmates being taken to hospital for routine medical issues. JH&FMHN advises that in 2019 there was on average less than one transfer per week from the Albury cells to hospital.

**Recommendation: JH&FMHN provide onsite or virtual health services to all 24-hour court cell locations.**

## 4.7 Staffing

At the time of our 2017 inspection there were no female officers employed at the Albury CCC. This meant that CSNSW staff could not conduct searches of women coming into custody. Since the 2017 inspection three female correctional officers have been employed at the court cells and a fourth female officer is due to join the team in July 2022.

The cells do not have an Aboriginal Court Liaison Officer or a Services and Programs Officer. We reiterate our recommendation from our previous report.

As in other locations, officers were not wearing identification badges.

**Recommendation: CSNSW staff in 24-hour court cell locations wear identification badges.**

## 5 Queanbeyan 24-hour court cell complex

### 5.1 Overview

Queanbeyan Court Cell Complex is located on the Kings Highway Queanbeyan and was inspected on 27 June 2022. Since the previous fully announced inspection in June 2017, a completely new court cell complex has been built, within the newly built police station.

The Queanbeyan CCC is one of the most contemporary designed 24-hour court cells in NSW. There are five holding cells, with a holding a capacity of six inmates.<sup>51</sup> The Inspection team were advised that the lights can be dimmed at night, contrary to other court cell locations. This is good practice and responds to our 2017 recommendation in relation to lights in 24-hour court cells.

There have been no deaths in custody or escapes from these court cells.<sup>52</sup>

### 5.2 Admissions and length of time spent in court cells

During the 2021-22 financial year, there were 338 inmates admitted to Queanbeyan CCC with an average length of stay of less than 24 hours.<sup>53</sup> No inmates stayed longer than the statutory maximum of seven days at this location.<sup>54</sup>

### 5.3 COVID-19

An ample amount of PPE was available, and staff were observed to be complying with the Commissioner's Instruction.

As there is no JH&FMHN presence at the complex, inmates are not tested for COVID-19 until they transfer to a correctional centre. To help prevent the spread of COVID-19, CSNSW should ensure that all new receptions are tested for COVID-19 on admission to custody at the court cells.

**Recommendation: CSNSW ensures COVID-19 RAT testing occurs on admission of inmates to custody in each 24-hour court cell location.**

### 5.4 Conditions and treatment of inmates

Several people in custody were interviewed and stated that they were treated respectfully by the staff and had no issues or concerns. They were able to speak to their legal representatives and make a telephone call.

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51 Information provided by Corrective Services NSW, 19 August 2022.

52 Information provided by Corrective Services NSW, 19 August 2022.

53 Information provided by Corrective Services NSW, 19 August 2022.

54 Information provided by Corrective Services NSW, 19 August 2022 and 31 August 2022.

## Cells at Queanbeyan CCC



### Bedding

All mattresses and blankets inspected were clean and of good quality. Pillows are not provided.

### Cell temperature

The cell temperature was a comfortable level, and consistent with the temperature in the other areas of the complex. There were no issues or concerns raised.

### Shower facilities

The shower facilities offer a degree of privacy without compromising safety or security. However, the new cells were built without a modesty screen for the toilets.

### Clothing

There was adequate clothing and personal hygiene products available, as well as suitable storage space. There were no issues or concerns raised in the quality or quantity of clothing. However, the inspection team did note that one person who had been in custody for several days was still wearing his own clothing. When questioned why he was wearing his own clothing rather than fresh clothing issued by CSNSW, he stated that he had not been offered any fresh clothing by staff. Inmates should be offered fresh clothing when staying in court cells longer than 24 hours.

### Food

CSI meals are provided that include cereal, milk and toast for breakfast, sandwiches for lunch and a hot CSI meal in the evening. The inspection team could not readily identify the expiry date on the frozen meals due to the coding system used by CSI. Staff were also not able to advise what the use-by-dates were for the CSI meals.

Post inspection, CSNSW provided differing responses to the coding system. Initially CSNSW advised that CSI frozen meals have a shelf-life of six months.<sup>55</sup> However, this advice was modified when evidence of an 11-month-old meal being served was provided.

### CSI meal that is 11 months old



CSNSW advised:

All CSI frozen meals are best before 12 months from the time of manufacture. Note that if continually frozen, foods can be stored safely indefinitely, however quality and taste will degrade over time. CSI endeavours to turn over all meals within two months.

All locations are instructed via official memos to rotate meals to ensure they are used as soon as possible. Unfortunately, Queanbeyan is not a high turnover site and given that more than normal supplies were kept as backup, meals have been in storage for longer than we would like. This is not ideal, however the meal in question at the time of inspection was in date.

Resulting from this enquiry we have taken a decision to send laminated instruction sheets to court complexes that deal with rotation requirements.<sup>56</sup>

The Inspector is of the opinion that the expiry dates of frozen meals should be included on the label of meals.

**Recommendation: CSNSW ensures that all CSI frozen meals include expiry dates.**

### Televisions

Televisions are available in the cells. The channel and volume are controlled at a central point adjacent to the manager's office. There were no issues or concerns in this area.

<sup>55</sup> Information provided by Corrective Services NSW, 15 August 2022

<sup>56</sup> Information provided by Corrective Services NSW, 18 August 2022.

## Access to telephone calls

Staff at Queanbeyan CCC allow inmates to make one telephone call per day. This is regarded as a good practice as it can assist in reducing tension and stress. There were no issues or concerns raised by staff in relation to this practice.

## 5.5 Access to legal representatives

There is one AVL suite in the court cells that inmates can use to meet with their legal representatives.

## 5.6 The provision of and access to health services provided by JH&FMHN

There is no onsite JH&FMHN presence at the Queanbeyan CCC. In practice this means that inmates are taken to hospital for non-emergency health matters if they raise health issues with staff. JH&FMHN advises that in 2019 there was on average less than one transfer per week from the Queanbeyan cells to hospital.<sup>57</sup>

Staff raised concerns about no nursing coverage at the cells. Inmates can be admitted with a range of health and medical conditions such as pre-existing injuries, withdrawing from illicit or legal substances e.g., nicotine and or alcohol as well as mental health and physical issues. This concern was also raised in our 2017 inspection.

The lack of an onsite health presence also means that inmates who are on prescribed medication cannot access their medication, as CSNSW staff are not permitted to provide medication to an inmate.

**Recommendation: JH&FMHN provide onsite or virtual health services to all 24-hour court cell locations.**

## 5.7 Staffing

Like at other court cell locations, staff noted that training is difficult to schedule. It was found that only one staff member at Queanbeyan CCC is current in first aid.<sup>58</sup>

**Recommendation: CSNSW officers at 24-hour court cell locations are current in first aid training, and those officers who are required to carry a firearm complete a CSNSW refresher firearms course and are tested annually.**

Officers were also found to not be wearing identification badges.

**Recommendation: CSNSW staff in 24-hour court cell locations wear identification badges.**

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<sup>57</sup> Information provided by Justice Health & Forensic Mental Health Network, 20 October 2022.

<sup>58</sup> Information provided by Corrective Services NSW, 19 August 2022.

## 6 Batemans Bay 24-hour court cell complex

### 6.1 Overview

Batemans Bay Court Cell Complex was inspected on 28 June 2022. Batemans Bay CCC is located within the Batemans Bay Police Station, 150 kilometres east of Canberra and 280 kilometres south of Sydney.

There are three cells at this location with a reported holding capacity of six inmates.<sup>59</sup> However, this number of inmates can increase during court hours due to short term stays.

There have been no deaths in custody or escapes since our last inspection in 2017.<sup>60</sup>

### 6.2 Admissions and length of time spent in court cells

During the 2021-22 financial year, there were 266 inmates admitted to Batemans Bay CCC.<sup>61</sup> According to data provided by CSNSW, no inmates stayed longer than the statutory maximum of seven days at this location.<sup>62</sup> The average length of time spent at this location is less than 24 hours.<sup>63</sup>

### 6.3 Previous Inspection

As identified in the last fully announced inspection in June 2017, the cells were in reasonable condition. However, there are benches for beds in two cells, and no bench in one cell. Inmates are required to sit on the floor during the day and sleep on a mattress on the floor at night. In our 2017 report the Inspector stated that this is not acceptable, particularly if inmates are required to stay for several days.

In 2017, the Inspector recommended that benches are installed at Batemans Bay Court Cell Complex for inmates to sleep on. The recommendation has not been implemented.

The previous report also noted that there are no modesty screens or barriers for the toilets, and inmates are required to use a mattress as a makeshift screen. This recommendation also remains outstanding.

### 6.4 COVID-19

An ample amount of PPE was available, and staff were observed to be complying with the Commissioner's Instruction.

As there is no JH&FMHN presence at the complex, inmates are not tested for COVID-19 until they transfer to a correctional centre. To help prevent the spread of COVID-19, CSNSW should ensure that all new receptions are tested for COVID-19 on admission to custody at the court cells.

**Recommendation: CSNSW ensures COVID-19 RAT testing occurs on admission of inmates to custody in each 24-hour court cell location.**

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59 Information provided by Corrective Services NSW, 19 August 2022.

60 Information provided by Corrective Services NSW, 19 August 2022.

61 Information provided by Corrective Services NSW, 19 August 2022.

62 Information provided by Corrective Services NSW, 19 August 2022 and 31 August 2022.

63 Information provided by Corrective Services NSW, 19 August 2022.

## 6.5 Conditions and treatment of inmates

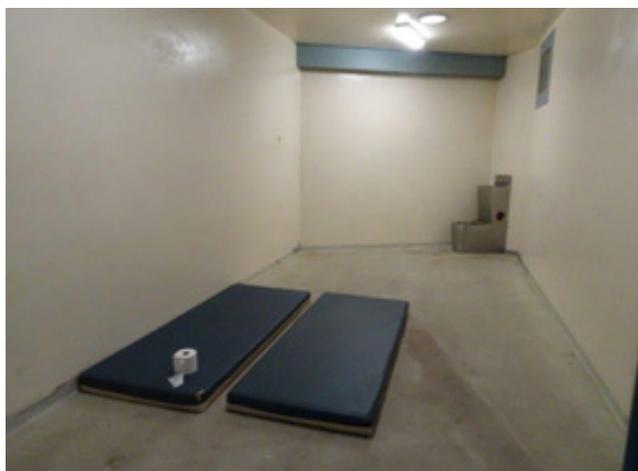
### Cell lights

Cell lights at Batemans Bay CCC can be turned down to an acceptable level for inmate comfort without compromising security. This meets the requirements of Rule 43 of the *UN Standard Minimum Rules for the Treatment of Prisoners* (the Mandela Rules) that prohibits the 'placement of a prisoner in a dark or constantly lit cell'.<sup>64</sup>

### Bedding

Bedding comprises of a mattress and blanket; no pillows are issued. Inmates are required to place their mattress on the floor if there is no bench to sleep on.

### Cell without bench containing mattresses on the floor



### Cell at Batemans Bay CCC



<sup>64</sup> Rule 43, *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).

## Cell temperature

The cell temperature was considerably cooler than the rest of the complex. Staff advised that additional blankets are provided upon request. However, the inspection team has concerns that it would be even colder for the inmate to sleep on a mattress on the floor and is not conducive for the health and wellbeing of an inmate, particularly inmates that are older or have a disability.

## Shower facilities

The shower facilities required cleaning and repainting. Inmates are provided a milk crate to place their towel and clothes on. Other 24-hour court cells inspected provide inmates with a plastic sealable tub, that keeps their clothes and towel dry.

## Clothing

There are adequate supplies of clothing for male and female inmates, as well as hygiene products. Staff noted that they have an agreement with a local charity to source clothing for inmates prior to them being discharged, so they are not discharged in prison issued clothing. This is to be commended, and it is recommended that where possible other 24-court cells adopt the same practice.

## Food

Cereal, milk, toast, and a hot beverage is provided for breakfast. Due to the location and lack of storage space, lunch and dinner is purchased from a local café. There were no issues or concerns in relation to this area.

## Televisions

There is access to a television from each cell. There were no issues or concerns raised or identified in this area.

## Access to telephone calls

Inmates cannot make a telephone call however staff will make a call on their behalf upon request.

## 6.6 Access to legal representatives

There is an interview room for confidential meetings with legal representatives. There were no issues or concerns raised in this area.

## 6.7 The provision of and access to health services provided by JH&FMHN

During our last inspection JH&FMHN had a four-hour presence at the court cells each day. This service is no longer provided. Staff now utilise the local pharmacist to provide inmates who are on the methadone program with their medication. For urgent matters inmates are transported to hospital via ambulance. JH&FMHN advises that in 2019 there was on average less than one transfer per week from the Batemans Bay cells to hospital.<sup>65</sup> For other non-urgent medical matters staff contact the JH&FMHN staff at South Coast CC.

**Recommendation: JH&FMHN provide onsite or virtual health services to all 24-hour court cell locations.**

## 6.8 Staffing

Officers were found to not be wearing identification badges.

**Recommendation: CSNSW staff in 24-hour court cell locations wear identification badges**

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<sup>65</sup> Information provided by Justice Health & Forensic Mental Health Network, 20 October 2022.

## 7 Wollongong 24-hour court cell complex

### 7.1 Overview

Wollongong CCC is situated 85 kilometres south of Sydney and was inspected on the 29 June 2022. There are eight holding cells at this facility with a holding capacity of 18 inmates.<sup>66</sup>

At the time of the inspection there were 19 staff employed at the court cells.

There have been no deaths in custody or escapes from these court cells since our last inspection in 2017.<sup>67</sup>

### 7.2 Admissions and length of time spent in court cells

During the 2021-22 financial year, there were 1,928 inmates admitted to Wollongong CCC, making it the third busiest court cell location in NSW.<sup>68</sup> There were anomalies in the data provided by CSNSW regarding the number of people held longer than seven days at this location during the 2021-22 financial year. Local data indicated 18 people stayed longer than the statutory maximum of seven days, with the longest period being 24 days. Centralised data reported no inmates stayed beyond seven days at this location.<sup>69</sup>

### 7.3 COVID-19

Inspectors identified that the Commissioner's Instruction was not being strictly adhered to, and staff who were in the allocated red zone were not wearing the required PPE.

**Recommendation: CSNSW staff at all court cell locations follow all COVID-19 Commissioner's Instructions that are in place.**

### 7.4 Conditions of cells

As with most court cells in NSW, the design is basic and intended for short term use only. Each cell has benches, that the inmates can sit on during the day and use as a bed at night. Most of the cells contained privacy barriers for toilets.

The cells contained considerable amounts of graffiti. Some cells need to be repainted as there was not only graffiti but also large amounts of paint peeling from the ceilings. Some of the graffiti was a potential security risk as it provided the name, telephone number and sensitive information of other people (possibly inmates) and should have been removed immediately

**Recommendation: CSNSW removes graffiti from court cells that poses a security or wellbeing risk to people in custody or staff.**

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66 Information provided by Corrective Services NSW, 19 August 2022.

67 Information provided by Corrective Services NSW, 19 August 2022.

68 Information provided by Corrective Services NSW, 19 August 2022.

69 Information provided by Corrective Services NSW, 19 August 2022 and 31 August 2022.

## Cells at Wollongong CCC with privacy screens for the toilet.



## 7.5 Treatment of people in custody

Five people in custody were interviewed. Some were in the cells for court appearances only, while others had been refused bail by the police. There were no issues raised in relation to their treatment by CSNSW staff.

Inspectors observed an inmate attending court via AVL being verbally abusive and threatening towards a magistrate. Staff hastily responded and escorted the inmate back to his cell, where he continued to be verbally abusive towards staff. Staff responded quickly and professionally and there was no need to use force. Such incidents are a stark reminder of the unique challenges that CCC staff face on a regular basis.

### Bedding

The bedding consisted of mattresses and blankets and as with the majority of court cells, inmates are not provided with a pillow. There were no issues or concerns raised or identified.

### Cell temperature

The temperature in the cells was consistent with the temperature in other areas of the court cell complex. There were no issues in relation to this area.

### Shower facilities

There are separate shower facilities for male and female inmates.

### Clothing

Inspection of the stores room identified that there are ample supplies of CSNSW issued clothing for inmates. Staff advised that there are occasions that people are released from custody in prison greens. Staff advised they would explore options with local charities to access a small stockpile of clothing for people who do not have suitable clothing of their own to wear when they are released from custody.

**Recommendation: CSNSW provides a selection of non-prison issued clothing for people to wear on their release from a CCC, rather than being released in prison issued clothing.**

## Food

CSI meals are provided consisting of cereal, toast, milk and a hot beverage for breakfast, and sandwiches for lunch. A hot meal is provided for dinner.

## Televisions

Inmates have access to a television while in their cells. There were no issues or concerns in relation to this area.

## Access to telephone calls

One person in custody asked the inspection team how he could make a telephone call to his family. Inmates are not permitted to make personal telephone calls at this location however, staff can make a call on their behalf and record that the telephone call had been made in a register. Inspection of the register identified that staff make telephone calls on a daily basis for inmates.

## 7.6 Access to legal representatives

Inmates have access to their legal representative via the AVL suite.

## 7.7 The provision of and access to health services provided by JH&FMHN

A Clinical Nurse is rostered seven days a week from 6:00pm to 9:00pm. Staff were very supportive of the presence of JH&FMHN at the court cells.

## 7.8 Infrastructure

It was found on inspection that the hand cuff slots in the doors are left open, usually from mealtime. The Inspection team has concerns that this could be a potential hanging point.

**Recommendation: CSNSW staff cease the practice of leaving the hatches in cell doors open as this practice creates a ligature point.**

## 7.9 Staffing

Officers were found to not be wearing identification badges.

**Recommendation: CSNSW staff in 24-hour court cell locations wear identification badges.**

## 8 Penrith court cell complex

### 8.1 Overview

Penrith Court Cells are located within Penrith Police Station, 60 kilometres west of the Sydney CBD and were inspected on the 11 July 2022. At the time of the inspection there were no inmates being held in overnight custody.

The complex is generally an eight-hour location for inmates attending court, however, it can be utilised to accommodate inmates overnight if required. For example, if Amber Laurel CC is full and does not have beds available, Penrith CCC is used as a short term option to accommodate inmates.

There have been no deaths in custody or escapes from these court cells since our last inspection in 2017.<sup>70</sup>

### 8.2 Admissions and length of time spent in court cells

During the 2021-22 financial year, there were 133 inmates admitted to Penrith Court Cells who stayed overnight.<sup>71</sup> According to data provided by CSNSW, there were no inmates who stayed longer than the statutory maximum of seven days at this location.<sup>72</sup>

### 8.3 Conditions and treatment of inmates

The cells are similar to other locations. Individual cells have concrete benches that are utilised as a bed at night, with a mattress and blankets supplied during the evening.

The cells have a secure section where inmates are permitted out of their cells to walk around, rather than remaining entirely in their cells during their time in custody at the court cells.

When inmates are held in custody overnight, they are permitted one telephone call per day.

#### Toilets

The toilets have a modesty screen that provides people with a degree of privacy without compromising the safety of the inmate or the security of the complex.

#### Graffiti

The cells are heavily graffitied and require repainting. There are also signs of wilful damage that should be repaired.

#### Bedding

There is a ready supply of mattress and blankets available, that were all in good condition. There were no issues or concerns in this area.

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70 Information provided by Corrective Services NSW, 26 August 2022.

71 Information provided by Corrective Services NSW, 26 August 2022.

72 Information provided by Corrective Services NSW on 26 August 2022 and 31 August 2022.

## Cell temperature

The temperature of the cells was comfortable and consistent with other areas of the complex.

## Shower facilities

The design of the shower facilities provides a good level of privacy, without compromising the safety and the security of the complex.

## Clothing

There is a range of prison greens stored at the court cells. If the cells become utilised in the future to accommodate inmates overnight, additional clothing will be sourced. There were no issues with this area.

## Food

At the time of the inspection inmates were only in custody for their court hearing. As such they are provided with sandwiches for lunch and biscuits for morning and afternoon tea.

## Televisions

There are televisions situated outside of the holding cells that inmates can watch.

## Access to telephone calls

Staff advised that when inmates are held in custody overnight, they are provided with one telephone call per day.

## 8.4 Access to legal representatives

There is an AVL suite where inmates can make contact with their legal representative.

## 8.5 The provision of and access to health services provided by JH&FMHN

A mental health nurse from JH&FMHN is allocated to Penrith Court and attends the cells to interview specific inmates prior to their court hearing. Staff advised that the presence of the mental health nurse can be very useful in calming inmates who might be anxious prior to attending court.

Inmates with medical issues can be taken to Amber Laurel CC.

## 8.6 Infrastructure

As with the majority of 24-hour court cells the maintenance budget is the responsibility of the NSWPF, and all capital works requests require approval of NSWPF. In practice this means that non urgent maintenance issues, such as painting the cells can take considerable time.

## 9 Kariong Intake and Transit Centre

### 9.1 Overview

Kariong ITC is located near Gosford, on the Central Coast of NSW and was inspected on 12 July 2022. It is utilised as a transit centre for classified inmates transferring between Sydney and the NSW north coast. It also accommodates pre-positioned inmates for court attendances, along with remand and revocation inmates received from the NSWPF.<sup>73</sup>

Kariong ITC has had several different uses since it was built in 1991. The initial purpose of Kariong was as a Juvenile Correctional Centre, that accommodated high risk young offenders. In 2004 the Government legislated that the centre and its functions be transferred to CSNSW, to manage the young offenders. In 2015 the centre became a minimum-security prison for adult offenders. In 2017 it became a remand centre, and in June 2020 it transitioned to the current Intake and Transit Centre.

The centre was previously inspected in 2018 before it became an ITC. At the time several recommendations were made to improve conditions and safety at the centre, including the removal of hanging points.

Although not specifically a 24-hour court cell location, Kariong ITC was included as part of the inspection as it operates like a 24-hour court cell complex. It holds inmates for short periods of time, either in transit between correctional centres or courts, or after being refused bail by the NSWPF.

The centre can accommodate a maximum of 56 inmates at a time.<sup>74</sup> Generally, inmates are accepted until 6:00pm, however some discretion is permitted to allow later admissions when required.

The Inspection team was advised that initially the purpose of the Intake and Transit Centre was to receive inmates in transit to another centre, and inmates who had been refused police bail. However, at the time of the inspection the majority of inmate admissions were for transit purposes.

### 9.2 Admissions and length of time at Kariong ITC

During the 2021-22 financial year, there were 436 inmates admitted to Kariong ITC.<sup>75</sup> CSNSW provided different figures for the number of inmates who stayed longer than seven days at this location during the 2021-22 financial year. There was some discrepancy between data held locally and centralised data as to whether 11 or 12 people were held beyond seven days at this location.<sup>76</sup> Although technically there is no statutory requirement regarding length of time at this facility, as it is a gazetted correctional centre, it operates as a court cell location and does not provide inmates in custody with basic services and entitlements that must be provided at a correctional centre. This issue was raised in our 2017 report as it equally applies to Amber Laurel Correctional Centre.

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73 Corrective Services NSW, 'Kariong Correctional Centre (Gosford)' (Web Page) <<https://correctiveservices.dcj.nsw.gov.au/csnsw-home/correctional-centres/find-a-correctional-centre/kariong-correctional-centre-gosford.html>>

74 Information provided by Corrective Services NSW, 19 August 2022.

75 Information provided by Corrective Services NSW, 19 August 2022.

76 Information provided by Corrective Services NSW, 19 August 2022 and 31 August 2022.

## Outdoor area Kariong Intake & Transit Centre



### 9.3 COVID-19

Staff were wearing PPE and there are strict infection control practices in place. These involve staff in full PPE spraying each cell with a disinfectant solution prior to an inmate being placed in a cell. JH&FMHN also conduct Rapid Antigen Testing on all inmates on admission.

### 9.4 Conditions of inmates

The function of Kariong ITC requires inmates to be held for short periods of time, in some cases for only a matter of hours before the inmate is transferred to either a court location or a correctional facility. Due to the rapid turnover of inmates there is minimal opportunity for regular cleaning of the cells and units.

Although the centre does engage a contractor to clean general areas, due to the function of the facility the cleaning service does not have sufficient opportunity to clean the cells to an acceptable standard. Consequently, the standard of cleanliness of some of the cells was not appropriate and a thorough clean is required, and on an ongoing basis.

#### Reception

A new reception room has been constructed and is used for classified inmates being transferred to other centres. The reception room is in a building adjacent to the accommodation area. Two search areas with privacy screening for searches were observed.

Inmate transport vehicles park outside the reception room, and the identity of each inmate is confirmed before COVID checks including temperature checks are completed by JH&FMHN nursing staff and inmates are transferred to their cell.

At the rear of the reception room are two large holding cells which can hold up to 16 inmates. The holding cells have bench seating and a toilet surrounded by privacy screening. Each of these cells is fitted with CCTV cameras so that inmates held in these areas can be observed.

#### Accommodation

The accommodation at the centre consists of four units. All cells contain a bed, shower, toilet, and a television. The unit on the lower floor closest to the reception room has been retro fitted with CCTV cameras to enable the monitoring of new receptions. Women reside in a separate accommodation area to male inmates on the upper level of the accommodation building.

Some cells had visible signs of mould and poor ventilation. This was identified as an issue in our 2020 Inspection of Kariong CC and the Inspector recommended that CSNSW remove and prevent mould in inmate accommodation. This recommendation was not supported by CSNSW and continues to be an issue.<sup>77</sup>

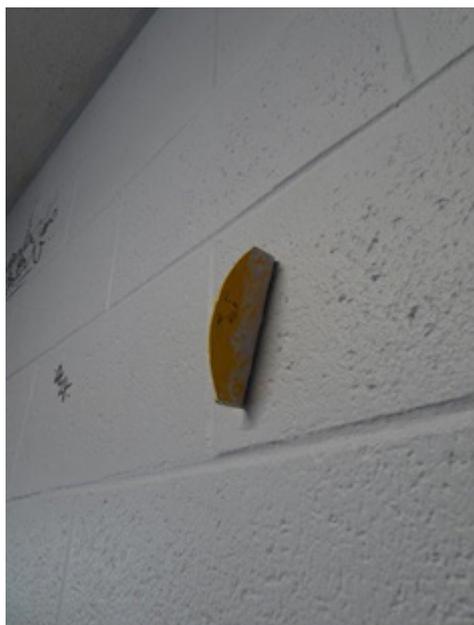
### Potential hanging and ligature points

In 2019, NSW Police conducted an audit of hanging points within 24-hour court cell locations. Kariong ITC was not included in this audit as it was not a 24-hour court cell location at the time.

The presence of hanging points was identified in our 2020 inspection of Kariong CC and the Inspector recommended that CSNSW review the adequacy of reception facilities and remove hanging points at Kariong Correctional Centre. This recommendation was not supported by CSNSW.<sup>78</sup> The current inspection of Kariong ITC identified obvious hanging and ligature points in the cells that require immediate attention. The inspection team raised this with senior staff at the facility at the time of the inspection, and a commitment was made to address our concerns.

**Recommendation: CSNSW conducts a risk assessment and remove any potential hanging and ligature points from Kariong ITC, Amber Laurel CC and other 24-hour court locations.**

### Potential hanging and ligature points



77 Inspector of Custodial Services, *Inspector of Custodial Services Annual Report 2020-21* (Report, October 2021), p.84.

78 Inspector of Custodial Services, *Inspector of Custodial Services Annual Report 2020-21* (Report, October 2021), p.84.

## 9.5 Treatment of inmates

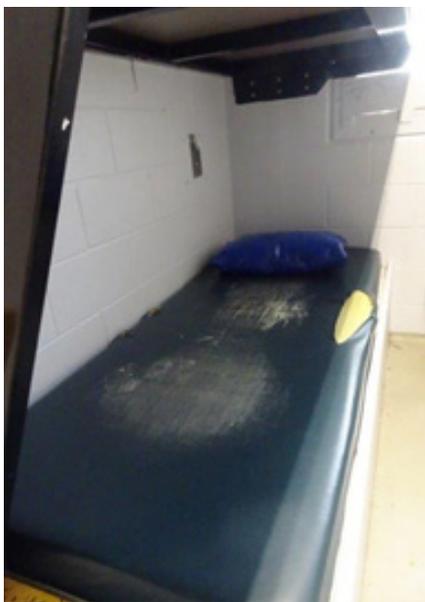
The inspection team observed positive interactions between the staff and inmates, and there were no issues raised or identified in this area.

### Bedding

Inmates are provided with a mattress and blankets. Inspection of the mattresses identified that some mattresses were badly damaged and required replacing as they are a potential hygiene issue. It was identified that a number of cells did not have pillows. Centre management advised that they would replace the mattresses and explore options to provide inmates with pillows.

**Recommendation: CSNSW conducts regular audits of mattresses; and torn, or unhygienic mattress are replaced.**

#### Example of mattresses that require replacing



### Cell temperature

The temperature in the cells was compatible with the temperature in other areas of the facility. There were no issues identified or raised.

### Shower facilities

Each cell has a shower and toilet. Some of the showers require repainting as the paint has commenced to peel from the walls.

### Clothing

There were ample amounts of CSI issued clothing available for inmates. There were no issues or concerns raised in this area.

## Food

Inmates are provided standard CSI meals that consist of cereal, toast and a hot beverage for breakfast, sandwiches for lunch and a hot meal for dinner. There were no issues raised or identified. However, as with all frozen CSI meals, the inspection team could not readily identify the expiry date, due to the coding system used by CSI.

**Recommendation: CSNSW ensures that all CSI frozen meals include expiry dates.**

## Televisions

Inmates have access to a television in their rooms.

## 9.6 Access to legal representatives

Inmates can access their legal representative via the telephone and AVL system.

## 9.7 The provision of and access to health services provided by JH&FMHN

Kariong ITC has an onsite health centre that is staffed by a NUM, a clinical nurse, and an administrative officer. Health services are provided seven days a week from 07:00 am to 08:30 pm.<sup>79</sup>

JH&FMHN staff administer medication and conduct Rapid Antigen Testing for each new arrival and prepare medication packs for inmates prior to their transfer. Inmates are also seen by clinical staff upon request.

## 9.8 Staffing

Staff advised that it is difficult to complete training requirements. CSNSW advised that 31 staff at Kariong ITC are current in first aid.<sup>80</sup> COVID-19 has impacted the availability of staff and trainers to attend and deliver training.

Officers were found to not be wearing identification badges.

**Recommendation: CSNSW staff in 24-hour court cell locations wear identification badges.**

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<sup>79</sup> Information provided by Justice Health & Forensic Mental Health Network, 20 October 2022.

<sup>80</sup> Information provided by Corrective Services NSW, 19 August 2022.

## 10 Newcastle 24-hour court cell complex

### 10.1 Overview

Newcastle CCC is co-located at the Newcastle Police Station and was inspected on 13 July 2022. The complex comprises of 14 separate holding cells, that can accommodate up to a maximum of 23 inmates.<sup>81</sup> Men and women are held at this location.

The court cells at Newcastle are located approximately one kilometre from the Newcastle Court House. Inmates attending court in person are escorted to the courthouse in a Corrective Services transport vehicle.

Inmates at Newcastle CCC are generally transferred to Shortland CC, which is 48 kilometres from the Newcastle court cells complex.

There have been no deaths in custody or escapes from these court cells since the last inspection in 2017.<sup>82</sup>

### 10.2 Admissions and length of time spent in court cells

During the 2021-22 financial year, there were 2,256 people admitted to Newcastle CCC.<sup>83</sup> According to data provided by CSNSW, there were no inmates who stayed longer than the statutory maximum of seven days at this location.<sup>84</sup> Despite this staff said that some inmates are staying longer at the court cell complex, as a placement cell cannot be allocated at the Shortland Correctional Centre.

**Recommendation: CSNSW reviews local procedures in relation to prioritising the transfer of inmates from the 24-hour court cells and implements a system for escalating bed space issues to senior officers for intervention if the number of beds is limited in custodial centres.**

### 10.3 COVID-19

It was identified that there were ample amounts of PPE for staff, and staff were aware of the Commissioner's Instruction. There was evidence that PPE is being used, however, at the time of the inspection there were no inmates in the cells.

### 10.4 Conditions of cells

Each cell contains concrete benches that inmates use as a seat as well as a bed. Each cell is designed to accommodate multiple inmates. There is CCTV coverage of each cell, as well as an intercom system, that enables communication with staff. The cells contain a toilet and a separate wash basin, that is also used as a drinking fountain. Some cells have a modesty screen in front of the toilet, and staff advised that these cells are used to accommodate women in custody.

#### Potential hanging and or ligature points

During the 2017 inspection of the 24-hour court cells, concerns were raised that wall mounted handgrips that are used by inmates to climb into the top bunk bed, could be used as ligature points. The Inspector recommended that CSNSW consider alternatives for inmates to gain access to and from the top bunk beds

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81 Information provided by Corrective Services NSW, 19 August 2022.

82 Information provided by Corrective Services NSW, 19 August 2022.

83 Information provided by Corrective Services NSW, 19 August 2022.

84 Information provided by Corrective Services NSW, 19 August 2022 and 31 August 2022.

at the Newcastle Court Cell Complex. Since the 2017 fully announced inspection of the 24-hour court cells, the handgrips have been removed from the cells.

## 10.5 Treatment of Inmates

### Bedding

The condition of mattresses and blankets were a suitable standard, however, like other 24-hour court cells pillows are not provided.

### Cell with bunkbed at Newcastle CCC



### Cell temperature

The cell temperature was consistent with the temperature within other sections of the court cell complex. There were no issues or concerns in this area.

### Shower facilities

Showers are located within the complex that inmates can access daily upon request. However, some restrictions are in place due to COVID-19 requirements.

### Clothing

There was a considerable supply of CSNSW issued clothing for both male and female inmates. There were no issues concerning clothing stocks.

### Food

People in custody are provided with CSI meals that consist of cereal, milk, and toast for breakfast, sandwiches for lunch and a reheated frozen meal from dinner. However, as with all frozen CSI meals, the inspection team could not readily identify the expiry date, due to the coding system used by CSI.

**Recommendation: CSNSW ensures that all CSI frozen meals include expiry dates.**

## Televisions

Consistent with the majority of 24-hour court cells, the design is basic and intended for short term custody. Inmates have access to a television.

## Access to telephone calls

Inmates do not have access to telephone calls at this location. However, staff can make a call on the inmate's behalf.

## 10.6 Access to legal representatives

Inmates can access their legal representatives via the AVL suite.

## 10.7 The provision of and access to health services provided by JH&FMHN

Newcastle CCC has scheduled nursing coverage from 5:00pm to 9:00pm, 7 days a week.<sup>85</sup> However, there is no nursing coverage provided if the rostered clinical nurse is absent due to leave. This issue was also raised in the 2017 inspection.

**Recommendation: JH&FMHN provide onsite or virtual health services to all 24-hour court cell locations.**

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85 Information provided by Justice Health & Forensic Mental Health Network, 20 October 2022.

## 11 Port Macquarie 24-hour court cell complex

### 11.1 Overview

The Port Macquarie Court Cells Complex is located 388 kilometres north of Sydney, 236 kilometres south of Clarence CC and 63 kilometres south of the Mid North Coast CC. It was inspected on 14 July 2022. The cells at Port Macquarie CCC are situated within the local police station. There are six cells at this location, with a maximum capacity of 11 inmates.<sup>86</sup>

There had been no deaths in custody or escapes since our last inspection in 2017.<sup>87</sup>

### 11.2 COVID-19

At the time of the inspection there was considerable evidence of sufficient amounts of PPE available at the court cells. However, staff were not strictly compliant with the Commissioner's Instructions, that requires staff to wear full PPE when in contact with inmates.

**Recommendation: CSNSW staff at all court cell locations follow all COVID-19 Commissioner's Instructions that are in place.**

### 11.3 Admissions and length of time spent in court cells

During the 2021-22 financial year, there were 1,077 people admitted to Port Macquarie CCC and the average length of time spent at the court cells is less than 24-hours.<sup>88</sup>

According to data provided by CSNSW, there were no inmates who stayed longer than the statutory maximum of seven days at this location.<sup>89</sup>

### 11.4 Conditions and treatment of inmates

The conditions of the cells were reasonably good. There was minimal signs of graffiti or other wilful damage, however, in some cells there were obvious signs of paint peeling from the walls.

#### Bedding

Bedding consists of a mattress, pillow, and blankets. Inspection of mattresses identified that some were torn and should be replaced.

**Recommendation: CSNSW conducts regular audits of mattresses; and torn, or unhygienic mattress are replaced.**

#### Cell temperature

The cell temperature was compatible with the temperature in other parts of the cell complex.

#### Shower facilities

Shared shower facilities are located outside of the cells. It was identified that the shower required painting.

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86 Information provided by Corrective Services NSW, 19 August 2022.

87 Information provided by Corrective Services NSW, 19 August 2022.

88 Information provided by Corrective Services NSW, 19 August 2022.

89 Information provided by Corrective Services NSW, 19 August 2022 and 31 August 2022.

## Clothing

There were ample supplies of inmate clothing for male and female inmates. There were no issues in relation to this area.

## Food

Inmates are provided with the standard CSI meals that consist of cereal and toast for breakfast, milk and a hot beverage, sandwiches for lunch and a hot meal for dinner. However, as with all frozen CSI meals, the inspection team could not readily identify the expiry date, due to the coding system used by CSI.

**Recommendation: CSNSW ensures that all CSI frozen meals include expiry dates.**

## Televisions

There are televisions situated outside of the holding cells that inmates can watch. This provides the inmates with some distraction and information.

## Access to telephone calls

Inmates cannot make a telephone call however staff will make a telephone call on their behalf.

## 11.5 Access to legal representatives

Inmates can access their legal representative via AVL. There were no issues or concerns in relation to this area.

## 11.6 The provision of and access to health services provided by JH&FMHN

Staff raised concerns about the reliability of the JH&FMHN's presence. There is supposed to be a nurse onsite for four hours a day from 04:00pm to 08:00pm, Monday to Thursday.<sup>90</sup> However, staff state that this rarely occurs, and often nursing coverage is only provided for two days a week. JH&FMHN advised that there have been intermittent drops in service provision due to difficulty backfilling unplanned shift vacancies. JH&FMHN routinely calls the CSNSW officer in charge to advise any shifts that cannot be filled, and coordinate care for any patients of concern.<sup>91</sup>

**Recommendation: JH&FMHN provide onsite or virtual health services to all 24-hour court cell locations.**

## 11.7 Infrastructure

The infrastructure was in fair condition; however, the facilities are not contemporary. It was identified that the garage door to the vehicle dock has not been working for at least two months. Consequently, the door is left open. Inspectors were advised that a work request has been submitted to repair the door, however, the work has not been completed, which creates a potential security risk (e.g., inmate escapes or trespassers entering the sally port). CSNSW should prioritise repairing the garage door.

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90 Information provided by Justice Health & Forensic Mental Health Network, 20 October 2022.

91 Information provided by Justice Health & Forensic Mental Health Network, 20 October 2022.

## Two-person cell at Port Macquarie CCC



### 11.8 Staffing

There are 15 CSNSW staff employed at Port Macquarie CCC. Pleasingly, it was identified that many staff are current in first aid at this location. Twelve out of 15 correctional officers employed at Port Macquarie Cells are current in first aid.<sup>92</sup>

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<sup>92</sup> Information provided by Corrective Services NSW, 19 August 2022.

## 12 Lismore 24-hour court cell complex

### 12.1 Overview

Lismore CCC is located approximately 744 kms from Sydney and was inspected on 15 July 2022. Usually there are eight cells at this location, that hold a maximum of 18 inmates. However, these facilities were seriously damaged during a severe weather event in February 2022 that significantly flooded the town of Lismore.

The severity of the rain was more intense than initially anticipated, and there was minimal warning in advance of the flooding. Local management responded quickly and appropriately by evacuating four inmates that were in custody. These inmates were transferred to another custodial facility. Staff should be commended for their quick actions that reduced the risk to the inmates and the community.

At the time of the inspection inmates were not being held overnight due to the cells being unusable because of flood damage. Advice from NSWPF is that there are significant issues with excessive moisture, mould, and damage to the electrical systems. However, the NSWPF is aiming to have the cells operational again by December 2022.

#### Flood damage to cells



#### Flood damage to equipment at Lismore CCC



## 12.2 Admissions and length of time spent in court cells

During the 2021-22 financial year, there were 844 inmates admitted to Lismore CCC with an average length of stay of less than 24 hours.<sup>93</sup> According to data provided by CSNSW, there was one inmate who stayed longer than the statutory maximum of seven days at this location though this was believed to have been an administrative error as the inmate was released the day after being admitted.<sup>94</sup>

There have been no deaths in custody or escapes since our last inspection in 2017.<sup>95</sup>

## 12.3 COVID-19

The Inspection team observed ample supplies of PPE, and staff complying with the Commissioner's Instruction.

## 12.4 Conditions and treatment of inmates

Since the February 2022 floods, there have been no inmates held at the cells overnight.

While being held at the day cells inmates are provided with sandwiches and a hot beverage.

### Cell temperature

The daytime cell temperature was consistent with the temperature in other areas of the complex.

### Clothing

There were ample supplies of inmate clothing for male and female inmates. As inmates are also at the complex for court, clothing suitable for court is also provided to inmates. There were no issues in relation to clothing supply however it was acknowledged that on occasion, inmates will be released in prison greens. This practice is not unique to Lismore CCC but is nevertheless undesirable.

**Recommendation: CSNSW provides a selection of non-prison issued clothing for people to wear on their release from a CCC, rather than being released in prison issued clothing.**

### Food

Food is sourced from the Clarence CC. The inspection team found a wide variety of meals, including vegetarian and vegan options. All meals were of a high standard.

The meals are made and packaged at Clarence CC and have a clear use by date, that is six months from preparation, and also includes other information such as allergies. The information is clear and easy to read and understand.

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93 Information provided by Corrective Services NSW, 19 August 2022.

94 Information provided by Corrective Services NSW, 19 August 2022 and 31 August 2022.

95 Information provided by Corrective Services NSW, 19 August 2022.

## Food served at Lismore CCC



## Televisions

There is no access to television as inmates are being held in a different part of the complex due to the flood damage.

## Access to telephone calls

Inmates cannot make telephone calls, however staff will make a telephone call on their behalf.

## 12.5 Access to legal representatives

Inmates can access their legal representatives either prior to court and/or after court. Due to flood damage, the AVL suites are no longer available, however inmates are provided with a CSNSW issued tablet that they can use to access court and their legal representatives.

## 12.6 The provision of and access to health services provided by JH&FMHN

During our previous inspection JH&FMHN provided services to the court cells five days a week from 2:30pm-6:30pm. However, at the time of this inspection no health services were being provided as the JH&FMHN position was vacant. JH&FMHN have advised that recruitment was placed on hold following the facility's closure due to flood damage in February 2022.<sup>96</sup> A JH&FMHN mental health court liaison officer attends the court cells to speak to inmates. Inspectors were advised that JH&FMHN is currently expanding this service across NSW.

**Recommendation: JH&FMHN provide onsite or virtual health services to all 24-hour court cell locations.**

## 12.7 Infrastructure

The cells have red lights installed that allow inmates to sleep more easily. The Inspector is of the opinion that this is a good practice as it allows the cells to be dimmed without compromising the safety and security of the inmate.

<sup>96</sup> Information provided by Justice Health & Forensic Mental Health Network, 20 October 2022.

## 12.8 Staffing

There are 30 CSNSW staff employed at Lismore CCC. There are eight female staff, two of whom are senior correctional officers.

Staff advised of the difficulty with completing training requirements, including first aid and firearms training. Consequently, it was identified that only 10 out of 30 correctional officers are current in first aid.<sup>97</sup>

**Recommendation: CSNSW officers at 24-hour court cell locations are current in first aid training, and those officers who are required to carry a firearm complete a CSNSW refresher firearms course and are tested annually.**

The Inspection also revealed that officers at this location do not wear identification badges.

**Recommendation: CSNSW staff in 24-hour court cell locations wear identification badges.**

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<sup>97</sup> Information provided by Corrective Services NSW, 19 August 2022.

## 13 Dubbo 24-hour court cell complex

### 13.1 Overview

Dubbo CCC is located at Dubbo Police Station and was inspected on 21 July 2022. The complex comprises of six separate holding cells, that can accommodate a maximum of 10 inmates.<sup>98</sup>

There have been no deaths in custody or escapes since our last inspection in 2017.<sup>99</sup>

### 13.2 COVID-19

It was identified that although enough PPE was available, staff were not compliant with the Commissioner's Instruction in relation to wearing full PPE in the Red Zone. Staff generally wore surgical masks in areas where they came into contact with inmates, but not the full PPE as required by the Commissioner's Instruction.

**Recommendation: CSNSW staff at all court cell locations follow all COVID-19 Commissioner's Instructions that are in place.**

#### COVID-19 PPE that was not being worn



### 13.3 Admissions and length of time spent in court cells

During the 2021-22 financial year, there were 1,486 inmates admitted to Dubbo CCC.<sup>100</sup> According to data provided by CSNSW, there were no inmates who stayed longer than the statutory maximum of seven days at this location.<sup>101</sup> The average length of stay is less than 24 hours.<sup>102</sup>

### 13.4 Conditions and treatment of inmates

The design of the court cells is basic, and like other court cells they are designed to accommodate inmates for the shortest period of time. In some cells there is a modesty screen for the toilet, and staff advised that these cells are used to accommodate women as they provide additional privacy.

98 Information provided by Corrective Services NSW, 19 August 2022.

99 Information provided by Corrective Services NSW, 19 August 2022.

100 Information provided by Corrective Services NSW, 19 August 2022.

101 Information provided by Corrective Services NSW, 19 August 2022 and 31 August 2022.

102 Information provided by Corrective Services NSW, 19 August 2022.

## Cell with privacy barrier for toilet



## Cleaning

Although the cells are cleaned by a professional cleaner daily, the focus is primarily on sweeping and mopping the floors. Inspection of the cells identified that a deep clean is required, as some cells had a strong odour. There also appeared to be bodily fluids on some of the cell walls, that not only increases the odour, but also makes it a hygiene issue for staff and inmates alike.

**Recommendation: CSNSW conduct a deep clean of Dubbo CCC, and ensures thorough cleaning occurs regularly of the cells and the officer's stations.**

## Drinking water

At the time of the inspection there was a water contamination issue within the town of Dubbo. Residents were warned not to drink the tap water without boiling it, or alternatively to drink bottled water.

Although signs were placed throughout the town, warning residents not to drink the water, there were no signs in the cells to warn the inmates. Inmates were required to request bottled water, rather than having it provided to them. One inmate stated that he had not had a drink of water since being admitted the evening before. Staff advised that the inmate had not asked for a bottle of water.

The inspection team is of the opinion that inmates should not be required to ask for basics such as drinking water when first admitted to custody. Concerns were immediately raised with management who issued a direction to staff to provide inmates with bottled water once every four hours, or upon request, and place signs next to the in-cell water bubblers not to drink the water.

**Recommendation: CSNSW provides safe drinking water at all locations.**

## Bedding

The condition of mattresses and blankets were inspected for cleanliness and hygiene, that is, no rips, tears, or mould. The majority of mattresses were in good condition, however, some required replacing due to rips or tears. As with the majority of 24-hour court cells, inmates are not provided with pillows.

**Recommendation: CSNSW conducts regular audits of mattresses; and torn, or unhygienic mattress are replaced.**

## Food

Food for inmates consists of cereal and toast for breakfast, sandwiches for lunch made by CSI, and a hot meal for dinner, sourced from a local business. Tea or coffee are also provided to inmates during mealtimes. There were no issues raised or identified by the inspection team in this area.

## Cell temperature

As with all 24-hour court cells in NSW an audit by CSNSW and NSWPF of potential hanging points and ligature points occurred. As part of the audit, gaps in the front of the cells were sealed closed. Staff stated that this reduced fresh air circulation. It was noticeably colder in the cells, as the inspection occurred in winter, however, numerous staff stated that in summer the cells become particularly warm when temperatures rise above 30 degrees.

## Shower facilities

There are two shared showers in the complex. Inmates are provided with a milk crate to store their towel and clothing in whilst showering. The showers were found to be unclean and require additional cleaning.

## Clothing

Inspection of the clothing identified suitable amounts of clothing for male and female inmates, as well as hygiene products. There were no issues raised or identified in this area.

## Televisions

Televisions are located outside of each cell, however they were found to be not working. Television is a useful tool for alleviating boredom and providing inmates with information. CSNSW should repair all televisions that are not working.

## Access to telephone calls

Inmates are not permitted to make a telephone call at this location. However, staff will make a telephone call on their behalf.

## 13.5 Access to legal representatives

Dubbo CCC has purpose-built rooms that allow for legal representatives and their clients to have confidential discussions. Inmates can also access legal representatives via the AVL suite. There were no issues or concerns in this area.

## 13.6 The provision of and access to health services provided by JH&FMHN

There is no JH&FMHN presence at the Dubbo Court Cells. Inmates are escorted to hospital for any medical matters or their transfer to Wellington CC is prioritised. During the last inspection, staff advised that most medical issues requiring hospital transports could be managed at the cells if there was a JH&FMHN presence. JH&FMHN advises that in 2019 there was on average less than one transfer per week from the Dubbo cells to hospital.<sup>103</sup>

**Recommendation: JH&FMHN provide onsite or virtual health services to all 24-hour court cell locations.**

## 13.7 Infrastructure

In reference to infrastructure, there were no obvious hanging or ligature points identified at Dubbo CCC by the inspection team or raised by staff. The main issue raised was the lack of amenities for staff. There are no showers for staff and there is no staff toilet in the lower cells complex, where inmates are detained during court times. This was an issue raised in our 2017 report and the recommendation that staff facilities be reviewed has not happened.

During 2020-21, Western NSW suffered from a mouse plague. Whilst no damage to infrastructure was reported during this inspection it was reported that inmates had to be transported to Bathurst CC, that is over three hours away, whilst Wellington CC was temporarily closed. Wellington CC has since reopened and has returned to normal operations.

## 13.8 Staffing

### Aboriginal Community Liaison Officer (ACLO)

Dubbo and the surrounding areas have a high Aboriginal population. The overrepresentation of Aboriginal people in custody is well documented. The inspection team was advised by operational staff that 70 to 80% of people admitted to custody at Dubbo CCC identify as Aboriginal.

To assist with the safe custody of Aboriginal people, an ACLO is employed five days a week on a full-time basis. The primary role of this position is to facilitate contact between inmates and their families, the courts and CSNSW. The position also assists with funeral escorts, sourcing clothing from an inmate's family for court appearances, networking within the Aboriginal community, and verifying appropriate support links for Aboriginal people prior to release.

The employment of the ACLO is in the spirit of recommendations arising from the Royal Commission into Aboriginal Deaths in Custody (1987–91). The benefits of such a position are invaluable to the daily safe management of Aboriginal people in custody.

The 2017 inspection identified that this position was not permanent although it had been in place for 20 years. In 2017 the Inspector recommended that the position of the Aboriginal Community Liaison Officer at Dubbo Court Cell Complex was funded as a full-time permanent position. This recommendation has been implemented, and the ACLO is now a permanent position.

The role and function of the ACLO was highly supported by the staff at the Dubbo Court Cells. Such positions are an asset and should be included in other regional areas with high Aboriginal populations such as Moree, Wagga Wagga and Albury.

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<sup>103</sup> Information provided by Justice Health & Forensic Mental Health Network, 20 October 2022.

## 14 Moree 24-Hour court cell complex

### 14.1 Overview

The Moree 24-Hour Court Cell complex located on Frome Street Moree, adjacent to the Moree Police station, was inspected on the 22 July 2022.

There are 15 CSNSW staff employed at Moree CCC.

The cells have capacity to hold up to 12 inmates across six cells.<sup>104</sup> Three of the cells are for single occupancy, that is useful to isolate prisoners who are identified as being at risk and who cannot be co-located in a cell with another inmate.

There have been no escapes or deaths in custody at Moree CCC since our last inspection in 2017.<sup>105</sup>

### 14.2 Admissions and length of time spent in court cells

During the 2021-22 financial year, there were 492 inmates admitted to Moree CCC.<sup>106</sup> According to data provided by CSNSW, there was one inmate who stayed longer than the statutory maximum of seven days at this location.<sup>107</sup> The average time spent at the cells is less than 48 hours.<sup>108</sup>

### 14.3 COVID-19

There was strict compliance with the Commissioner's Instruction. Staff were observed wearing full PPE when interacting with the inmates. There were no issues or concerns in relation to this area.

### 14.4 Conditions and treatment of inmates

#### Bedding

The inspection team inspected the mattresses and blankets. Overall, the mattresses and blankets were in good condition with no issues raised or identified. There was an ample supply of new mattresses and blankets. Unlike most court cell locations, inmates receive pillows.

#### Cell temperature

Since the previous inspection in 2017 the NSWPF and CSNSW had undertaken a thorough review of potential hanging and ligature points within Moree CCC. As part of the review, sections of the cells have become fully enclosed, that now restricts any air from the air-conditioning system from entering the cells.

As the inspection occurred in July, the cells were cold. Staff stated that in the summer months when temperatures in Moree can reach the high 30s the temperature in the cells can become unacceptably hot.

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104 Information provided by Corrective Services NSW, 19 August 2022.

105 Information provided by Corrective Services NSW, 19 August 2022.

106 Information provided by Corrective Services NSW, 19 August 2022.

107 Information provided by Corrective Services NSW, 19 August 2022 and 31 August 2022.

108 Information provided by Corrective Services NSW, 19 August 2022.

## Shower facilities

There are separate showers for male and female inmates. The showers were clean and have frosted glass which provides a degree of modesty for inmates showering. Inmates also receive a plastic tub to store their clothes and towel whilst showering that also prevents them from getting wet. This is a good practice. There were no issues raised or identified in this area.

## Clothing

There was ample supply of clothing for male and female inmates, including hygiene and sanitary products. There were no issues or concerns identified or raised in this area.

## Food

Inmates are provided with cereal, toast, and a hot beverage for breakfast. For lunch and dinner inmates are provide with a meal from a local business. Inmates stated that they prefer this arrangement as the food quality is better than CSI meals.

## Televisions

There are televisions situated outside of the holding cells that inmates can watch.

## Exercise yard



## Access to telephone calls

Inmates cannot make a direct telephone call while in custody at the court cells, however, staff will make a telephone call on their behalf.

## 14.5 Access to legal representatives

The court cells are equipped with AVL facilities, that are utilised for inmates to contact their legal representatives. There were no issues or concerns in relation to inmates contacting their legal representatives.

## 14.6 The provision of and access to health services provided by JH&FMHN

JH&FMHN has a presence at the Moree 24-hour court cells of four hours per day from 12:00pm to 04:00pm, five days a week Monday to Friday.<sup>109</sup> The medical area comprises of an office and small treatment room.

## 14.7 Infrastructure

Moree CCC is one of the more contemporary 24-hour court cells in NSW. The design includes cell lights that are able to be dimmed and a purpose-built larger cell that inmates can walk around in a secure area. The cells are clean with minimal amounts of graffiti or scratchitti. It was evident that managers and staff take pride maintaining the cleanliness of the cells and view it as a priority.

Staff advised that professional cleaners attend the cells daily, and in addition supervisors and staff conduct a deep clean once a week. This not only keeps the cells clean, but also maintains a high standard of hygiene.

As identified in the 2017 inspection the maintenance and infrastructure of the Moree CCC is the responsibility of the NSWPF. The relationship with police is positive and professional. However, some issues in relation to maintenance and infrastructure were raised. It is envisaged that these issues will be addressed by the Memorandum of Understanding between CSNSW and NSWPF.

## 14.8 Staffing

As previously noted in the 2017 inspection there is no Aboriginal Court Liaison Officer (ACLO) position at Moree CCC. Creating such a position would require an additional role and funding. However, considering the high Aboriginal population in Moree and the over representation of Aboriginal people in the justice system, the Inspector recommends that the CSNSW explore the option of creating such a position, similar to the ACLO at Dubbo 24-hour court cells.

Like at other court cell locations, staffing has been impacted by COVID-19 and the Inspector acknowledges the challenges that come with recruitment in regional locations. Inspectors were advised that some staff on shift have been seconded from other locations around the state. Staff also advised of the difficulty in completing training requirements.

**Recommendation: CSNSW officers at 24-hour court cell locations are current in first aid training, and those officers who are required to carry a firearm complete a CSNSW refresher firearms course and are tested annually.**

Officers do not wear identification badges at this court cell location.

**Recommendation: CSNSW staff in 24-hour court cell locations wear identification badges.**

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<sup>109</sup> Information provided by Corrective Services NSW, 19 August 2022.



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