



Inspector of  
Custodial Services

# Inspector of Custodial Services

Inspection of Lithgow  
Correctional Centre 2021



## Inspector of Custodial Services

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## Inspector's overview

Lithgow CC was last inspected in 2016 as part of the themed inspection report 'The management of radicalised inmates in NSW'.<sup>1</sup> This inspection considered all aspects of the centre with a focus on the treatment and conditions of people in custody and staff professional practice.

Although the centre is a relatively modern facility compared with the 1800s infrastructure still in use in NSW, the inspection found that it was in poor condition for a thirty year old facility. A new Governor, a reduced operational capacity, and the recent removal of remand inmates from the centre will hopefully provide an opportunity for Lithgow CC to better define its role and function in the NSW correctional system. CSNSW and this centre need to make important adjustments moving forward if Lithgow CC's primary purpose is to accommodate high risk sentenced inmates in a safe and secure environment that provides rehabilitation services to address recidivism.

It must be acknowledged that the inspection took place during the COVID-19 pandemic. Although the centre had remained relatively COVID-19 free at the time of inspection, it was impacted by policy changes implemented to prevent the introduction and transmission of COVID-19 in the centre. In particular, visits and group activities such as programs and education had been impacted at the centre. Since our inspection in February 2021 there have been further restrictions imposed on correctional centres due to widespread community outbreaks of COVID-19. We recognise the challenge of delivering rehabilitation activities and correctional services within this context. It is therefore pleasing to see that the centre has already addressed many issues identified during our inspection and commenced the implementation of our recommendations.

I would like to acknowledge the assistance and cooperation of staff and inmates at Lithgow Correctional Centre. The assistance of staff from the Corrections Research Evaluation and Statistics unit and Justice Health and Forensic Mental Health Network is also appreciated. I am also grateful for the help provided by Paul Speter and Brian Morrissey, Official Visitors appointed to Lithgow Correctional Centre. Special acknowledgment must go to Rodney Bird, Aboriginal Official Visitor and our health consultant, Craig Gear who were an important part of our inspection team.

Fiona Rafter  
Inspector of Custodial Services  
April 2022

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<sup>1</sup> Inspector of Custodial Services (NSW), *The management of radicalised inmates in NSW*, May 2018.

## Glossary of terms and acronyms

Aboriginal	'Aboriginal' when used in this report is inclusive of Aboriginal and Torres Strait Islander people.
AVL	Audio-visual link
Buy-up	Purchase by inmate of pre-approved items
BFCSA	Brush Farm Corrective Services Academy
CCTV	Closed circuit television
CMU	Case management unit
COP	Change of placement
COVID-19	Coronavirus disease caused by the SARS-CoV-2 virus
CPT	Classification and Placement Team
CSNSW	Corrective Services NSW
CSI	Corrective Services Industries
EQUIPS	Explore, Question, Understand, Investigate, Practice and Succeed programs. They include EQUIPS Addiction, EQUIPS Aggression, EQUIPS Domestic Abuse and EQUIPS Foundation.
IAT	Immediate Action Team
ICS	Inspector of Custodial Services
IDC	Inmate Development Committee
ILC	Intensive Learning Centre
JH&FMHN	Justice Health and Forensic Mental Health Network
MOS	Manager of Security
MOSP	Manager of Services and Programs
OIMS	Offender Integrated Management System
PBCAP	Prison Bed Capacity Adjustment Program
RAPO	Regional Aboriginal Programs Officer
RIT	Risk Intervention Team
ROGS	Report on Government Services
SAPO	Services and Programs Officer
SMAP	Special Management Area Placement
SMU	Special Management Unit (formerly the Multi-purpose unit)
SOG	Security Operations Group
SORC	Serious Offenders Review Council
VET	Vocational Education and Training

## Executive summary

Lithgow Correctional Centre (Lithgow CC) is a male maximum-security facility which can accommodate maximum and medium security sentenced inmates. It is a regional centre located in the Blue Mountains area approximately 152 kilometres west of Sydney. The centre was last inspected in 2016 as part of a thematic review into the management of radicalised inmates in NSW. At that time the centre had a significant population of Muslim inmates. In the years since our last inspection in 2016, the centre had become overcrowded and used to accommodate remand and sentenced prisoners including inmates requiring protection from other inmates. This had presented the centre with many challenges leading to unsafe conditions at the centre.

Immediately prior to our inspection in February 2021, the majority of Muslim inmates and remand inmates were transferred out of the centre. The centre was clearly in a transition phase and was in the process of becoming a centre for maximum and medium security sentenced inmates with a large percentage of Aboriginal inmates. Although we observed many appropriate, respectful and skilful interactions between staff and inmates, the overall conditions at the centre were poor with a lack of access to basic amenities and services and several examples of poor custodial practice.

## Safety and security

Although the centre is a relatively modern facility compared with the 1800s infrastructure still in use in NSW, the centre is one of the few remaining centres in NSW that relies on armed officers manning towers as part of its security regime. Modern correctional facilities use technology for security and Lithgow CC requires an urgent security upgrade.

Managing safety and security is central to daily operations at Lithgow CC. This is due primarily to the inmate cohort of maximum and medium security inmates and associated high risk behaviours. The inspection found the introduction of contraband and drug use was prevalent at Lithgow. This in turn was responsible for a high number of inmate on inmate assaults, often involving jail made weapons.

The centre has introduced a number of security measures including body scanners, drone detection technology, drug detection dogs and a closed-circuit television (CCTV) system to prevent and detect the introduction of contraband. While these initiatives are welcomed further improvements are needed. The CCTV throughout the centre is inadequate for a maximum security centre and needs upgrading as modern surveillance systems will help to prevent the movement of contraband in and around the centre and improve staff and inmate safety. It was pleasing to learn that CCTV and security upgrades were underway and due to be completed by the end of 2021. Poor design also poses security risks. For example, non-custodial staff are required to meet in interview rooms located within inmate accommodation units, with no external access and no CCTV in the rooms.

Other areas which need attention include urinalysis testing and contraband entry points. Random urinalysis testing of inmates at Lithgow CC is minimal and should be increased. Testing not only targets drug usage but can serve as a deterrent. Despite the use of x-ray scanning, inmate laundry was identified as a contraband entry point. It is essential that staff are adequately skilled in surveillance and detection and the use of x-ray scanning. This would help combat drug movement into Lithgow CC.

Dynamic security practices play an equally important role in maintaining the safety and security of the centre. It was therefore pleasing to learn that communications between custodial staff and inmates were being strengthened through staff participation in the Five-Minute Interventions program and the Inmate Development Committee (IDC). However, improvement is needed around engaging with Aboriginal inmates.

One-third of inmates at Lithgow CC are Aboriginal, however at the time of inspection the centre had only three Aboriginal staff and no Aboriginal identified positions. Those numbers have recently increased to one Aboriginal education officer and four Aboriginal custodial staff.<sup>2</sup>

Centre security is supported by an Immediate Action Team (IAT) who are trained to respond to incidents including assaults, fights and riots, and conduct cell entry and extractions. Their role requires them to negotiate with inmates and if necessary, use reasonable force. This may include the deployment of chemical munitions. Corrective Services NSW (CSNSW) recently amended its use of force policy to stem an over-reliance by IATs on chemical munitions.<sup>3</sup> However, it was unclear as to whether the IAT and custodial staff at Lithgow CC were aware of the policy change. It is important that IAT officers are trained to best practice standards and have appropriate de-escalation skills. The State Operations Group (SOG) is reviewing training strategies to address the upskilling of centre based IATs.<sup>4</sup> The Inspector commends the Governor of Lithgow CC for initiatives to address unmet training needs and ensure minimal disruption to daily operations. They include online, face to face and scenario training which will occur in the new staff training facility under construction at the centre. CSNSW has committed to greater accessibility of training for regional centres through face to face and virtual classrooms using technology.

## Reception and accommodation

CSNSW transport vehicles attend Lithgow CC four days per week to move inmates in and out of the centre. Reception and induction procedures were good, although improvement is needed around the protection of inmate's personal information and the storage of inmate property. It is important that searches and interviews are conducted in a private space away from other inmates to encourage full disclosure of relevant information. The use of inmates as interpreters for inmates who do not speak English is strongly discouraged. More attention is needed around property recording and storage practices. Inmate property must be accurately recorded and stored in a secure area. Such procedures minimise the chance of inmate property becoming damaged, lost or stolen. The Inspector is aware of, and commends steps taken by the centre to address reception procedures.

Lithgow CC can be exposed to extreme temperatures and year-round cold snaps. Warm clothing and bedding for inmates is essential. It was disappointing to find that inmates were not routinely provided with warm jackets and clothing allocations as required by CSNSW policy. In addition, mouldy mattresses and a shortage of pillows were noted. Whilst fortnightly stocktakes of clothing are performed, it was unclear whether any stock management controls are employed around inmate bedding at the centre. This has since been addressed with the commencement of weekly audits of bedding and linen.<sup>5</sup>

Newly received inmates spend two days in the induction unit before being allocated a cell in an accommodation unit. Inmates attend a one-on-one induction session with a Services and Programs Officer (SAPO) where centre procedures and offerings are explained.

Lithgow CC manages a diverse inmate population and defined units are necessary to safely accommodate the differing groups. Whilst the majority of inmates are in general population units, there are those who need to be accommodated and managed separately from others. The centre has a unit for Special Management Area Placement (SMAP) inmates who require protection from other inmates and a Special Management Unit (SMU) that accommodates inmates on segregation, separation, and protective custody orders. Custodial staff working in the SMU had little understanding of the difference between the inmate groups and treated all inmates accommodated in the SMU as being there for punishment. This must be addressed.

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<sup>2</sup> Information received from Corrective Services NSW 28 January 2022.

<sup>3</sup> Corrective Services NSW Custodial Operations Policy and Procedures: 13.7 Use of force version 1.9 (23 June 2020).

<sup>4</sup> Information received from Corrective Services NSW 28 January 2022.

<sup>5</sup> Information received from Corrective Services NSW 28 January 2022.

The accommodation units looked tired and in need of refurbishment. It was also disappointing to observe ligature points in several cells. This should be addressed by CSNSW as a matter of priority. The recent reduction in operational capacity to address overcrowding has given the centre the ability to rotate inmate accommodation whilst refurbishing units.

## Health and well-being

The centre struggles to meet the 7.8 hours state average for time out of cell. This is primarily due to staff absences and sick leave, resulting in the centre being locked down and inmates not having time out of their cell. It is important to increase time out of cell to allow program and education delivery, access to health and psychology services and improve the health and welfare of inmates. The implementation of 12-hour shifts for staff may assist in increasing time out of cells.

Of significant concern, the inspection found inmates accommodated in the SMU receive less than two hours out of their cell daily. Although some inmates are accommodated in the SMU because of the risk they pose to staff or other inmates, the majority of inmates in the SMU were there because they were at risk from other inmates or a risk to themselves.

Health services at Lithgow CC are delivered by the Justice Health & Forensic Mental Health Network (JH&FMHN). It was pleasing to observe and hear reports of positive interactions between JH&FMHN staff and inmates. Whilst the importance of balancing patient privacy with staff safety is acknowledged, patient confidentiality is challenged by custodial staff positioned at the door of open consultation rooms. Despite the comprehensive suite of health services available to inmates, shortfalls in mental health services need to be addressed. The inmate cohort at Lithgow CC is complex with poor mental health and self-harm commonly reported. This is particularly so for long-term placements in the Special Management Unit (SMU) who have higher mental health needs. The gap in mental health services is primarily attributable to the lengthy vacancy of the mental health nurse position and regional recruitment challenges. The centre is now reliant on telehealth to deliver mental health services. It is pleasing to learn JH&FMHN has allocated minor capital works funding in 2021-22 to expand and upgrade the Lithgow CC health centre and enhance delivery of care to patients.

Staff shortages were also impacting the delivery of psychology services to inmates. It is difficult for psychologists to provide services other than to inmates who have either an acute or chronic mental health condition. This leaves a considerable number of inmates without essential support. The chaplaincy services at Lithgow CC are outstanding and in many respects were filling the unmet need for support services caused by the lack of mental health and psychology services. Chaplains spend considerable time in the SMU supporting inmates on long term placement and those at risk of self-harm.

Exercise is important for both the physical and mental health of inmates. Lithgow CC has a gymnasium, oval and tennis courts, however the inspection found access to these facilities was restricted. Prior to our inspection, inmates were prevented from accessing recreational areas due to a major incident on the oval in which multiple inmates sustained serious injuries. It was pleasing to learn during our inspection of the intention to resume supervised activities at the centre. It is understood that this had occurred.<sup>6</sup> Two full-time activities officers had been tasked with developing a roster of supervised inmate recreational activities including a boot camp on the unused tennis courts.

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<sup>6</sup> Information provided by Corrective Services NSW 28 January 2022.

Access to passive forms of recreation also required attention. The well-stocked library was inaccessible to inmates and was not open at any time during the week of the inspection. This has since been addressed with all inmates having access to the library and reading materials.<sup>7</sup> At a cost of approximately \$300, televisions were a much sought after commodity at Lithgow CC. This had led to television being a source of tension, standover and bullying between inmates. Access to a television is a basic entitlement in correctional facilities when time out of cell is less than 7 hours per day. Moreover, it is an aid to mental health when inmates are receiving less than two hours out of cell each day. It was therefore surprising to learn that Lithgow CC had no television rental scheme and that access to television was being used as a behaviour management tool by staff. This was disappointing. Television should be a standard allocation and readily available for inmates to rent or buy.

At the time of inspection almost a third of inmates at Lithgow CC were Aboriginal. Despite high numbers, the centre has no culturally specific programs or services for Aboriginal inmates nor is there regular connection with Elders and the Aboriginal community. This needs to be addressed. The Inspector welcomes recent initiatives to commission art murals by Aboriginal inmates and plans to establish an Aboriginal Inmate Committee at Lithgow CC, and recommence the Aboriginal Community Mentor Program at Lithgow CC.<sup>8</sup>

COVID-19 has changed the way inmates stay connected with family, friends and legal representatives. With face to face visits suspended, inmates use audio-visual link (AVL) facilities and tablets to stay connected. Lithgow CC installed four additional AVL suites to accommodate the increased demand. Changes around mail are also in place with inmates receiving a photocopy of their mail as a means to stop concealed contraband from entering the centre. Unfortunately, careless photocopying of mail has resulted in inmates receiving illegible correspondence. Following our inspection the centre introduced tablets in the accommodation units allowing access to phone calls in cells. Approved communications by email are also being explored. This will eventually address photocopying issues. In the meantime, staff need to take greater care.

## Rehabilitation

Security classification and case planning determine the placement and rehabilitative pathways of inmates. Both the Classification and Placement Team (CPT) and the Case Management Unit (CMU) at Lithgow CC are well staffed. There is good communication and respect between staff and inmates in classification and case management processes. Inmates are involved in their reviews and are able to understand the decisions made. There were no concerns around timeliness of classification reviews. Most inmates have a case plan however long-term inmates on protective custody orders reported little contact with case officers.

There seemed to be confusion around the application of CSNSW classification policy. Despite differing requirements for serious offenders and other offenders, the CPT at Lithgow CC was applying the guidance for classification progression for serious offenders to all offenders. The classification policy for serious offenders is aimed at ensuring serious offenders, who have often served lengthy sentences and pose a higher risk due to the nature of their offending, are considered for progression through medium and lower security environments before their eventual release and return to the community. When these same time-based progression points are applied to all inmates, it can result in inmates being over-classified and institutionalised in high security environments rather than classified according to their individual risk. This must be addressed.

There are employment opportunities for inmates at Lithgow CC in industries and service areas. Whilst the textiles industry has been ongoing other industries have ceased to operate. The centre is hopeful that

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<sup>7</sup> Information provided by Corrective Services NSW 28 January 2022.

<sup>8</sup> Information provided by Corrective Services NSW, 5 November 2021 and 28 January 2022.

new industries will be created. Whilst work is important, it is essential that inmates have opportunities to learn and develop skills which will help them secure employment post release. Vocational educational opportunities should be identified and established that deliver meaningful work and training opportunities for inmates. The Inspector commends centre initiatives to address vocational training shortfalls with the introduction of construction pathways traineeships for inmates.

Lithgow is one of a small number of centres that has an Intensive Learning Centre (ILC) that employs teachers to deliver education. The ILC is well resourced and capable of delivering, education and vocational training for inmates. It was therefore disappointing to see the ILC being underutilised. Inmates benefit from being able to undertake tertiary preparation and university programs which, where possible, should be supported with access to information technology resources.

There was significant focus on the delivery of the EQUIPS programs at Lithgow CC.<sup>9</sup> Whilst the EQUIPS suite of programs are exceptional, there is a need at Lithgow CC for other programs outside those that address criminogenic issues.

Long term inmates in the SMU do not participate in programs, education or work. They have no defined plan or pathway around their time spent incarcerated. This is unacceptable. The Inspector appreciates the challenge for CSNSW to provide adequate accommodation for the increasing cohort of inmates who require protective custody or separation. It is however important to continually explore reintegration options for them. At the very least they should have a purposeful day and opportunities to engage in recreational activity. The Inspector is pleased to learn that the Manager of Services and Programs (MOSP) Lithgow CC will explore programs and reintegration initiatives for this cohort.<sup>10</sup>

The inspection revealed many maximum and medium security inmates at Lithgow CC were within 12 months of their release date. Despite this the centre did not see themselves as a pre-release centre. Staff were unclear of discharge processes and communication between custodial and JH&FMH staff around inmate health plans needs improvement. Of even greater concern was the release of inmates directly from the Special Management Unit to the community.

Lithgow CC has been through considerable change in recent times and the centre would benefit from a review of its role and function to ensure the centre and its staff understand their role and the role of the centre in the correctional system in NSW. It is critical that the right inmates are placed at Lithgow at the right time to enable inmates to address their offending behaviour and progress to lower security environments in preparation for release. Security upgrades and staff training need to continue to make Lithgow a safer and more respectful environment for staff and inmates. The new Governor and a clear purpose will assist Lithgow CC to achieve better outcomes for its staff and inmates.

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9 EQUIPS is an acronym for Explore, Question, Understand, Investigate, Practice and Succeed. It covers a suite of programs that includes EQUIPS Addiction, EQUIPS Aggression, EQUIPS Domestic Abuse and EQUIPS Foundation.

10 Information provided by Corrective Services NSW 28 January 2022.

## Recommendations

### The Inspector recommends

1. Corrective Services NSW install modern surveillance technology to replace obsolete watch towers at Lithgow CC.
2. Corrective Services NSW increase Aboriginal staff numbers at Lithgow Correctional Centre and provide cultural safety training for staff.
3. Corrective Services NSW identify training needs of staff at Lithgow CC and deliver the associated training to ensure best practice standards are met by correctional staff.
4. Corrective Services NSW increase random urinalysis testing at Lithgow.
5. Corrective Services NSW review the Special Management Unit and ensure custodial staff are trained on the differences between segregation, protective custody, and separation.
6. Corrective Services NSW ensure that reception procedures state-wide maintain the privacy, confidentiality and security of inmate information and property.
7. Corrective Services NSW conduct regular audits of clothing and bedding at Lithgow Correctional Centre to ensure compliance with legislative requirements and departmental procedures.
8. Corrective Services NSW review inmate property recording and storage procedures at Lithgow Correctional Centre.
9. Corrective Services NSW increase time out of cell and activity for inmates in the SMU and develop reintegration pathways for inmates on long term protective custody placement at Lithgow Correctional Centre.
10. Justice Health & Forensic Mental Health Network increase access to mental health services at Lithgow Correctional Centre.
11. Corrective Services NSW increase the average time out of cell at Lithgow Correctional Centre.
12. Corrective Services NSW ensures activities and televisions are accessible to all inmates at Lithgow Correctional Centre.
13. Corrective Services NSW ensure library services at Lithgow Correctional Centre are adequately managed and available to inmates.
14. Corrective Services NSW address the cultural needs of Aboriginal inmates through programs and services and establishing a visiting Elder program to Lithgow Correctional Centre.
15. Corrective Services NSW ensures classification and placement staff at Lithgow Correctional Centre are aware of and apply the differences in classification procedures for SORC and non-SORC inmates
16. Corrective Services NSW explore intervention pathways for long term inmates in the SMU at Lithgow Correctional Centre.
17. Corrective Services NSW establish industries that deliver meaningful work and vocational training opportunities for inmates.

18. Corrective Services NSW review release planning and procedures at Lithgow Correctional Centre and ensure staff are adequately trained.
19. 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*.

# Lithgow Correctional Centre overview

## Location

Lithgow Correctional Centre (CC) is a male maximum security facility located at Marrangaroo, on the land of the Wiradjuri people, 7 kilometres west of Lithgow in the Blue Mountains, and approximately 152 kilometres west of Sydney.

## Design and purpose of the centre

Lithgow CC accommodates maximum and medium security sentenced inmates. Inmates are a mixed cohort of general population, Special Management Area Placement (SMAP), Protection Non-association (PRNA), Extreme Threat and/or National Security Interest (ETI/NSI), and life sentenced inmates. Prior to November 2020 Lithgow CC was receiving remand inmates. The centre no longer accommodates remand inmates as they have been relocated to other centres throughout New South Wales.<sup>11</sup>

Lithgow CC has an operational capacity of 367 inmates.<sup>12</sup> The number of inmates held at the time of inspection was 250 of which a third (33 %, n=82) were Aboriginal. Inmates are predominantly aged between 25 and 44 years (67%). Sixteen percent of the inmate population are young offenders aged 18 to 24 years and 8 % (n=22) are older inmates aged over 55 years with 6 inmates aged over 65 years. Approximately 12% of inmates have received secondary school education (year 10 -12). Almost a third of inmates (31.7%) have a statement of attainment for the completion of educational units and a third of inmates (33.4%) have completed qualifications at Diploma or Certificate level.<sup>13</sup>

The centre has five inmate accommodation units and a Special Management Unit (SMU). The SMU accommodates inmates on protective custody orders, segregation orders, and separation placement, and inmates who are on a Risk Intervention Team (RIT) management plan.<sup>14</sup>

Lithgow CC has 173 staff across custodial, industries, programs and services, case management, education and administrative positions. There are six functional managers covering accommodation, purposeful day, security, classification and management, and intelligence.

Lithgow CC offers employment for inmates in textiles and ration packing industries, facility and grounds maintenance, food services and hygiene service units. Some vocational education and training is offered to inmates. Offender programs are delivered as part of the CSNSW Intervention Pathways Model which identifies and directs intervention pathways to address inmates' criminogenic needs.<sup>15</sup> The EQUIPS programs suite is central to the model. Reintegration programs are also available to inmates to help them transition to community life. Lithgow CC is one of only four correctional centres that has an intensive learning centre that employs teachers to provide education services to inmates.<sup>16</sup>

## Previous inspection

Lithgow CC was last inspected in 2016 as part of the themed inspection report '*The management of radicalised inmates in NSW*.'<sup>17</sup>

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11 At the time of inspection there were 10 remand inmates waiting transfer out of the centre.

12 Information provided by Lithgow CC 15 December 2020.

13 Corrections Research and Evaluation Services, Corrective Services NSW, 16 December 2020.

14 See s12(1) and s 78A Crimes (Administration of Sentences) Act 1999; Corrective Services NSW, *Custodial Operations Policy and Procedures, 3.7 Management of inmates at risk of self-harm or suicide* (December 2017) v1.2.

15 The Intervention Pathways Model came into operation in July 2020 across all NSW correctional centres.

16 Inspector of Custodial Services (NSW), *Programs, Employment and Education Report*, February 2020.

17 Inspector of Custodial Services (NSW), *The management of radicalised inmates in NSW*, May 2018.

## Inspection process

The office of the Inspector of Custodial Services (ICS) was established by the *Inspector of Custodial Services Act 2012* (the ICS Act) in October 2013. The mandate of the office is to provide independent scrutiny of the conditions, treatment and outcomes for people in custody, and to promote excellence in staff professional practice. The Inspector is required to inspect each adult custodial centre at least once every five years and report on each such inspection to the NSW Parliament with relevant advice and recommendations.<sup>18</sup>

Inspection provides independent information gathering and analysis concerning what is working well and which areas require improvement.

## Methodology

The inspection of Lithgow CC had regard to the standards for adult custodial services in New South Wales in conjunction with other relevant standards, legislation, policies and procedures.

The inspection examined the following four areas from the Inspection standards for adult custodial services in New South Wales:

- a. Custody
- b. Care and wellbeing
- c. Rehabilitation
- d. Resources and systems

The inspection team included the Inspector of Custodial Services and several team members including a health consultant and Aboriginal Official Visitor.

Inspection methodology included interviews, observations, document and data analyses. During the inspection, structured and semi-structured interviews were conducted with senior management, correctional staff and employees, inmates and their families. They included the following:

- Governor
- Manager of Security (MOS)
- Manager of Industries (MOI)
- Manager of Services and Programs (MOSP)
- Functional Managers
- Corrective Services NSW (CSNSW) State Operations Group (SOG)
- Psychology Services
- Services and Programs Officers (SAPOs)
- Case Management Unit (CMU)
- Classification and placement team (CPT)
- Education Services Coordinator
- Justice Health & Forensic Mental Health Network (JH&FMHN) – Health centre NUM and staff
- Correctional Officers
- Chaplaincy Services
- Community Corrections
- Regional Aboriginal Programs Officer (RAPO)

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<sup>18</sup> *Inspector of Custodial Services Act 2012* s 6.

- Inmates and inmate representatives on the Inmate Development Committee (IDC)
- Lithgow CC visitors (family and friends of inmates)

Observations of centre procedures were also performed on inspection and included:

- Classification review
- Risk Intervention Team (RIT) review
- Segregation review
- Health services
- Centre synopsis meeting
- Case planning interview
- Cell release and lock-in of inmates
- Inmate Development Committee (IDC) meeting
- Face to face family/ friends weekend visit session
- Release of inmate into community
- Reception in and transfer out of inmates

Approximately two months prior to inspection documents and data were requested from Lithgow CC. Documentation and data concerning the management and operations of Lithgow CC was provided by the centre and CSNSW Corrections Research Evaluation and Statistics (CRES), for analysis prior to the inspection. ICS staff visited the centre for one day in advance of the inspection which provided essential context and an opportunity to scope the inspection. Further documents were requested and provided by Lithgow CC during the inspection.

The Inspection considered sensitive information. In accordance with section 15 of the ICS Act, information that could prejudice the security, discipline or good order of any custodial 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 Corrective Services NSW (CSNSW) and Justice Health and Forensic Mental Health Network (JH&FMHN) in accordance with section 14(2) of the ICS Act. Submissions were received from CSNSW and JH&FMHN. In accordance with section 14(1) of the ICS Act, the Inspector provided the report to the Minister for Corrections with the opportunity to make a submission in relation to the draft report. In accordance with section 14(3)(b) of the ICS Act, each submission and the Minister's response was considered before the finalisation of the report for tabling.

# 1. Correctional centre security

## 1.1 Structural and operational security

Lithgow CC is a maximum security facility which accommodates both maximum and medium security inmates. The centre is surrounded by secure perimeter fencing, closed circuit television (CCTV) and a watch tower. Staff and approved visitors enter the centre through the main reception area. They are required to walk through a metal detector and place approved personal items through an x-ray machine. Inmates and transport vehicles are received through a separate entry point.

Several additional security measures have been employed at Lithgow CC to combat contraband entering the centre. They include body scanning of inmates after visits, drug detection dogs and drone detection technology. CSNSW State Operations Group (SOG) staff and drug detection dogs are regularly employed to search visitors and inmates and more recently to search incoming mail for concealed buprenorphine strips and other contraband. Lithgow CC has a full time intelligence officer. Several staff have completed intelligence training and assist with scanning inmate mail and screening inmate calls.

Head counts of inmates are performed regularly throughout the day to ensure all inmates are accounted for. The inspection team observed the morning release of inmates from their cells. Accommodation units have two wings which are opened separately. Inmates are released from their cell one at time. The inspection team noted inconsistency in procedure around whether both sides of the unit are unlocked at the same time, thereby reducing the number of staff supervising the unit's release. It is important that operational procedures are understood and uniformly followed by custodial staff to ensure the safety of staff and inmates.

Safety and security are paramount in correctional settings. The Inspector welcomes recent initiatives at Lithgow CC to enhance security and combat the introduction of contraband. However, further improvements are needed.<sup>19</sup> Correctional settings benefit from both dynamic and static security systems. Minimal engagement by custodial staff with inmates was observed on inspection. Communication with inmates seemed to occur out of necessity rather than through active engagement with inmates. CCTV coverage, although present throughout the centre, is inadequate. Assaults are common among inmates at Lithgow CC, particularly in areas with limited CCTV coverage. There is a watch tower at Lithgow CC with an armed officer positioned in the tower for security. Watch towers are an obsolete form of security not found in modern correctional facilities. Modern surveillance technology should replace obsolete watch towers, allowing watch tower staff to be redeployed to other activities.

**Recommendation 1: CSNSW install modern surveillance technology to replace obsolete watch towers at Lithgow CC.**

## 1.2 Custodial staff

Lithgow CC has seen recent changes to its management structure and custodial staffing.<sup>20</sup> Those changes have been largely welcomed by staff and inmates. The changes include the restructuring of senior custodial positions and increasing correctional officer numbers.<sup>21</sup> Functional managers have been appointed to oversee accommodation, the structured day, security, classification and management, and intelligence. The new leadership structure at Lithgow CC aims to increase the accountability of managers and improve the professionalism of staff. There has been considerable recruitment of new custodial staff at the centre and it was pleasing to see that Lithgow CC has been selected as a pilot program site for the CSNSW Workplace

<sup>19</sup> CCTV, control room and security has been upgraded to new standards. Information received from CSNSW 28 January 2022.

<sup>20</sup> Changes implemented as part of CSNSW Prison Bed Capacity Adjustment Program.

<sup>21</sup> Information provided by Lithgow CC 25 June 2021.

Mentoring Program. The program aims to develop custodial leadership and mentoring of junior custodial staff, which in turn should enhance inmate engagement. See Table 1 for details of the staff establishment at Lithgow CC.<sup>22</sup>

**Table 1: Lithgow Correctional Centre staff establishment**

Custodial	Governor	1
	Functional Managers	6
	Senior correctional officers	21
	Correctional officers	86
Corrective Services Industries (CSI)	Manager of Industries (MOI)	1
	Manager Centre Services & Employment	1
	Manager of Business Units	1
	Senior Overseers	7
	Overseers	13
Offender Services and Programs (OS&P)	Senior Services and Programs Officer (SAPO)	1
	Services and Programs Officer (SAPO)	5
	Psychologist	2
Case Management Unit (CMU)	Senior Case Management Officer	2
	Case Management Officer	7
Education and Services Officer	Education Services Coordinator	1
	Assessment & Planning Officer	1
	Education Officer	1
	ILC Teacher	5
Sentence Administration	Clerk	2
Administration	Finance & Administration Manager	1
	Clerk	9
<b>Total</b>		<b>173</b>

Custodial staff work eight-hour shifts but are transitioning to 12-hour shifts by mid-2021. This is a welcome change as longer shifts should equate to longer time out of cell for inmates. The day shift will commence at 6am and run for 12 hours and the night shift will commence at 6pm and finish at 6 am. This allows for a structured day that spans daylight hours with a full complement of custodial staff. The inspection found staffing can be an issue at Lithgow CC. Centre data shows high numbers of sick and unscheduled leave which can result in lock downs impacting time out of cell and daily operational routines.<sup>23</sup> It is incumbent on custodial management to monitor, analyse and address high rates of unscheduled leave.

Inmate and officer interactions appeared generally respectful, and we observed many skilful and experienced staff interacting appropriately with inmates. This is a positive step forward for Lithgow, because it has a well-documented history of custodial officers assaulting inmates and being involved in corrupt conduct.<sup>24</sup>

<sup>22</sup> Information provided by Lithgow CC 15 December 2020.

<sup>23</sup> Information provided by Lithgow CC 25 June 2021.

<sup>24</sup> Independent Commission Against Corruption NSW, *Investigation into the conduct of NSW corrective services officers at Lithgow correctional centre*, June 2019.

The introduction of body worn cameras at Lithgow CC is regarded as having been effective in enhancing staff accountability. Steps have also been taken to strengthen communications between custodial staff and inmates through the monthly Inmate Development Committee (IDC) meetings and the introduction of the five-minute intervention program. The program involves custodial officers undertaking five-minute interventions with inmates.

Notwithstanding these improvements in inmate engagement, we observed a generally punitive approach towards inmates, and witnessed a number of examples of poor custodial practice in the treatment of inmates. Given the high percentage of Aboriginal inmates at the centre, reports of racism at Lithgow CC were concerning. At the time of inspection there were three Aboriginal staff members and no Aboriginal identified positions.<sup>25</sup> With a third of the inmate population being Aboriginal, the centre would benefit from identified Aboriginal positions and urgently requires cultural safety training for its staff.<sup>26</sup>

**Recommendation 2: CSNSW increase Aboriginal staff numbers at Lithgow Correctional Centre and provide cultural safety training for staff.**

### 1.3 Custodial training

It is important for custodial staff to maintain and develop skills that are essential to their role. Training is regularly offered to CSNSW custodial staff for updating core skills in first aid, managing at risk inmates, use of batons, and urinalysis testing.

Custodial staff at Lithgow CC are given the opportunity to attend the Brush Farm Corrective Services Academy (BFCSA) based in Sydney to participate in a range of training programs. At times this can be problematic for staff in regional centres. In 2020 COVID-19 restrictions led to most BFCSA training being conducted on-line. In 2020 157 staff at Lithgow CC participated in training. The centre reported the following:

- 615 courses were completed online
- 501 courses were completed face to face
- 297 courses were completed externally.

Courses available to staff included:

- Emergency response operators' course
- Chemical munitions operators' course
- First aid
- Baton recertification
- Classification and placement workshop
- Mental health awareness.<sup>27</sup>

Lithgow CC is one of only a few remaining correctional centres in New South Wales that has a watch tower which is an armed custodial officer position. Officers undertake firearms training as a part of their primary training. However, there is no mandatory requirement for refresher training in the handling or discharge of firearms. It is the responsibility of centres to arrange refresher firearms training.<sup>28</sup> If the watchtower is retained by Lithgow CC, then regular firearms refresher training must occur.

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25 CSNSW informs that those numbers have recently increased to one Aboriginal education officer and four Aboriginal custodial staff. Information provided by CSNSW 28 January 2022.

26 CSNSW informs that staff are currently engaged in Doing What Matters (Aboriginal Service Direction), an online learning program with the Aboriginal Cultural Awareness and Cultural Competency Program. Information provided 28 January 2022.

27 Information provided by Lithgow CC 25 June 2021.

28 Information provided by Corrective Services NSW 3 June, 2021.

An Immediate Action Team (IAT) is assigned to Lithgow CC.<sup>29</sup> IAT officers are trained by CSNSW Security Operations Group (SOG) in chemical munitions, riot management, cell entry and extraction and first responder negotiations. IAT officers attend an annual two-day training course. The course requires they complete a module for chemical munitions to retain their certification. COVID-19 restrictions limiting attendance at offsite training has made this difficult. Recent CSNSW policy change has seen a shift in procedure around use of force and chemical munitions. The policy previously allowed for chemical munitions to be used on an aggressive and defiant inmate where there was a potential risk of injury to a correctional officer and where it might negate the need for multiple officers to physically restrain the inmate. This invited broad interpretation by IAT officers and an over-reliance on the use of chemical munitions as a first response to any incident.<sup>30</sup> Amendments to the Policy governing the use of chemical munitions have been made to clarify that the use of chemical munitions is a Tier 1 response and not to be used as the first response to any incident.<sup>31</sup> It is important that IAT training is prioritised at Lithgow CC to ensure IAT officers are trained to best practice standards and have adequate de-escalation skills and knowledge.<sup>32</sup>

It is important that correctional staff meet ongoing training qualifications. The inspector was informed that CSNSW has increased face-to-face training of correctional staff by BFCSA and ensured greater accessibility of training for regional centres through virtual classrooms using technology.<sup>33</sup> However, online training requires staff to have access to computers or other devices, and to feel confident in navigating an online platform. It is therefore important to have different learning environments that considers different learning styles.

The Inspector commends the new Governor for recent training initiatives at Lithgow CC. A new emphasis on training includes online face to face and scenario training. In addition, the responsibility for training and development of custodial staff lies with Functional Managers (FMs). Functional Managers are best placed to oversee the training needs of their staff and minimise any operational impact to the centre. A staff training facility is currently under construction at Lithgow CC to ensure that training is readily accessible to staff. The ability to attend training at the centre should minimise disruption to daily operations and reduce the need for inmates to be locked in their cells.

**Recommendation 3: CSNSW identify training needs of staff at Lithgow CC and deliver the associated training to ensure best practice standards are met by correctional staff.**

## 1.4 Correctional centre discipline

Inmates who commit a correctional centre offence may be subject to disciplinary action<sup>34</sup>. *The Crimes (Administration of Sentences) Act 1999* (the Act) and the *Crimes (Administration of Sentences) Regulation 2014* (the Regulation) makes provision for correctional centre offences and consequential disciplinary action.<sup>35</sup>

The inspection reviewed 12 months of data on Lithgow CC offences in custody. Between 1 December 2019 and 30 November 2020 Lithgow CC recorded 915 offences in custody. Just over half of correctional centre offences 51.9% (n= 475) related to charges against the good order of the centre. The next highest offence

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29 IAT respond to security and emergency situations at that centre. The Governor is responsible for the daily operations of the IAT.

30 Information provided by Corrective Services NSW 3 June 2021.

31 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 13.7 Use of force (December 2017) version 1.9.

32 CSNSW informs that the State Operations Group (SOG) is reviewing training strategies to address the upskilling of centre based IATs. Such training includes front line communications course, tactical operation training, recertification of chemical munitions qualifications. Information provided by Corrective Services NSW 28 January 2022.

33 Information provided by CSNSW 28 October 2020 for the inspection of Oberon CC conducted in March 2020.

34 Correctional centre offence is defined in Section 51 *Crimes (Administration of Sentences) Act 1999* as any act or omission by an inmate (whether or not it is also a criminal offence) that occurs while the inmate is within a correctional centre or correctional complex or is taken to be in the custody of the Governor of a correctional centre and is declared as a correctional centre offence by the regulations.

35 *Crimes (Administration of Sentences) Act 1999* div 6; *Crimes (Administration of Sentences) Regulations 2014* pt 6.

categories were fighting or assault 18.5% (n=169) and other drug charges 11.5% (n=105). See Table 2 below for details.<sup>36</sup>

**Table 2: Lithgow Correctional Centre correctional centre offences, 1 November 2019 to 31 October 2020**

Offence Category	Number	Percentage (%)
Charges against good order	475	51.9
Fighting or assault	169	18.5
Other drug charges	105	11.5
Property damage	61	6.7
Abusive behaviour	56	6.1
Smoking related	21	2.3
Phone related	11	1.2
Stealing	7	0.8
Failure to attend muster	6	0.7
Alcohol charges	3	0.3
Condom related	1	0.1
<b>Total</b>	<b>915</b>	<b>100%*</b>

\*rounded to 100 percent.

Disciplinary sanctions most commonly imposed on inmates for correctional centre offences at Lithgow CC were off buy-ups (35.9%, n=299), confined to cell (28.1%, n=234) and off contact visits (17.7%, n=148). See Table 3 below for details.<sup>37</sup> Not allowing inmates to purchase food and other approved items can increase the risk of standover and bullying in the centre. Similarly, staff reported that preventing inmates from accessing TV has led to standover and bullying in the centre.

**Table 3: Lithgow Correctional Centre correctional centre disciplinary sanctions, 1 November 2019 to 31 October 2020**

Sanction Imposed	Number	Percentage (%)
Off buy-ups	299	35.9
Confined to Cell	234	28.1
Off contact visits	148	17.7
Of amenities	45	5.4
Partake at leisure time activity	38	4.6
Good Behaviour	32	3.8
Off television	27	3.2
Use of library facilities	8	0.9
Not keep personal property	3	0.4
<b>Total sanctions</b>	<b>834</b>	<b>100%*</b>

\*rounded to 100 percent.

<sup>36</sup> Information provided by Corrections Research and Evaluation Services, Corrective Services NSW, 16 December 2020.

<sup>37</sup> Information provided by Lithgow CC 15 December 2020.

## 1.5 Contraband and drug testing

Addressing contraband at Lithgow CC has been difficult. Despite efforts to address the issue using drug detection dogs, body scanning and drone blocking technology, contraband continues to be found in the centre.

In the 12 months from 1 December 2019 to 30 November 2020 there were 207 cases of drug related contraband found at Lithgow CC.<sup>38</sup> Most contraband finds were possession of drugs (76%, n=157) with more than half of the drug finds being buprenorphine (53.5%, n=84).<sup>39</sup> The remaining contraband finds (24 %, n=50) related to drug paraphernalia with syringes being most commonly found (76%, n=38).<sup>40</sup>

CSNSW identifies drug use by inmates through targeted, random and program testing.<sup>41</sup> Lithgow CC employs both targeted and random approaches to testing. Despite high numbers of drug related contraband found at Lithgow CC, only 13 urinalysis tests were conducted with 3 laboratory confirmed cases. Urinalysis testing plays an important role in drug detection and containment. Increasing urinalysis testing would help combat drug movement within the centre.<sup>42</sup>

Inmate laundry is performed at Bathurst CC and returned to Lithgow CC. Centre movements present a security risk and are a potential gateway for contraband into Lithgow CC. All inmate laundry is x-rayed on entry into the centre. Whilst electronic monitoring provides a level of scrutiny, it is not enough. The astute observations of trained correctional staff must also occur. It is important that officers in charge of laundry movements are adequately skilled in surveillance and detection.

Lithgow CC's efforts to target the detection of contraband must be supported by CSNSW with modern, comprehensive CCTV surveillance. Surveillance upgrades should be a priority.

### **Recommendation 4: CSNSW increase random urinalysis testing at Lithgow.**

## 1.6 Assaults and use of force

Lithgow CC records high rates of inmate assaults and use of force. In the 12 months from 1 December 2019 to 30 November 2020 there were 155 recorded incidents of assaults and 70 recorded incidents of use of force.<sup>43</sup> Of the 155 assaults 145 were attributable to inmates assaulting another inmate and 10 were inmates assaulting a staff member. The Report of Government Services (ROGS) data 2019-2020 records the state average of 28.78 (inmate upon inmate) assaults per 100 prisoners and 2.3 (inmate on officer) assaults per 100 prisoners.<sup>44</sup> Lithgow CC sits above the state average for both assault categories. Inmate upon inmate assaults is considerably above the state average at approximately 39 per 100 prisoners and slightly above the state average for inmate on officer assaults recording 3 assaults per 100 prisoners. Several reasons for inmate on inmate assaults were provided to the inspection team. They included boredom, limited access to recreation and no programs. It is more likely that there is a correlation between the high use of drugs at the centre and associated drug debts. Moreover, a lack of supervision and poor custodial practice was observed to have contributed to some serious assaults, often including gaol made weapons. In an attempt to address the high numbers of assaults a number of restrictions had been imposed at Lithgow CC to reduce access to communal areas that allow inmates to mix with one another.

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38 Information provided by Corrections Research and Evaluation Services, Corrective Services NSW, 16 December 2020.

39 Information provided by Corrections Research and Evaluation Services, Corrective Services NSW, 16 December 2020.

40 Information provided by Corrections Research and Evaluation Services, Corrective Services NSW, 16 December 2020.

41 Corrective Services NSW, Custodial Operations Policy and Procedures, Testing inmates for drug use v1.2, (24 October 2019).

42 CSNSW informs that urinalysis was significantly impacted by Covid-19 restrictions and the resumption of testing commenced in October 2021. Information provided by Corrective Services NSW 28 January 2022.

43 Information provided by Corrections Research and Evaluation Services, Corrective Services NSW, 16 December 2020.

44 ROGS data records separate categories of 'serious assault' and 'assault'.

However, this had also resulted in limited access to the oval, exercise, programs, education and the library.

Force was used in 70 incidents over the 12 months from 1 December 2019 to 30 November 2020.<sup>45</sup> A review of the incident reports shows that where appropriate inmates were seen by Justice Health and Forensic Mental Health Network (JH&FMHN) staff.<sup>46</sup> It was pleasing to see the use of body worn cameras by officers and to receive positive reports around their use from both officers and inmates.

An IAT is assigned to Lithgow CC and IAT officers are regularly called upon to assist with incidents involving inmates. Incident reports from 1 December 2019 to 30 November 2020 record chemical munitions being used on inmates on 19 occasions at Lithgow CC.<sup>47</sup> The inspection team obtained and watched body worn camera footage of the Lithgow CC IAT team discharging chemical munitions in the face of an agitated inmate with mental health issues in a workshop where other inmates and staff were working. The use of chemical munitions in this case was an example of poor custodial practice.

It is for this reason that chemical munitions are a Tier 1 use of force and must be referred to and reviewed by the CSNSW Use of Force Review Committee (UOFRC).<sup>48</sup> The committee decides to confirm or disagree with the deployment of chemical munitions, and where necessary, may require further training of the IAT officer or removal of their chemical munitions' certification.

## 1.7 Segregation, separation and protective custody

Safety and security are paramount in custodial facilities. At times situations may result in the need to remove inmates from their accommodation cell and place them elsewhere in the centre. In some cases, inmates may need to be transferred to another centre. Those inmates generally fall into one of three categories:

- a) where there is need to segregate them to ensure the safety of others, the security of the centre and as discipline for having committed a custodial offence (segregation order)<sup>49</sup>
- b) where they are at risk of harm and need to be separated from parts of the inmate population (protective custody order)<sup>50</sup>
- c) when they are removed from others for their care, control and management (section 78A separation placement).<sup>51</sup>

Inmates placed on a segregation order are generally those found guilty of a custodial offence. There were 251 periods of segregation at Lithgow CC over the 12 months from 1 December 2019 to 30 November 2020. The maximum time in segregation for an inmate was 32 days and the least time spent in segregation was 10 days. The average time in segregation was 21 to 24 days. At the time of inspection there were nine inmates on segregation orders.

The Inspection team observed weekly segregation reviews. Representatives from custodial, psychology, the Governor and Functional Manager were present. CSNSW policy requires a weekly review of the inmate's management plan to enable the inmate to address the causes for their placement in segregated custody.<sup>52</sup> To do this well inmates need to be involved in the review process. Weekly reviews at Lithgow CC are

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45 Information provided by Corrections Research and Evaluation Services, Corrective Services NSW, 16 December 2020.

46 Corrective Services NSW, Custodial Operations Policy and Procedures, 13.7 Use of force, (16 December 2017), cl 6.1.

47 Information provided by Lithgow CC, 15 December 2020.

48 Corrective Services NSW, Custodial Operations Policy and Procedures, 13.7 Use of Force Version 1.11, (16 December 2017), cl 10.8.

49 *Crimes (Administration of Sentences) Act 1999* s10.

50 *Crimes (Administration of Sentences) Act 1999* s11.

51 *Crimes (Administration of Sentences) Act 1999* s78A.

52 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.4 Segregation, (December 2017) cl 2.2.

performed without the inmate and determined on consideration of case notes recorded in the Offender Information Management System (OIMS). Lithgow CC needs to include segregated inmates in their weekly review to ensure the information relied upon by the review team is accurate and up to date, and to provide inmates with procedural fairness. On a positive note, an examination of orders was undertaken, and all segregation orders and extensions were appropriately authorised and legislative timeframes adhered to.<sup>53</sup>

At the time of inspection there were 20 inmates at Lithgow CC on a protective custody order. Those inmates are unable to mix with other inmates and are designated 'protective custody non-association' (PRNA). The orders are reviewed monthly and are either affirmed or discontinued. ICS reviewed the orders and found they were routinely extended at the request of the inmate.

Inmates may be separated from other inmates for their care, control and management.<sup>54</sup> Legislation refers to reasons for separation including the classification or designation of inmates, their involvement in a program or a need for intensive monitoring of the inmate.<sup>55</sup> To separate those inmates from others, CSNSW policy requires an application by a correctional officer, which must be reviewed by the Governor and the Director of Custodial Operations. At the time of inspection there were no inmates held on a section 78A separation placement. However, in the months prior several inmates had been held on a section 78A placement in the SMU. The time spent on a section 78A placement ranged from one to two months. Those inmates were subsequently relocated to other centres.<sup>56</sup>

Despite the different reasons for placement in the SMU, all inmates are subjected to a similar regime. This involved no time out of cell other than to use the phone and access to a rear day yard for several hours a day. The only observable difference was that inmates on segregation orders receive one hour less exercise and are handcuffed when they are escorted by officers. Officers did not appear to have a clear understanding of the differences between inmates held under different orders. Inmates on separation placement or protective custody orders are not in the SMU for punishment. They are there for their safety, care and management. Those inmates should not be treated in the same way as those on a segregation order who pose a risk to others or the good order of the centre or are being punished for committing a correctional centre offence. Of concern, sentenced inmates were referred to and documented as serving 'hard labour.' It is important that custodial officers understand the reasons why inmates are in the SMU and treat them accordingly. Moreover, inmates who were in the SMU for their protection received little access to services. There were no programs, education or activities available. Even the provision of TVs was an ongoing issue, with custodial officers rationing TVs on the basis of good behaviour. In such a restrictive regime, where inmates do not have any associations and little stimulation, it is important to provide TVs to inmates for their mental health.

## 1.8 At-risk inmates

Inmates identified as at-risk of suicide or self-harm must be managed in the least restrictive manner based on an objective assessment of their individual risk, needs, health and welfare'.<sup>57</sup> This principle is reflected in relevant CSNSW policy.<sup>58</sup>

There were 19 incidents of self-harm at Lithgow CC from 1 December 2019 to 30 November 2020. Incident reports show self-harm (n=16) occurring mainly in the SMU. Reasons recorded as associated with self-harm

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53 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.4 Segregation, (December 2017).

54 *Crimes (Administration of Sentences) Act 1999* s78A(2); *Crimes (Administration of Sentences) Regulation 2014* pt4 div1.

55 *Crimes (Administration of Sentences) Act 1999* s78A(3); *Crimes (Administration of Sentences) Regulation 2014* pt4 div1.

56 Information provided by Lithgow CC, 29 January 2021.

57 Corrective Services Administrators Council, *Guiding Principles for Corrections in Australia* (2018) 3.1.7, 15.

58 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.7 Management of inmates at risk of self-harm or suicide (December 2017) v1.2.

are mental health, fear of assault and wanting transfer out of the centre.<sup>59</sup> In this same 12-month period Lithgow CC recorded one death in custody by hanging which occurred in the SMU.

It is important for at-risk inmates to be adequately supported by staff who have the skills and resources to care for and manage them. Inmates who fall into this category are generally managed under a Risk Intervention Team (RIT). The RIT has three members and includes the RIT Coordinator, who is a senior correctional officer, a JH&FMHN staff member and an Offender Services and Programs staff member.<sup>60</sup> The RIT is responsible for ongoing assessments of an inmate's risk of suicide or self-harm and continuity of care and intervention.<sup>61</sup> In the 12-month period from 1 December 2019 to 30 November 2020, 54 (18.6%) inmates were placed on a Risk Intervention Team (RIT) management plan at Lithgow CC.<sup>62</sup> The centre was also managing 35 (12.1%) inmates with a recorded history of mental illness. The inspection team observed a RIT review. The review was conducted in the inmate's cell. The room was small and unable to accommodate four people whilst maintaining adequate social distancing. RIT reviews should be held in an interview room on the unit. The inspection team was surprised to learn that the inmate had no access to a television whilst under observation for the risk of self-harm. Television was being used as an incentive to cease self-harm or the threat of self-harm. CSNSW policy regards television as a diversionary activity for inmates at risk of self-harm.<sup>63</sup> The Inspector accepts that televisions can be used to cause damage or for self-inflicted injury. High wall mounted TVs encased in ligature resistant boxes would address this. Television provides a distraction and should not be used as a behaviour management tool for inmates who have poor mental health and are placed in isolation. A review of the SMU at Lithgow CC is required to ensure the appropriate treatment of inmates and upskilling of custodial staff.

**Recommendation 5: Corrective Services NSW review the Special Management Unit and ensure custodial staff are trained on the differences between segregation, protective custody, and separation.**

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59 Information provided by Lithgow CC, 16 December 2020.

60 Corrective Services NSW, *Custodial Operations Policy and Procedures, 3.7 Management of inmates at risk of self-harm or suicide*, (December 2017) v1.2, s5.1.

61 Corrective Services NSW, *Custodial Operations Policy and Procedures, 3.7 Management of inmates at risk of self-harm or suicide*, (December 2017) Pt 5 v1.2.

62 Information provided by Corrections Research and Evaluation Services, Corrective Services NSW, 16 December 2020.

63 Corrective Services NSW, *Custodial Operations Policy and Procedures, 3.7 Management of inmates at risk of self-harm or suicide* (December 2017) v1.2 cl4.8.

## 2. Custody

### 2.1 Reception and admission

Reception staff oversee the movement of inmates in and out of the centre. The transport list is received by reception staff on the day prior to movement in order to prepare reception packs for incoming inmates and organise inmates who are scheduled for transfer out of the centre. An inmate clerk is employed in the reception and admissions area to assist with the preparation of inmate reception packs and inmate custodial files. He also oversees clothing and shoe supplies and maintains stock levels. The inmate clerk is given the transport sheet which gives him information around inmate movements in and out of the centre. Lithgow CC is a maximum security centre with a significant population of protection inmates. Sharing confidential information with inmates can compromise centre security and inmate safety. CSNSW advise that the use of inmates to manage official departmental records and information has ceased.<sup>64</sup>

The reception area is small with little means to ensure the privacy and confidentiality of inmates who are interviewed after arriving at the centre. It was also observed that the valuables room which holds inmates' wallets, identification and credit cards, watches, jewellery and other valuable property, was unlocked. Although centres have access to an interpreter service, officers at Lithgow CC used other inmates as informal interpreters for incoming inmates with little or no English. It is not appropriate for an inmate to have access to the personal property or information of another inmate. The security risk and lack of privacy is concerning and must be addressed state-wide. A review of reception room operations at Lithgow CC has been conducted since our inspection. Changes which have occurred include inmates being screened in a private area away from other inmates, official interpreter services used as standard practice and inmate valuables to be placed in a locked safe and monitored by CCTV.<sup>65</sup>

Newly received inmates are placed in the induction unit at Lithgow CC for approximately two days before being allocated a cell in one of the general accommodation units. This an opportunity for inmates to participate in an induction session that is delivered by Services and Programs Officers (SAPOs). Inmates are seen individually and are given a copy of the centre handbook and provided with information about centre rules and routines, case plans and intervention pathways.

**Recommendation 6: CSNSW ensure that reception procedures state-wide maintain the privacy, confidentiality and security of inmate information and property.**

### 2.2 Clothing and bedding

With a regular weekly intake of inmates at Lithgow CC it is important that the centre maintains stock levels and employs quality controls to maintain supply of inmate clothing and bedding in a good condition.

Lithgow CC is in a valley west of the Blue Mountains and can experience cold temperatures all year. CSNSW policy gives discretion to governors to establish local procedures around the provision of a jacket, warm clothing and bedding to inmates depending on the climate of the region.<sup>66</sup> The Inspector recommended in the report *Prison Greens: The clothing and bedding of inmates in NSW* that CSNSW issue all inmates in NSW with a jacket in winter as part of an inmate's clothing entitlements. Despite this Lithgow CC has implemented a local policy that a jacket and hat are issued to inmates in June every two years.<sup>67</sup>

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64 Information provided by Corrective Services NSW 28 January 2022.

65 Information provided by Corrective Services NSW 28 January 2022.

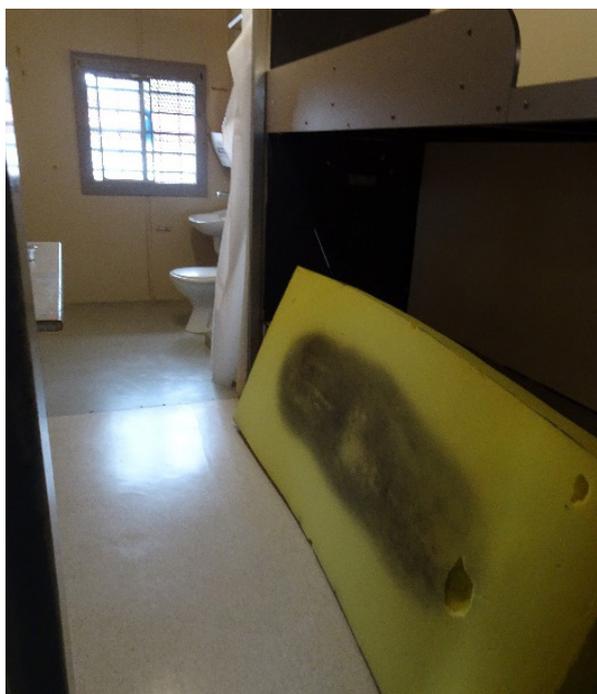
66 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 1.5 Issuing correctional centre clothing and linen (December 2017) v1.3 cl1.3.

67 Inspector of Custodial Services (NSW), *Prison Greens: The clothing and bedding of inmates in NSW*, June 2017.

This leaves inmates who arrive outside that time without a jacket. The practice is unacceptable for a centre that has year-round cold temperatures and requires inmates to spend time out of cell in accommodation yards with limited shelter and protection against the wind and rain.

CSNSW policy requires two sets of clothes to be issued to inmates. The inspection team noted that on arrival at the centre inmates are issued one set of clothes. At Lithgow CC inmate clothing is managed and distributed by reception staff and an inmate clerk completes a fortnightly stocktake of clothing and shoes to maintain an adequate supply of items. The centre must ensure inmates have adequate clothing as specified in policy.<sup>68</sup>

Mattresses and pillows are held and issued from the stores outside the main perimeter. When needed a unit officer will ring the store and request a mattress be issued. This system clearly does not work as mouldy beds and pillows were observed throughout the centre and there was a shortage of pillows. It was disappointing to see such poor treatment and conditions at Lithgow CC where failure to provide basic inmate amenity is ingrained and accepted practice. The ICS has been informed of changed practices around maintaining bedding supplies and conducting weekly audits of stock levels and serviceability of inmate mattresses and pillows.<sup>69</sup>



**Inmate cell and mattress**

**Recommendation 7: CSNSW conduct regular audits of clothing and bedding at Lithgow Correctional Centre to ensure compliance with legislative requirements and departmental procedures.**

68 Corrective Services NSW, *Custodial Operations Policy and Procedures*, 1.5 Issuing correctional centre clothing and linen (December 2017) v13 cl1.2.

69 Information provided by Corrective Services NSW 28 January 2022.

## 2.3 Property

CSNSW policy details the property inmates may have with them in their cell or have stored in a CSNSW facility whilst incarcerated.<sup>70</sup> All property and its movements must be recorded in OIMS. Excess and valuable property is kept in secured storage tubs, canvas bags and a valuables bag. It is the responsibility of the centre to ensure inmate property is accurately recorded and securely stored.

Property recording and storage processes were unclear at Lithgow CC. This was particularly so in the management of excess inmate property. The inspection team observed excess inmate property stored under a table in the reception area, in the vehicle dock and in a storage area behind the reception room. It was not evident whether property that was unable to travel with an inmate was being recorded. It is essential that centres have clear recording processes and a secure storage area for inmate property. Having these in place minimises the possibility of an inmate's property becoming damaged, lost or stolen. CSNSW advise that property will be recorded and stored securely in accordance with a local operating procedure.<sup>71</sup>

Inmates transferring out of Lithgow CC to another centre are required to fit their property into two secure tubs plus an additional tub for legal material. This can be particularly challenging for long term inmates who have accumulated property. In many cases the property has been purchased from CSNSW through the monthly buy-up system. In those circumstances the inmate must decide what property they would like to take with them and what property to leave behind. Inmates are given the option of having their remaining property disposed of or donating the property for the general use of inmates at the centre.

**Recommendation 8: CSNSW review inmate property recording and storage procedures at Lithgow Correctional Centre.**

## 2.4 Transport and escorts

CSNSW transport vehicles attend at Lithgow CC three days per week to move inmates in and out of the centre. The inspection team observed a transport movement out of Lithgow CC. All inmates were informed the day before of where they were going and why. This gave inmates an opportunity to inform their families. This is important particularly when some families may have arranged a visit and would need to re-schedule a time with the new centre. This was pleasing to note as was the practice of allowing inmates to have breakfast before being brought to the reception area for processing out of the centre. The journey can be long with the transport vehicle stopping at several correctional centres.

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<sup>70</sup> Corrective Services NSW, *Custodial Operations Policy and Procedures, 4 Property (under review)* (December 2017).

<sup>71</sup> Information provided by Corrective Services NSW 28 January 2022.

## 3. Care and wellbeing

### 3.1 Accommodation

#### 3.1.1 Inmate accommodation

Inmates at Lithgow CC are a mixed cohort of general population, Special Management Area Placement (SMAP) inmates, those who need to be separated from other inmates, life sentenced inmates and until recently remand inmates.<sup>72</sup>

The centre has six inmate accommodation units. They are:

- an induction unit for newly received inmates
- three units for general population inmates
- the Special Management Area Placement (SMAP) unit
- a Special Management Unit (SMU) for inmates on protective custody orders or in need of separation, those on segregation orders for custodial offences and at-risk inmates.

The accommodation units are showing signs of wear and tear and would benefit from regular maintenance. All units have two wings separated by a centrally positioned officer's station. The officer's station has large secure glass panels that provide a view of both wings. Each wing has an interview room for inmates to meet with Services and Programs Officers (SAPOs) and case management officers, that is only accessible from the common area of the unit. Custodial and non-custodial staff raised safety concerns over the design and location of the room.

Lithgow CC has 110 single cells and 179 double cells with double bunks.<sup>73</sup> Each wing has 24 cells with a mix of single and double cells. Multiple ligature points were observed in some cells. The removal of hanging points, particularly in maximum security centres such as Lithgow CC, should be prioritised by CSNSW.

All units have an outdoor concrete exercise yard accessible from the common area of the unit. Each exercise yard has an outdoor toilet with a limited privacy screen and two tables with four secured bench seats. Unfortunately, there is little protection from the weather. Outdoor exercise yards should have adequate shelter from the rain, heat and cold. This needs to be addressed.

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<sup>72</sup> Corrective Services NSW, *Custodial Operations Policy and Procedures*, 3.3 Special management area placement (December 2017).

<sup>73</sup> Information provided by Corrections Research and Evaluation Services, Corrective Services NSW, 16 December 2020.



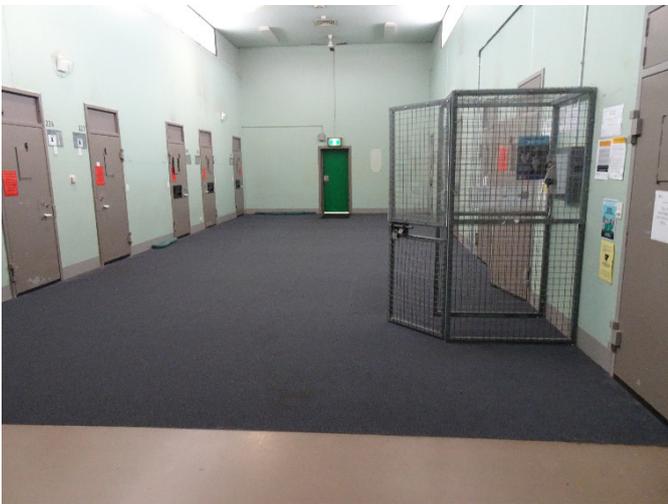
**Accommodation unit**



**Accommodation unit outdoor area**

### 3.1.2 Special management unit (SMU)

The SMU is different in design and purpose from other accommodation units. It has two distinct areas that perform different functions. Inmates on separation placement or protective custody orders are placed in Area 1. It has 24 single cells of which two have cameras. Area 2 is used to hold inmates on segregation orders and those on a risk intervention team (RIT) management regime.<sup>74</sup> The SMU has two RIT assessment cells, one holding cell and 21 double segregation cells. All SMU cells open to their own secure outdoor exercise yard. There is also a separate outdoor exercise space in each area. The SMU has an audio-visual link (AVL) facility, interview rooms and a space allocated to health centre staff.



**Special management unit**



**SMU cell**

Many inmates reside in the SMU for lengthy periods with out of cell time and access to fresh air and natural light limited to approximately two hours per day. The inspection found that there is little, if any, opportunity in the SMU for inmates to engage in purposeful activity or passive recreation. Limited time out of cell and little activity was having an adverse effect on the mental health and wellbeing of inmates in the SMU. There had been three deaths in custody in the SMU in the three and a half years before the inspection of which two were from suicide. The Inspector appreciates the challenge for CSNSW to provide adequate accommodation for the increasing cohort of inmates who seek or require protective custody or separation. It is however important to continually explore options for their reintegration with the broader inmate population. At the very least they should have increased time out of cell, access to exercise, passive

<sup>74</sup> See discussion earlier at Part 1.7 and 1.8 of the report for details of segregation, separation placement, protective custody and at-risk.

recreation such as TV and purposeful activities to address their rehabilitation needs. The Manager of Services and Programs (MOSP) at Lithgow CC has been instructed to increase the delivery of in-cell activity for inmates in the SMU.

**Recommendation 9: CSNSW increase time out of cell and activity for inmates in the SMU and develop reintegration pathways for inmates, on long term protective custody placement at Lithgow Correctional Centre, with the wider inmate population.**

### 3.2 Health care

The Justice Health and Forensic Mental Health Network (JH&FMHN) provides health services to inmates at Lithgow CC. The health centre is open seven days a week from 7.00am – 8.30pm. Services provided by JH&FMHN include:

- Primary health care delivered by nurses (Monday to Sunday) and a visiting general practitioner (GP) every Thursday. There are five primary health nurses available daily with three on duty 7.00am - 3.30pm and two on duty 12.30 – 8.30pm.
- Drug and alcohol (D&A) support and treatment is available from a D&A nurse every Wednesday and Friday, from a D&A doctor (via telehealth) on Wednesday and a psychiatrist (via telehealth).
- A population health nurse is available every Tuesday.
- Mental health (MH) support from the MH nurse daily and from the psychiatrist by referral. Inmates can also access the 24-hour Mental Health Helpline via the phone in the accommodation units. Chronic care for long standing or complex health issues (including the Aboriginal Chronic Care Program).
- Optometry and oral health services via visiting practitioners.
- Additional GP, mental health consultation liaison nurse and physiotherapy clinics are provided via telehealth.

Inmates access health services by completing a Patient Self-Referral form and placing it in the secure box in their accommodation unit. Inmates can book dental services by calling the dental hotline and have telephone access to the mental health hotline and patient health enquiry line. Data provided by the health centre recorded inmate waitlist numbers for medical services as follows:

**Table 4: Inmate wait list numbers for medical services at Lithgow Correctional Centre<sup>75</sup>**

Medical service	Number of Inmates waiting
Primary health nurse	236
General practitioner	35
Mental health nurse	50
Psychiatrist	25
Drug and alcohol nurse	90
Drug and alcohol doctor	60
Population health nurse	40

<sup>75</sup> Information provided by Justice Health and Forensic Mental Health Services, 10 December 2020.

JH&FMHN is actively working to reduce patient wait times. All appointments are triaged according to clinical need, and the majority of patients are seen within recommended waiting times. JH&FMHN employ waitlist categories which appropriately aligns timeframes for care with clinical need. Patients can be re-assessed and triaged up or down if required. Waitlist categories in custody are:

Priority 1 – Urgent

Priority 2 – Semi-urgent

Priority 3 – Non-urgent

Priority 4 – Routine

Priority 5 – Follow-up.

A 7-day per week nursing presence means patients are promptly reviewed and can initiate treatment that either mitigates the need for further medical intervention, expedite urgent and emergency care in custody or at hospital, or manage clinical need through treatment and regular review until the patient is seen by a doctor/specialist clinician. As at 20 October 2021, 66 (10%) of all current waitlist patients at Lithgow CC had not been seen within recommended waiting times. Of these, 59 (89%) were classed as non-urgent or routine appointments.<sup>76</sup> It is considered clinically sound to give priority to P1 and P2 patients. JH&FMHN equally recognises the importance of regular monitoring of patients with chronic health conditions to manage any changes in their health and care needs; and is actively working to reduce patient wait times across all triage categories.<sup>77</sup>

It was pleasing to note that the health centre at Lithgow CC employs a positive approach to wait list management through a system of regular review of the patient wait list and times. However, resourcing of the primary nurse care team and their ability to manage the extended scope of nursing practice within a correctional environment does limit their ability to manage low acuity, long term clients. Despite protocols around waitlists, it was noted that the primary nurse list is not prioritised by category of patient into semi-urgent and chronic streams to enable the delivery of adequate chronic, acute and primary health care. All patient care needs must be addressed and not just the most obvious and frequently presenting, the emergency response or the high volume activities such as medication management. Of concern are those inmates with an undetected or neglected chronic illness, including mental health, who may deteriorate. The challenge of managing wait lists is not unique to Lithgow CC and was addressed in the ICS report *Health services in NSW correctional facilities*.<sup>78</sup> The report found that because priority is given to P1 and P2 patients, P3 patients can wait exceedingly long times or not be seen at all.<sup>79</sup> Workflows and streaming of these different patient groups need to be a key focus. JH&FMHN has introduced a chronic care nursing position to enhance review and monitoring of patients requiring non-urgent treatment of chronic health conditions, including metabolic monitoring and chronic disease screening. The inspector commends this initiative.<sup>80</sup>

JH&FMHN dentists visit the centre. Information provided by JH&FMHN shows 58 patients on the dental waitlist. Over half (57%, n=33) had been seen by the dentist and were waiting further treatment. Forty-one percent (n=24) were waiting to be seen and one inmate needed preliminary treatment before he could be

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76 Information provided by Justice Health and Forensic Mental Health Network, 26 October 2021.

77 Information provided by Justice Health and Forensic Mental Health Network, 26 October 2021.

78 Inspector of Custodial Services, *Health services in NSW correctional facilities*, 2020.

79 Wait times between a patient being placed on a waitlist to seeing a nurse or medical practitioner can be lengthy and depend on their assessed priority level; P1 being the most urgent and P3 for non-urgent. P4 are for routine appointments within 12 months and P5 for follow up appointments.

80 Information provided by Justice Health and Forensic Mental Health Network, 26 October 2021.

seen by the dentist. Oral health services at Lithgow CC are delivered at an appropriate level, commensurate with clinical demand.

The health centre has three consultation rooms, three treatment rooms and telehealth facilities for other specialist services. It was pleasing to observe positive interactions between JH&FMHN staff and inmates. Inmates were addressed by their names and communications between inmates and nurses were respectful. However, patient confidentiality was not always observed. The inspection team observed consultation rooms being open with custodial officers standing at the door. Balancing patient privacy with staff safety is important. This can be achieved with officers placed in line of sight rather than at the consultation room door.

Medications are issued to inmates daily either at their unit or at the dispensing windows in Industries or in the rotunda which is centrally located to the accommodation units. The inspection team observed medication rounds. CSNSW policy requires custodial staff to observe the inmate swallowing medication.<sup>81</sup> It is important that procedure is followed to ensure prescribed medication is being consumed and is not being concealed for later distribution among inmates.

Clinic facilities need upgrading to meet patient demand and deliver appropriate services. The rotunda provides challenges in the safe and appropriate management of medication administration by the JH&FMHN clinical team. The ageing infrastructure of the clinic impacts patient flow, the ability to deliver maximum available clinical services to the patient population and does not provide adequate line of sight to observe patients while maintaining patient privacy. The upgrading of facilities or enhancement of the patient flow and number of available clinic rooms would assist in balancing safety and security, clinical and patient privacy requirements. Minor capital works funding has been allocated in 2021-22 to expand and upgrade the Lithgow CC health centre and enhance delivery of care to patients. Medication administration in the rotunda is no longer occurring. Medications are mostly delivered to patients in their accommodation areas, except for supervised morning medications, which are administered from the health centre medication window.<sup>82</sup>

Access to SMU inmates can be challenging for health staff. With many inmates on protective custody orders, movements in the centre must stop to enable those inmates to be escorted to the health centre. This limits the times at which inmates can be taken to the health centre and the health services which are available. When nurses attended the SMU to see inmates, officers were observed standing between the inmate and the nurse as medical concerns were discussed. The impediments to accessing health services in the SMU was concerning. Some inmates in the SMU are there because they are at risk of self-harm and suicide. Many others are at risk from other inmates and spend long periods isolated from others for their own protection. Throughout the inspection we heard of the urgent need for greater mental health support for inmates at Lithgow CC and particularly for those in the SMU. SMU patients are seen daily in the accommodation areas where monitoring, assessment and triaging of treatment occurs. Despite this it was apparent that inmates in the SMU received a reduced level of health services. This is partly due to access issues and partly to availability of services.

Telehealth has become the main source of mental health service delivery at Lithgow CC whilst recruitment of a mental health nurse takes place. Telehealth is effective in delivering health care and assistance but should not be the primary source of mental health delivery for all inmates. It is dependent on individual patient need. The inmate cohort at Lithgow CC is complex and requires the services of a full time mental health nurse. Recruitment for the position must be a priority for JH&FMHN. Overall, the inspection found that mental health services are inadequately resourced at Lithgow CC.

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81 Corrective Services NSW, Custodial Operations Policy and Procedures, 6.8 Medications (December 2017) cl1.2.

82 Information provided by Justice Health and Forensic Mental Health Network, 26 October 2021.

Lithgow CC has a good relationship with the local hospital. Inmates with acute or emergency medical needs are transferred to Lithgow Hospital by ambulance and/or medical escort. Immediately prior to the inspection the centre had a near miss as a result of a serious assault in custody and delay in transferring the inmate to hospital. It is important for JH&FMHN to report and analyse these incidents to improve practice. Lithgow CC has a high rate of serious assaults in custody and it is important for clear and accepted protocols between JH&FMHN and CSNSW to be observed at the centre level in emergency situations. JH&FMHN accept the patient should have been transferred via ambulance and this routine practice is now being observed at the centre.<sup>83</sup>

## **Recommendation 10: JH&FMHN increase access to mental health services at Lithgow Correctional Centre.**

### **3.3 Psychology services**

CSNSW Psychology services operate on a state-wide model. Lithgow CC is within the central west cluster and shares psychology services with Oberon CC and Lithgow Community Corrections. Lithgow CC is serviced by three psychology positions, two are based at the centre and one is a senior psychologist attached to Lithgow Community Corrections. At the time of inspection, one of the psychology positions based at the centre was vacant. The other psychologist holds provisional status which requires them to be supervised whilst attending inmates. The provisional psychologist was expected to achieve registration mid-year.

Inmate referrals for psychology services are determined on the application of a 3-tiered model and are categorised as being:

- PSYCH 1 (immediate priority) – suicide/ self-harm, immediate risk of violence/ aggression, acute mental illness.
- PSYCH 2 – subacute suicide/ self-harm, violent offender intervention, monitoring of chronic mental health conditions, cognitive impairment, challenging behaviours.
- PSYCH 3 – program support and assessment for program suitability, inmate consultations.

The psychology team is also required to record case notes, produce court ordered and other formal reports and conduct criminogenic risk/ needs assessments.

In the 12 months from 1 December 2019 to 30 November 2020, 1661 occasions for psychology services were recorded. All PSYCH 1 referrals, apart from those in March 2020 at the on-set of the Covid-19 pandemic, were actioned within 3 days, and all PSYCH 2 services were actioned within 12 weeks.<sup>84</sup> Centre data indicates that resourcing constraints mean that referrals for service assessed as PSYCH 3 remain outstanding. There is also no capacity for psychology services to deliver group programs for inmates at Lithgow CC until another registered psychologist is employed. This is consistent with inmate reports that access to psychology services, other than during a crisis, is difficult. This particularly impacts inmates on long sentences or accommodated in the SMU who need ongoing support.

If psychology services identify an inmate in need of mental health services, a referral is made to the health centre. However, as previously discussed, there are limited mental health services at Lithgow CC.

Inmates are seen by psychologists either in their office or in the interview rooms located in the accommodation units. In the SMU, inmates are seen in a caged area within the unit. Although staff safety is

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<sup>83</sup> Information provided by Justice Health and Forensic Mental Health Network, 26 October 2021.

<sup>84</sup> Information provided by Lithgow CC, 15 December 2020.

paramount, this is not an ideal therapeutic setting for inmates, particularly for those at risk of self-harm or at risk from other inmates.

### **3.4 Food and purchases**

Inmates receive three daily meals. Pre-prepared meals are delivered to inmates in the accommodation units. Special dietary and religious needs of inmates are catered for. Inmates are also able to purchase additional food items through the weekly buy-up system. Weekly buy-up purchases are distributed to inmates during the Friday afternoon head count which is immediately followed by them being locked in their cells for the night. This practice prevents any opportunity for standover from other inmates for buy-up items. The Inspector commends the centre for implementing a safe practice that reduces intimidatory behaviour.

In addition to general groceries that are able to be purchased through the buy-ups system, the centre offers a weekly barbeque. Barbeque facilities are available on each unit. Inmates can purchase barbecue packs for \$14.80 which contain steak, two sausages, chicken and salad.

For other items such as toiletries, appliances, magazines, and recreation items the centre provides a monthly activities buy-up service. Problems arise when staff are unavailable, or there is operational disruption within the centre. This can result in inmates missing out on the activities buy-up for that month. This should be addressed by management.

### **3.5 Spiritual and pastoral care**

Lithgow CC has strong chaplaincy support from Christian, Muslim and Buddhist faiths. There are four chaplains who regularly visit the centre and provide pastoral and spiritual support to inmates. Worship and other religious activities offered by chaplaincy services at Lithgow CC include:

- five weekly chapel services for all inmates (excluding those in segregation)
- two weekly Buddhist meditation groups
- individual short prayer service and/or Holy Communion to inmates in the SMU
- inmates of Muslim faith have access to a space for prayer every Friday between 12:30 pm – 1:40pm
- pastoral counselling to inmates which includes bereavement counselling and memorial services for the relatives of inmates
- support to staff who are sick, bereavement counselling and the provision of funeral services.

It was pleasing to hear from Muslim inmates that they are treated with respect and have access to the Muslim and Christian chaplains.

Chaplains spend considerable time in the SMU focusing primarily on inmates who have self-harmed or are on a RIT and those in need of pastoral support.

The Chaplain also delivers the Salvation Army Positive Lifestyle Program (PLP) to inmates. The PLP covers a range of topics and includes:

- self-awareness
- anger
- depression and loneliness

- stress
- grief and loss
- assertiveness
- self-esteem
- future directions.

The chaplaincy services at Lithgow CC are outstanding and relied upon heavily at Lithgow CC by staff and inmates alike to address critical service delivery gaps in other areas. The Inspector commends the chaplains for their commitment to their vocation and the high standard of care and support they provide to inmates and staff at Lithgow CC.

## 3.6 Out of cell hours, activities and library

### 3.6.1 Out of cell hours

Maintaining standard operational hours and time out of cell has been problematic at Lithgow CC. The state average for time out of cell is 7.8 hours for secure areas (ROGS data 2019/20).<sup>85</sup> Lithgow CC reported the average time out of cell as 6.87 hours per day. However, with Varied Operational Routine (VOR) lockdowns the final average time out of cell for Lithgow is 6.49 hours per day.

Inmates can be locked in their cells when there is an incident in the centre or there are reduced staff numbers. Centre data shows high rates of sick and unscheduled leave in the 12 months from 1 December 2019 to 30 November 2020.<sup>86</sup> Where staff are absent, Lithgow CC has needed to implement a varied operational routine and reduce movement in the centre. From 1 December 2019 to 30 November 2020 there were 54 occasions where units were locked down and inmates remained in their cells. Almost half of those occasions (n=26) involved the whole centre.<sup>87</sup> Inmates in the SMU are particularly disadvantaged when staff numbers are low. SMU officers are deployed to other areas leaving inmates locked in their cell for the day. This is particularly harsh for inmates who receive two hours out of their cell each day.

It was encouraging to see changes at the centre to help increase time out of cells. Recent changes to the structured day with no lunchtime lock-in and evening lock-in commencing later has helped increase out of cell hours. Although times have increased, continued improvement is needed. The recent implementation of 12-hour shifts should help to achieve this. CSNSW needs to closely monitor the situation and help Lithgow CC to increase out of cell hours, particularly in the SMU.

### **Recommendation 11: CSNSW increase the average time out of cell at Lithgow Correctional Centre.**

### 3.6.2 Activities

Lithgow CC has several recreational areas. The activities centre includes a gymnasium, boxing room and oval. There are also four tennis courts. Two activities officers were recently employed and are available in the centre seven days a week.

<sup>85</sup> Australian Government Productivity Commission, *Report of Government Services 2020, Corrective Services Data Tables*. <https://www.pc.gov.au/research/ongoing/report-on-government-services/2020/justice/corrective-services>.

<sup>86</sup> Information provided by Lithgow CC, 25 May 2021.

<sup>87</sup> Information provided by Lithgow CC 15 December 2020.

An activities roster has been created to ensure that each unit has access to the oval, gymnasium, boxing and bootcamp for two hours per week. Access is dependent on the weather and if it rains inmates generally remain in their accommodation units. Access is also dependant on staffing numbers. If there is reduced staff, activities officers are some of the first to be redeployed to other areas within the centre.

The gym and boxing spaces are good; however, the gym equipment is very old and needs to be replaced.<sup>88</sup> Bathrooms at the oval and gym have no privacy screens and should be fixed. Although, the tennis courts are in good condition they were not being used at the time of inspection.<sup>89</sup> The space was earmarked for boot camp sessions, which were due to commence around the time of inspection. Boot camp is an initiative of the new Governor. It is currently operating and is held weekday mornings and on weekends for inmates who work Monday to Friday.



**Gymnasium and boxing room**



**Oval**

The SMU and Extreme High Security (EHS) inmates are excluded from exercising on the oval, in the gymnasium and boxing room, and participating in boot camp. As accommodation units have minimal exercise equipment SMU and EHS inmates have limited opportunities for exercise activities. Exercise is important for both the physical and mental health of inmates. Lithgow CC needs to ensure the activities roster includes times and options that are accessible to all inmates.

Lithgow CC inmates are locked in their cells from 3.30pm to 8.30am. With long periods locked in their cells having a television is important as it helps the mental health and well-being of inmates and allows inmates to know what is happening in the outside world. The inspection found that access to television is an issue at Lithgow CC. Unlike many other correctional centres in NSW, there is no rental scheme in place. Inmates

<sup>88</sup> New gym equipment is awaiting approval of a business case. Information provided by CSNSW 28 January 2022.

<sup>89</sup> Tennis courts are now being used for recreational activity and boot camp. Information provided by Corrective Services NSW 28 January 2022.

are required to buy televisions however they are costly, and many cannot afford them. Television has therefore become a source of conflict and standover among inmates. The new Governor was committed to addressing equitable access to television. This is encouraging.<sup>90</sup> Access to television was particularly problematic in the SMU. Despite inmates spending up to 22 hours per day locked in their cell, televisions were being rationed and used as a behaviour management tool by custodial staff. This had become an unnecessary point of conflict between the centre psychologists and custodial staff in the SMU. Apart from being poor custodial practice, it underscored the failure of custodial staff working in the SMU to understand the reason why some inmates were being placed in the SMU.

**Recommendation 12: CSNSW ensures activities and televisions are accessible to all inmates at Lithgow Correctional Centre.**

### 3.6.3 Library

Lithgow CC operates a library which is located in the Intensive Learning Centre (ILC). Inmates are given access to the library following their education classes. Class times are Monday to Friday 9.00am - 11.00am and 12.45pm – 2.00pm. Although it makes operational sense to provide library access to inmates as part of their time in the ILC, it excludes those inmates who work or are not taking part in ILC classes. A small satellite library is available to inmates in the SMU.

Libraries play an important role in correctional environments. They provide inmates with education, recreation and welfare needs. The Standard Guidelines for Corrections in Australia (2012) state that:

*“Prisoners should have access to a library, adequately stocked with both recreational and information resources, which is operated according to standard library practice. Prisoners should be encouraged to make full use of the library.”*

It is important that library services are available to inmates in some capacity, at Lithgow CC.

With the onset of the COVID-19 pandemic alternative library measures had been implemented whereby inmates requested library books through the unit officer. The librarian sourced the books and delivered them to the unit for distribution to inmates. Inmates reported that there was no record of books available which prevented them from making requests. Although it should not be the sole means of service, a mobile library would address this issue.<sup>91</sup>

Due to security issues there were no library services operating at the time of inspection. The inspection team was informed that the library would be reopening and available to inmates on Fridays. This has since been confirmed by CSNSW with a full-time inmate librarian employed and a mobile service provided to inmates in the SMU.<sup>92</sup>

**Recommendation 13: CSNSW ensure library services at Lithgow Correctional Centre are adequately managed and available to inmates.**

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90 Televisions are being purchased monthly and deployed throughout the centre with inmates in most need receiving first allocations. A rental scheme cannot be introduced until all cells have access to a television. Information provided by Corrective Services NSW 28 January 2022.

91 *Australian Library and Information Association Minimum Standard Guidelines for Library Services to Prisoner*, December 2015, cl8.1.

92 Information provided by Corrective Services NSW 28 January 2022.

### 3.7 Cultural activities

At the time of inspection, one third of the inmate population (33%, n=95) at Lithgow CC were Aboriginal. It is important that First Nations people are culturally supported in the custodial setting. There is one Aboriginal inmate delegate at Lithgow CC who represents Aboriginal inmates at monthly meetings of the Inmate Development Committee (IDC). Lithgow CC has three Aboriginal staff members. This is important given the high percentage of Aboriginal inmates at the centre; however, the centre would benefit from more Aboriginal staff. It is pleasing to learn that recruitment is underway for an identified Services and Programs Officer (SAPO) for Lithgow CC.<sup>93</sup>

The North Regional Aboriginal Programs Officer (RAPO) visits Lithgow CC on a roster basis. The RAPO provides support to the Aboriginal inmate delegate and Aboriginal inmates. They also coordinate and oversee the annual National Aborigines and Islanders Day Observance Committee (NAIDOC) celebrations at the centre. The COVID -19 pandemic interrupted regular visits to Lithgow CC by the RAPO. It has been difficult for the Aboriginal inmate delegate to manage the concerns of Aboriginal inmates, without the support of the RAPO.

There are no culturally specific programs or services for Aboriginal inmates at Lithgow CC. Aboriginal inmates would benefit from regular connection with Elders and Aboriginal community members through the Aboriginal Community Mentor Program. The Aboriginal Community Mentor Program supports inmates by linking them with their Aboriginal culture and connecting them to the Aboriginal community. The program also encourages inmates to engage in yarning sessions with the Elder.<sup>94</sup> It is important for this to be addressed at Lithgow CC to enable Aboriginal inmates to connect with Elders and to strengthen their understanding of cultural identity. The Inspector is aware of recent initiatives of CSNSW to implement a cultural strengthening course. The aim of the program is to build cultural identity and create a confident and resilient person who is willing to engage in programs to address offending behaviour. Lithgow CC would benefit from such a program. It is understood that communications are underway with the local Aboriginal Community to recommence the Aboriginal Community Mentor Program at Lithgow CC by November 2021. Offender Services and Programs is committed to ensuring this remains an ongoing program offered to all inmates at Lithgow CC and has the support of the Governor.<sup>95</sup> The Inspector also commends recent initiatives at Lithgow CC including the commissioning of Aboriginal murals and the establishment of an Aboriginal Inmate Committee.

**Recommendation 14: CSNSW address the cultural needs of Aboriginal inmates through programs and services and establishing a visiting Elder program to Lithgow Correctional Centre.**

### 3.8 External communications

Inmates maintain contact with family and friends through visits, phone and mail. During the COVID-19 pandemic and on direction from CSNSW, Lithgow CC made necessary adjustments so that inmates could continue connections with family and friends.

#### 3.8.1 Visits

Inmates receive visits with family and friends either in person, via Audio Visual Link (AVL) or tablet. The visits area facilitates all services. Visit bookings are made by visitors for weekend sessions with limited second sessions offered during the week. At the time of inspection COVID-19 restrictions limited visits to 30 minutes.

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93 Information provided by Corrective Services NSW, 5 November 2021. See footnote 25.

94 Information provided by Corrective Services NSW, 28 October 2020.

95 Information provided by Corrective Services NSW, 5 November 2021.

## In person visits

The inspection team observed weekend visits. COVID-19 screening questions were asked, and temperatures taken prior to entry to the centre. Visitors access the centre through a separate entrance from staff and there is a room with lockers where personal belongings can be stored securely. Visitors are processed one at a time and must present personal identification of a driver's licence or other means. Custodial staff then briefed visitors around COVID-19 requirements including children staying with their parent/ carer visitor, the wearing of masks, no food or drink permitted, and contact with inmates being limited to fist bumps, before escorting them to the visits area. Interactions between staff and visitors were observed to be friendly and respectful and staff were flexible and accommodating if visitors were running late.

Inmates enter the visits area through a separate entrance within the centre. Inmates are allowed to wear prison greens during visits and on completion of their visit are scanned for contraband. The scanning machine was recently introduced at the centre and has replaced the need for routine strip searches. This has been welcomed by inmates and staff and is to be commended. The ongoing challenge for CSNSW is to ensure sufficient custodial staff are trained to use the scanning machines and interpret their results accurately.

Visit sessions are also closely monitored to prevent the introduction of contraband into the centre. The Security Operations Group (SOG) regularly attend visits with drug detection dogs. There were three SOG officers present during ICS observations.



**Visits area and social distancing**



**Inmate body scanning machine**

## Tablet Visits

CSNSW introduced the use of tablets at the onset of the COVID-19 pandemic as a means of keeping inmates connected with family and friends.<sup>96</sup> Tablets are an easy means of communication between inmates and their families and friends. Tablet visits are favoured by many inmates at Lithgow CC who are able to see

<sup>96</sup> Commissioner's Instruction 2020/15, 'Novel Coronavirus (COVID-19) Interim Measure – Temporary inmate use of tablets with SIM cards in correctional centre visiting sections for social visits' 27 March 2020.

their families and children in their home environment. As the majority of inmates at Lithgow CC are not from the local area, tablets make visits more convenient, accessible and cost effective for families.

There are 10 tablets for use in Lithgow CC. Tablet visits are scheduled in the morning and occur in the visits room. Inmates are physically distanced within the visits room to comply with COVID-19 requirements and headphones are used to afford privacy. Officers supervising tablet visit sessions can see the inmate and the person on the other end of the call but cannot hear what is being said. Tablet visits are booked in 30-minute allocations with 23 minutes allocated to the visit and 7 minutes for cleaning and sanitising of the tablet. An inmate cleaner is responsible for cleaning all tablets after each visit. CSNSW continued the use of tablets when visits recommenced in correctional centres during the COVID-19 pandemic. This is to be commended and the Inspector recommends that tablet visits continue post pandemic, in addition to in person visits.

### Audio-Visual Link (AVL)

AVL facilities are predominantly used for legal visits and court matters. However, as a result of the cessation and reduction of in person visits during the COVID-19 pandemic, AVL facilities are also increasingly being used to connect with family and friends. The continuation of AVL is supported as an alternative means for families without internet connectivity at home.

### 3.8.2 Access to phone and mail

Inmates appeared to have good access to phones at Lithgow CC during their time out of cells with two phones in each wing of the accommodation units, three phones in the textiles workshop and one in the ration packing workshop. Inmates are permitted to use the phone whilst at work however, this is generally when families are at school and work. Tablets would help with this issue. Tablets have been used in other centres in NSW to allow inmates to speak with their families after inmates have been locked in their cells. At the time of inspection the Governor was hopeful that tablets would soon be available to inmates to use in their cells. It was pleasing to learn that tablets were introduced for use in cells at Lithgow CC in September 2021. In addition to this, phone access is now offered after lock in.<sup>97</sup> These additional measures will ensure inmates have the ability to regularly connect with family and friends.

Inmates may send or receive letters or parcels to persons who are not a restricted contact.<sup>98</sup> To combat contraband entering correctional centres through personal mail, inmate mail must now be photocopied for distribution. Originals are placed in a secure bin or shredded after the inmate acknowledges receipt of the photocopy.<sup>99</sup> The management of mail at Lithgow CC was concerning. The inspection team were told of careless photocopying of mail by custodial staff that resulted in inmates receiving illegible correspondence. Of greater concern, photocopied mail was being distributed by inmates and there were several examples provided of inmates receiving incorrect mail. This is an example of poor practice and failure to protect the privacy and safety of inmates.<sup>100</sup> The introduction of tablets may resolve this issue by allowing communication by email as well as access to phone calls in cells. This would address the contraband risk and remove the need for photocopying and hand delivery of mail.

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97 Information provided by Corrective Services NSW 28 January 2022.

98 *Crimes (Administration of Sentences) Regulations 2014* s110; *Corrective Services NSW Custodial Operations Policy & Procedures 8.1 Inmate mail* (December 2017).

99 See Commissioners instruction 86/2020 Amendment to photocopying of inmate mail.

100 *Crimes (Administration of Sentences) Regulations 2014* s110(2).

### 3.8.3 Access to lawyers and legal resources

Inmates can telephone, receive visits and hold AVL conferences with legal representatives. Due to the centre's distance from Sydney, telephone and AVL are the preferred means of communication.

AVL suites are used for court attendances and legal visits. Because of the increased number of remand inmates at the centre before the inspection and during the COVID-19 pandemic, there was a need for additional AVL facilities. Four additional AVL suites were installed at Lithgow CC, so there is now a total of six AVL suites in the centre with one in the SMU. This has been a positive for the centre, as it reduces the need to transport inmates to court or transfer inmates to other centres for the purpose of court attendance.

All inmates with court matters listed that day are brought to a holding cell near the AVL suites at 9.00am each morning. Court generally commences at 10.00am, However, depending on court lists an inmate may be waiting until after lunch for their matter to be heard by the court. If it is determined that an inmate is not required to appear by AVL, the centre will wait until they receive confirmation from the inmate's solicitor before returning the inmate to their unit. In some cases, this can be late in the day. Although lunch is provided to inmates in the AVL holding cells, there is little else for inmates to do.

### 3.8.4 Complaints

Inmates can raise issues of concern through the Inmate Corrective Services Support Line (CSSL) Inmate Delegate Committee (IDC) meetings, Official Visitors and the Ombudsman. The CSSL is a free telephone service for inmates in all correctional centres state-wide. The IDC meets monthly with management and was reported by inmates as functioning well. The ICS observed an IDC meeting at Lithgow CC. The IDC consists of an Aboriginal inmate delegate and an inmate representative from all accommodation units, excluding the SMU. The SMU inmates' concerns are primarily addressed through the CSSL, Official Visitor and Ombudsman.

There are two Official Visitors appointed to Lithgow CC. Each Official Visitor attends the centre fortnightly. Official Visitor photos and notices informing inmates of how they can assist were displayed in accommodation units. During COVID-19, additional services were put in place with the cooperation of CSNSW so that inmates could contact the Official Visitor Co-ordinator via phone and by mail.

Inmates at Lithgow CC are also able to call the NSW Ombudsman via the Common Auto Dial List (CADL) available on all inmate phones in the centre.

## 4. Rehabilitation

### 4.1 Classification and case management

#### 4.1.1 Classification

Every inmate managed in a correctional centre in New South Wales (NSW) must receive a classification to determine their security rating and centre placement.<sup>101</sup> Inmates must be classified as soon as practicable after being received into the correctional system.<sup>102</sup> Classification is reviewed annually and where appropriate an inmate's security rating is changed and/ or they are transferred to another centre.

The Classification and Placement Team (CPT) at Lithgow CC includes the Functional Manager, and the classification and placement officer who is responsible for monitoring, listing and producing documentation for classification reviews. The role of the CPT at Lithgow CC is to conduct 12-month classification reviews and unscheduled change of placement (COP) reviews. COP reviews are generally associated with behaviour and the need to review placement of an inmate within a NSW correctional centre.

The CPT makes a recommendation as to the approval or refusal of a change of classification and/ or placement. The recommendation requires ratification by the Governor at Lithgow CC and final approval from the CSNSW Deputy Manager Classification and Placement who approves, varies or declines the recommendations of the Lithgow CPT.

The inspection team observed a classification review. The CPT were professional and knowledgeable. Relevant material was considered, and the inmate was included in the review process and given the opportunity to provide input into the recommendation.

The inmate cohort at Lithgow CC includes inmates who are managed by the Serious Offenders Review Council (SORC). The role of the SORC is to provide advice and make recommendations to the Commissioner on the security classification and placement of serious offenders as well as program requirements and parole.<sup>103</sup>

At the time of inspection almost a quarter of inmates (n=55; 22%) were managed by the SORC. Separate classification procedures apply to SORC inmates. SORC classification reviews are informed by time remaining to the inmate's earliest possible release date (EPRD). At various time points calculated out from their EPRD long-term serious offenders will be considered for reclassification and possible placement in a lower security custodial environment. The process ensures that SORC inmates are appropriately managed and progressed through the correctional system before being released to the community.

Classification and placement decisions for non-SORC inmates are based on the individual's assessment of risk and what custodial environment and supervision levels best suit the inmate.<sup>104</sup>

It was therefore surprising to learn that all classification decisions, irrespective of whether the inmate was or wasn't managed by SORC, have regard to SORC guidelines about time based progression. The classification process is different for SORC and non-SORC inmates. It is important that classification processes are correctly applied across NSW correctional centres. CSNSW has informed the Inspector it will be providing training and education to Lithgow CC staff to ensure the classification practices are addressed.<sup>105</sup>

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101 *Crimes (Administration of Sentences) Regulations 2014* cl11.

102 Corrective Services NSW Policy for inmate classification and placement, 25 October 2019, V1.

103 See functions of Serious Offenders Review Council, *Crimes (Administration of Sentences) Act 1999* s197.

104 Corrective Services NSW Policy for inmate classification and placement, 25 October 2019, V1.

105 Information provided by Corrective Services NSW, 5 November 2021.

**Recommendation 15: CSNSW ensures classification and placement staff at Lithgow Correctional Centre are aware of and apply the differences in classification procedures for SORC and non-SORC inmates**

#### 4.1.2 Case management

The Case Management Unit (CMU) is responsible for developing and implementing inmate case plans. The CMU at Lithgow CC is well staffed. At the time of inspection there were six staff, including one senior case management officer (SCMO) and five case management officers (CMO). Those numbers were soon to increase to seven CMOs and two SCMOs. The CMU works collaboratively with community corrections, programs and education staff. Fortnightly case planning discussions are held with them to ensure their involvement in the continuous development of an inmate's pathway. The CMU also reported good relationships with custodial staff. They are currently training custodial staff in case note completion and appropriate inmate interventions.

Every inmate is allocated a CMO within two days of being received at Lithgow CC. CMOs work with the inmate to develop their case plan and most inmates at Lithgow CC have a case plan (78.5%).<sup>106</sup> Case plans are developed using the CSNSW Intervention Pathways model, which is a program mapping tool designed to identify an individualised case plan of programs and interventions that meets the inmate's criminogenic needs.

Access to inmates can be a challenge with only one interview room in each unit shared among centre staff. The interview rooms are positioned off the common area of accommodation units and some distance from the officer's station. The inspection team observed a case planning meeting being conducted in the accommodation unit. For safety reasons the interview room door was left open which made it noisy and the interview lacked privacy. The inspection found the interview rooms to be inadequate and unsafe and alternative arrangements should be made for inmate meetings.

On a positive note, the interaction between the CMO and inmate was professional. The CMO provided a clear explanation of the purpose of the meeting and what they would cover. There was also discussion around the inmate's program pathway.

SMU inmates who are on a protective custody order reported little contact with CMOs. This is concerning as many are long term inmates and do not participate in programs, education or work. They have no identified pathway or direction and are categorised as 'intervention suspended due to placement'. It is unacceptable for inmates to have no plan or direction around their time spent in custody. At the very least they should have a case plan that addresses a purposeful day. The number of protective custody inmates is increasing throughout NSW corrections. It is important that custodial policy and procedures address this cohort and how they can be best managed. Intervention pathways must be identified, and consideration given to how they might be delivered to those inmates. The recent introduction of tablets and remote learning formats in some centres should be explored.<sup>107</sup>

**Recommendation 16: CSNSW explore intervention pathways for long term inmates in the SMU at Lithgow Correctional Centre.**

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<sup>106</sup> Information provided by Lithgow CC 15 December 2020.

<sup>107</sup> See Parklea Correctional Centre and John Morony Correctional Centre.

## 4.2 Employment

Employment is important to inmates and is an essential part of their structured day at Lithgow CC. It provides an environment for inmates to learn, develop skills and earn money.

Lithgow CC operates three industries and four service units. In total they provide 243 employment positions for inmates at the centre. Industries include textiles, technology and ration packing. Internal service areas are the kitchen, facilities maintenance, ground maintenance and centre hygiene. There are also a small number of inmate positions in administration and the library.

At the time of the inspection the textiles workshop was managed by six overseers and employed up to 90 inmate workers. Those numbers were expected to reduce to five overseers and 75 inmates as part of the Prison Bed Capacity Adjustment Program (PBCAP). Two workshop areas allowed for the separation of inmate cohorts into general population and protection inmates. Textiles produce inmate clothing, sleepwear and linen as well as fulfilling external contracts for hospitals and private business. Until recently inmates were able to obtain qualifications in clothing and textile production.



**Textiles industries**

The technology unit is responsible for the distribution of inmate footwear to all NSW correctional facilities. Prior to the onset of the COVID-19 pandemic, work also included the refurbishment of Qantas headsets. Unfortunately, that contract has ceased. The industry currently employs three overseers and 45 inmate workers and is earmarked for closure as part of the PBCAP implementation. Inmates have been able to obtain qualifications in warehousing and logistics, and business studies. The centre remains hopeful that new industries can be created. This will replace lost inmate positions and create more employment opportunities for inmates. Whilst work is important for inmates in correctional settings, it is of greater benefit if the work allows them to learn and develop skills which help them to secure employment post release. Lithgow CC would benefit from CSNSW establishing industries that deliver meaningful work and training opportunities for inmates.

Ration packing is a new initiative at Lithgow CC. The industry is managed by three overseers and provides work for up to 45 inmate workers. The work involves making breakfast packs for distribution to correctional facilities throughout NSW. Inmates are also afforded the opportunity to obtain a qualification in warehousing and logistics, and business studies. Since the inspection, Lithgow CC has acquired a new business contract to assemble LED lighting units for installation in schools in New South Wales. The contract will provide work for 45 inmates and enable them to develop skills and attain industry qualifications in electronics and assembling work.<sup>108</sup>

<sup>108</sup> Information provided by Corrective Services NSW 28 January 2022.

Lithgow CC also has four internal service areas which provide work for inmates. They are facilities maintenance, ground maintenance, kitchen and centre hygiene. Table 5 details the work performed, inmate employee numbers and available training.

**Table 5: Internal service work and associated training for inmates at Lithgow Correctional Centre**

Internal Service Area	Inmate Employee Numbers	Work performed	Training certificates
Facility maintenance (4 overseers)	20	Planned and maintenance work at the centre.	Certificate II and II in associated trades
Ground maintenance (2 overseers)	30	Internal and external grounds of the centre. <sup>109</sup>	Certificate II and III in Horticulture.
Kitchen (2 overseers)	15	Reheating and distribution of CSI pre-packaged inmate meals.	food handling, cleaning operations and hygiene
Centre hygiene (1 overseer)	20	Daily cleaning of inmate accommodation units and various office areas within the centre.	cleaning operations and hygiene

All inmates must complete workplace induction training prior to commencing work. Training is performed by the workplace overseer and the Manager of Industries (MOI). Induction material appeared to cover all essential workplace health and safety (WH&S) requirements. Particular attention is given to inmates where English is a second language to ensure that they understand WH&S requirements. The inspection team noted adequate WH&S signage in all work areas. It was however concerning to observe an inmate brought into the health centre with an eye injury, arising in the workplace.

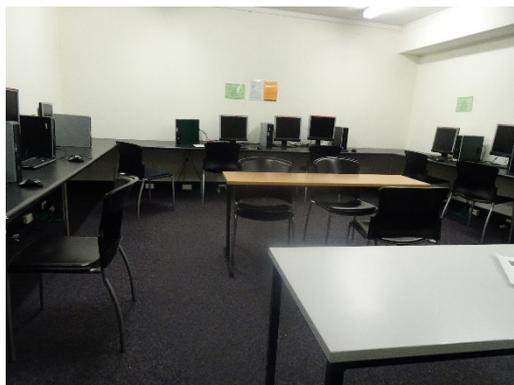
Inmates who refuse to work or display poor conduct in the work area are given warnings. Continued poor behaviour will result in the inmate being dismissed and charged with an institutional offence. They are also moved out of their cell and placed in the non-workers accommodation unit.

**Recommendation 17: CSNSW establish industries that deliver meaningful work and vocational training opportunities for inmates.**

<sup>109</sup> External areas are attended to daily by low security inmates from Kirkconnell Correctional Centre. The work unit employs 30 inmates across both areas.

### 4.3 Education and vocational training

Lithgow CC operates an Intensive Learning Centre (ILC) which provides education and offers foundation skills training to inmates. The ILC helps inmates develop learning and social skills that will enable them to participate in further education and work training opportunities. This generally involves building inmates literacy, numeracy and computer skills. In addition, the ILC offers vocational education training (VET) courses. VET courses are primarily delivered by a registered training organisation such as TAFE or BSI, with the assistance of ILC staff and work unit overseers.



**Intensive learning centre programs room**

Despite the identified training associated with industries and service units at Lithgow CC, actual VET opportunities at Lithgow are minimal. Vocational courses offered at Lithgow in the 12 months from 1 December 2019 to 30 November 2020 are detailed in table 6.<sup>110</sup>

**Table 6: Vocational training programs at Lithgow Correctional Centre from 1 December 2019 to 30 November 2020**

Course	Capacity	Participants
FSP Level 1-Dig Lit	35	17
FSP Level 2-LLN	1	1
FSP pre Cert LLN	1	1
ILC FSP Cert I	55	51
ILC FSP Cert II	75	67
ILC FSP pre Cert	2	2
ILC VOC units EESP	22	22
VTP - Cleaning Operations	17	14
VTP - Clothing and Production	11	10
WPT - First Aid	16	16
WPT - Food Safety	17	16
<b>TOTAL</b>	<b>252</b>	<b>217</b>

Participation rates for courses scheduled from March to October 2020 were impacted by COVID-19. No external providers were permitted to enter Lithgow CC and social distancing meant that participant numbers were reduced. In addition, one teacher and an education officer position became vacant which affected the

<sup>110</sup> Information provided by NSW Corrective Services Research and Evaluation Services, 16 December 2020.

ability to offer classes. Delivering education and training at Lithgow CC is further challenged when courses are discontinued by TAFE.

Over the 12 months from 1 December 2019 to 30 November 2020 the ILC conducted three classes per week. Fewer inmates at Lithgow CC and the movement of inmates to other centres also contributed to lower participation numbers and completion rates. Rolling enrolments have been introduced to meet viable class sizes and ensure ongoing education to inmates at Lithgow CC.

Inmates who work can also pursue education and training opportunities relevant to their workplace. Training is offered in warehousing, logistics and business studies. The facilities maintenance unit has also introduced a construction pathways traineeship for inmates. Painting internships and forklift licences are also being considered by the centre.

Inmates would also benefit from being able to undertake tertiary preparation and university programs. It is understood that these programs are available to inmates and supported by ILC staff but are subject to the flexibility of the tertiary education provider. Where possible inmates should be supported with access to information technology resources. ILC staff also expressed interest in delivering well-being programs, such as music and art, which are regarded as essential in supporting inmate's mental health and wellbeing. This should be pursued by the centre.

#### 4.4 Programs

Program offerings are minimal at Lithgow CC. The Intervention Pathway Model (IPM) and program map for Lithgow CC includes EQUIPS programs, Real Understanding & Self Help (RUSH) and CONNECT.<sup>111</sup> The IPM determines what programs are necessary for an inmate based on offence(s) committed and offending history. EQUIPS programs are central to the IPM and the primary source of intervention for addressing inmates' criminogenic needs.

Other programs offered at Lithgow CC include Health Survival Tips which help inmates take responsibility for their health and wellbeing whilst in custody. The Positive Lifestyle Program is a one-on-one program delivered to inmates by the Chaplains at Lithgow CC and NEXUS helps prepare inmates for their return to the community. Health Survival Tips and NEXUS have high completion rates at Lithgow CC with SAPO's completing these group-based activities in 1-1 sessions.<sup>112</sup>

Lithgow CC has adequate programs space and staff. There are six OS&P staff consisting of the Manager of Services and Programs (MOSP), a Senior Services and Programs Officer (SSAPO) and four Services and Programs Officers (SAPO). There are two areas in the Intensive Learning Centre allocated to program delivery. One area is used for SMAP inmates and the other for the general inmate population. No programs or services are delivered to inmates in the SMU. For a time, programs were being held for groups of two or three protective custody inmates in the SMU, but this has been discontinued. This needs to be addressed and for the centre to explore ways for programs to be delivered in the SMU.

SAPOs deliver IPM programs and assist with the welfare needs of inmates. They also prepare inmates for their return to the community and conduct NEXUS reintegration programs. Group facilitation and counselling skills are essential to the SAPO's role. Regular skills training would help SAPOs maintain a high standard of program delivery.

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111 The Intervention Pathways Model came into operation in July 2020 across all NSW correctional centres. RUSH addresses anti-social attitudes/beliefs; poor self-control; impulsivity; difficulties with self-management such as poor decision making and lack of interpersonal skills. CONNECT addresses key concepts such as logical and emotional thinking, acceptance, communication and resilience.

112 Information provided by Corrective Services NSW 5 November 2021.

Prior to the Covid-19 pandemic Lithgow OS&P was responsible for meeting the targets of Community Corrections located in the surrounding geographical locations.<sup>113</sup>The workload of OS&P staff must be reviewed if those duties are recommenced. Programs and services in both the centre and community are important to inmates and help to reduce recidivism and return to a custodial setting. It is essential that they be adequately staffed to meet the needs of inmates.

Program participation and completion rates are low at Lithgow CC. Centre data reveals mixed completion rates for the EQUIPS programs. See table 7 for details.

**Table 7: EQUIPS program completions - Lithgow Correctional Centre, 1 November 2019 to 31 October 2020<sup>114</sup>**

Program	Group	Participant Numbers	Completion numbers	Completion (%)
EQUIPS Addiction	Dec '19	11	6	55%
	April '20	13	10	77%
	June '20	9	4	44%
EQUIPS Aggression	Jan '20	7	0	nil
	March '20	14	7	50%
	Aug '20	7	0	nil
EQUIPS Domestic Abuse	Nov '19	5	5	100%
	Feb '20	7	0	nil

Program completion is dependent on a number of factors. Centre data shows that in the 12 months from 1 December to 30 November 2020 several factors impacted on program participation and completion. They were:

- placement of participants on segregation orders
- non-attendance by inmates at program sessions
- inmates removed from program
- inmates released to parole
- transfer of inmates to another centre for placement or to complete a program which is not offered at Lithgow CC
- non-compliant behaviour and attitude of inmate
- operational modifications around the mixing of inmates.

Program groups are small at Lithgow CC. If group numbers become critically low the program will cease to be delivered. Inmates at Lithgow CC are predominantly maximum security (n=178; 71%) and serving lengthy sentences. However, at the time of inspection 55% of inmates had two years or less to serve and 40% had less than 12 months to serve. Many of these inmates wanted to participate in programs but were ineligible due to the length of their sentence or because they had less than 12 months to serve before release.<sup>115</sup>

113 Information provided by Corrective Services NSW 5 November 2021.

114 Information provided by Lithgow CC 15 December 2020.

115 Information provided by Corrective Services NSW 5 November 2021.

## 4.5 Preparation for release

Lithgow CC is a maximum-security centre and should generally have low numbers of inmates discharged from the centre. Where possible, CSNSW should progress inmates to lower security settings prior to their return to the community. It was therefore surprising to discover that during the 12 months from 1 December to 30 November 2020, 224 inmates were discharged from Lithgow CC to the community.

Release planning is important as it helps inmates to successfully transition to the community. CSNSW offers the NEXUS program which is a release planning strategy designed to help inmates plan their release. The program consists of three streams. NEXUS 1 is an information booklet and questions that is completed by the inmate on reception into custody. NEXUS 2 is a worksheet completed as part of the inmate's case plan. It requires the inmate to set goals around release. NEXUS 3 is a comprehensive release plan completed six months out from the release date. It addresses family/ relationships, housing, finances, education and employment, health and support. The program provides for inmates to be helped in accessing social housing or Link2Home crisis accommodation. OS&P staff are required two weeks prior to release to provide a Centrelink reintegration phone call to the inmate to reinstate their Centrelink payments.<sup>116</sup> In the 12 months from 1 December to 30 November 2020, 220 inmates had participated in NEXUS 3 at Lithgow CC.<sup>117</sup>

The inspection team observed the release of an inmate directly from the SMU to parole. Although the release process was conducted in an orderly manner and interactions between staff and inmate were polite, the inmate did not have a post release plan. The reception officer discussed parole and reporting conditions with the inmate and property was checked with the inmate before being placed in a black plastic garbage bag. The inmate was handed a discharge certificate and the money held in his centre account. The inmate was not from the Lithgow area, had no accommodation and was unaware of what public transport was available to return to Sydney. CSNSW attribute this to staff shortages at the time of the inspection.<sup>118</sup>

Communication with JH&FMH staff around the discharge of inmates from custody also required improvement. Inmates must be seen by Network staff prior to release for medication and general health information.<sup>119</sup> Despite this, the inmate had not been seen by Network staff prior to their discharge from Lithgow CC. CSNSW reception staff are now required to ensure patients being released are taken to the health centre for any final assessment, release medications or health advice.<sup>120</sup>

**Recommendation 18: CSNSW review release planning and procedures at Lithgow Correctional Centre and ensure staff are adequately trained.**

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116 Information provided by Corrective Services NSW, 5 November 2021.

117 Information provided by NSW Corrective Services Research and Evaluation Services, 16 December 2020.

118 Information provided by Corrective Services NSW 28 January 2022.

119 Corrective Services NSW, Custodial Operations Policy and Procedures, 23.2 Release from Correctional Centres (December 2017).

120 Information provided by Justice Health and Forensic Mental Health Network, 26 October 2021.



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