



Justice  
Inspector of  
Custodial Services

# Inspection of 24-hour court cells in NSW

Produced by Inspector of Custodial Services

Level 3, 50 Phillip Street

Sydney NSW 2000

P: 02 8061 9331

W: [www.custodialinspector.justice.nsw.gov.au](http://www.custodialinspector.justice.nsw.gov.au)

June 2018

# Contents

Foreword.....	4
Acknowledgements.....	5
Glossary of terms.....	6
Executive summary.....	7
Recommendations.....	13
1. Introduction.....	16
2. Methodology.....	17
3. Summary of 24-hour court cells in NSW.....	18
4. Individual reports.....	20
4.1 Surry Hills Court Cell Complex.....	20
4.2 Dubbo Court Cell Complex.....	26
4.3 Moree Court Cell Complex.....	31
4.4 Wagga Wagga Court Cell Complex.....	35
4.5 Albury Court Cell Complex.....	38
4.6 Newcastle Court Cell Complex.....	40
4.7 Queanbeyan Court Cell Complex.....	45
4.8 Batemans Bay Court Cell Complex.....	49
4.9 Wollongong Court Cell Complex.....	51
4.10 Lismore Court Cells Complex.....	54
4.11 Port Macquarie Court Cell Complex.....	57
4.12 Amber Laurel Correctional Centre.....	60
4.13 Penrith Court Cell Complex.....	64
4.14 Parramatta Court Cell Complex.....	67
Annex A: Terms of reference.....	70

## Foreword

In my 2016-2017 Annual Report I observed that rising prisoner numbers continued to be the greatest challenge in the adult correctional system. To gauge the impact of increasing inmate numbers on 24-hour court cells an Inspection of all 24-hour court cells managed by CSNSW and the Amber Laurel Correctional Centre (CC) was announced in May 2017.

24-hour court cells are at the front-end of the correctional system. Correctional officers employed at court cells receive inmates directly from court or police custody, and commence the management and screening of inmates.

In practice, inmates are often demonstrating the physical effects of withdrawing from illegal and legal substances (alcohol and nicotine) during their time in court cells. At other times, inmates can demonstrate challenging behaviours due to mental health issues or distress due to the circumstances of being detained. The Inspection team witnessed first-hand the challenges staff face working in 24-hour court cells. Although it is important to note that not all inmates demonstrate challenging behaviours during their time in custody, the reality is that some do.

Many 24-hour court cell locations are in regional areas. This means the day to day operation relies on high levels of co-operation between custodial and other CSNSW staff, nursing staff and local police officers, who assist one another as required to ensure the safe custody of inmates in their care.

A number of the recommendations in this report have been informed by consultation with front-line officers in CSNSW and JHFMHN working at the 14 locations inspected. It is therefore pleasing that many recommendations have already been implemented by CSNSW and JHFMHN.

It is however important to acknowledge that some of the recommendations in the report cannot be implemented by CSNSW or JHFMHN alone. The NSW Police Force is responsible for the infrastructure at many 24-hour court complexes. Therefore, the implementation of a number of recommendations will require ongoing discussion between CSNSW and the NSW Police Force. Other recommendations will require continued collaboration between CSNSW and JHFMHN.

Fiona Rafter  
Inspector of Custodial Services  
June 2018

## Acknowledgements

The following people are acknowledged for their assistance and input into this inspection: all Court Escort Security Unit staff at CSNSW and JHFMHN staff at court locations. The Inspector also values the contribution of inmates who volunteered to participate in interviews for this report.

This inspection report owes much to the work of Senior Inspection and Research Officer Jonathen Rose and Graham Morrison who inspected all of the 24-hour court cells managed by CSNSW in NSW. They were ably assisted by Hugo MacDonagh. The contribution of Research Officers Chloe Bennett, Gabriella Smith and Brooke Dinning with research and report writing also requires acknowledgement.

The assistance of official visitors appointed to 24-hour court cells and the Amber Laurel CC is also greatly appreciated.

Acknowledgement is also extended to the staff of Corrective Services NSW and the Justice Health and Forensic Mental Health Network, who provided information and data to support this inspection.

## Glossary of terms

<b>ACLO</b>	Aboriginal Community Liaison Officer
<b>buy-up</b>	Items inmates can purchase using their own money
<b>CC</b>	Correctional Centre
<b>CCC</b>	Court Cell Complex
<b>CSI</b>	Corrective Services Industries
<b>CSNSW</b>	Corrective Services NSW
<b>Governor</b>	Governor of a correctional centre
<b>Inspector</b>	Inspector of Custodial Services
<b>JHFMHN</b>	Justice Health and Forensic Mental Health Network
<b>Movement</b>	When an inmate is already in custody and is transferred from a prison to a court cell for court
<b>OPM</b>	CSNSW Operations Procedures Manual
<b>Received</b>	When an inmate is received into custody from court or the police
<b>the Act</b>	<i>Inspector of Custodial Services Act 2012</i>

## Executive summary

The responsibility for the safety and wellbeing of inmates, as well as the security and management of a custodial facility, is complex and presents numerous challenges to those tasked with this role. The challenges of managing inmates detained in 24-hour court cells are equally demanding, and staff in these facilities manage distinct risks on a daily basis.

The inspection of all 13 24-hour court cells complexes in New South Wales, as well as the Amber Laurel Correctional Centre (CC), occurred in May and June 2017. The inspection team was impressed with the general standard of professionalism and duty of care demonstrated by NSW correctional officers and Justice Health & Forensic Mental Health Network (JHFMHN) staff throughout the inspection of 24-hour court cells in NSW. The majority of inmates interviewed spoke positively of the professional standard of treatment provided by staff, something that Corrective Services NSW (CSNSW) and JHFMHN should be commended for.

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

The physical constraints of 24-hour court cell locations create challenges for staff and inmates. That is why inmates should only be detained in these locations for the shortest possible period of time.

Section 72(3) of the *Crimes (Administration of Sentences) Act 1999* prescribes that, 'Despite any other provision of this Act, an inmate is not to be held in a police station or court cell complex (CCC) for more than 7 days at a time.' Although this is a legislative requirement, it should also be a practical goal of CSNSW that inmates are detained for the shortest possible time at these locations. The reason being is that the design of court cells is basic. For example, each cell contains a concrete bench and mattress for inmates to sleep on, a toilet and access to fresh water. Inmates have restricted access to basic entitlements that are available to the majority of inmates who are detained at a correctional facility including telephone calls, visits, time out of cell, and exercise.

Data provided by CSNSW for the 2016-17 financial year shows that there were 29,166 inmate receptions at 24-hour court cells across NSW, of which 141 inmates or less than 1 per cent were held beyond the seven day maximum.<sup>1</sup> Not surprisingly, Surry Hills CCC had the largest number of receptions (9035) and the equal highest number of inmates held beyond seven days (29). Amber Laurel CC had the second highest number of receptions (6670) and 29 inmates held beyond seven days. Lismore (17), Penrith (20) and Port Macquarie CCCs (14) had the next highest number of overstays. Eleven inmates were held for more than seven days at Parramatta CCC which is of particular concern, due to the conditions at these cells. The longest recorded stay for an inmate was 32 days at Wollongong CCC.<sup>2</sup>

Of note, in the past 12 months CSNSW has implemented a system that monitors daily the length of time an inmate is detained in the court cells. This system has assisted in reducing the length of time inmates are held at 24-hour court cell locations. The inspection team found that the new monitoring system has had some success; however, there are still opportunities for continuous improvement to ensure that inmates are transferred to a correctional facility as soon as possible. As such, the Inspector recommends that CSNSW develops a monitoring system to ensure that inmates are not detained in court cells longer than seven days.

---

1 CSNSW data.

2 As advised by CSNSW at 29 August 2017. CSNSW notified that this may be a data quality issue and it is highly unlikely that an inmate was held for that length of time.

The inspection team also received reports that some inmates who had been identified as being 'at risk' of self-harm or suicide were being detained at court cells, due to a limited number of suitable beds available at correctional facilities. It is noted that CSNSW is expanding facilities to increase bed availability.

At the time of the inspection, CSNSW was in the process of implementing a policy and procedure that prioritises the transfer of at-risk inmates from 24-hour court cell locations to CCs. The rationale for this policy change is that correctional facilities are better resourced to deliver medical, mental health and psychological services to inmates.

CSNSW provides JHFMHN with a daily report of the inmate population in CSNSW, including inmates held at court cells. In December 2015, daily bed flow meetings were implemented by JHFMHN staff including 24-hour court cell locations. The Access and Demand Management Nurse Manager is currently providing advice to CSNSW on best practice in relation to patient flow processes.

JHFMHN has a system in place at Surry Hills CCC to classify patients into different risk groups to prioritise patients with more immediate health needs for transfer. Newcastle CCC also has a system in place for the transfer of patients with identified risk factors including a daily monitoring system. Recently CSNSW representatives have been attending the daily meetings and this has reportedly assisted with patient movements.

CSNSW and JHFMHN should continue to work together to monitor inmate bed availability and prioritise the transfer of at risk inmates and inmates with immediate health needs at all court cell locations.

### **The conditions and treatment of inmates**

The inspection team found the majority of 24-hour court cells presented as clean and hygienic; however, some cell locations required more regular or thorough cleaning. In all locations, the skylights were dirty and in need of cleaning to allow natural light to access the cells. This would enhance the workplace for staff and the amenity for inmates. While the maintenance contract is not the responsibility of CSNSW, it is important that CSNSW work with the NSW Police Force to address issues such as this in relation to maintenance and cleaning.

Some court cells were designed to afford a greater level of privacy to inmates using toilets and showers, and it is recommended that all locations are reviewed to enhance privacy where possible, without compromising safety and security. Some court cells had badly scratched observation windows that impaired the view of the cell during welfare and security checks. CSNSW are consulting with the NSW Police Force to replace these observation windows and improve privacy for inmates when using the toilet and shower facilities.

All court cell locations were inspected for potential ligature or hanging points. Except for Newcastle and Parramatta court cells, there were no obvious potential ligature or hanging points identified. CSNSW should risk assess and remove any potential hanging or ligature points in court cells.

The use of televisions can reduce frustration and alleviate boredom for inmates. At some CCCs there were no televisions or they were not in working order. Broken television systems should be repaired. CSNSW is seeking to repair the television systems that are not in working order through the submission of a minor capital works proposal.

### **The provision of and access to health services (provided by JHFMHN)**

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



Section 236A(a) of the same Act sets out that Justice Health is to provide health services to offenders and other persons in custody within the meaning of section 249. This includes the provision of health care in specified Police Cells Complexes and CCs.<sup>3</sup>

JHFMHN provides a service at the majority of 24-hour court cell locations and Amber Laurel. The seven locations where JHFMHN has a presence includes the busiest 24-hour court cell locations. At all of these locations, CSNSW staff spoke highly of their JHFMHN colleagues and commented on the importance of having nursing staff in the 24-hour court cells to assess and treat inmates and dispense medication.

The JHFMHN policy outlines the health services to be provided at police cell complexes. Subject to access to patients, health provision includes health status assessment, first-aid and treatment of minor injuries, continuation of medical treatment prior to custody and administration of prescribed, Nurse Initiated and Standing Order medications. JHFMHN staff are also responsible for ensuring that an individual's health needs are followed up while in 24-hour court cells that are staffed by JHFMHN nursing staff. When a patient who is on an Opioid Substance Treatment (OST) program is held in the 24-hour court cells that have JHFMHN services on site, it is the responsibility of the JHFMHN police cell nursing staff to ensure dosing of the OST patients occur. If there are no JHFMHN nursing staff the patient is to be moved to a site where there are nurses as soon as practicable.

Inmates with known medical conditions are not transferred to the Penrith and Parramatta court cells, as there is no JHFMHN staff presence. At the other four locations where there is no JHFMHN presence (Albury, Wagga Wagga, Queanbeyan and Dubbo) CSNSW staff spoke of the challenges of not having JHFMHN to provide health services to inmates. In the absence of JHFMHN staff at Albury, Wagga Wagga, Queanbeyan and Dubbo, JHFMHN provide a 24-hour telephone support service. This service is available to all 24-hour court cells where there is no JHFMHN presence or when JHFMHN staff are not present. In practice, this often results in inmates who require medical assistance for minor complaints being transferred to hospital. In recognition that this poses a potential risk of escape, two correctional officers are required to escort the inmate and provide security at the hospital. Inmates requiring hospitalisation for minor complaints have an impact on Health and CSNSW resources.

For inmates requiring medication, either local practices have developed, or correctional officers are required to manage, store and distribute inmate medications. This includes Schedule 8 drugs, classified as those of addiction that require secure storage, recording in a register and appropriate auditing.

Due to the impact on inmates and correctional officers at locations where there is no JHFMHN presence, it is recommended that JHFMHN and CSNSW conduct a review of how Schedule 4D and 8 prescribed medications are administered and issued to inmates. It is important for the agencies to work together to ensure that their respective policies are consistent and comply with legislative provisions. JHFMHN and CSNSW have commenced liaising with each other to provide guidelines for custodial officers in CCCs where there is either no JHFMHN staff or for times when there is no nurse on duty.

The current JHFMHN service provision reflects that from July 2015 to December 2016 patient numbers in Batemans Bay, Port Macquarie, Lismore and Wollongong were low. Surry Hills CCC and Amber Laurel CC experienced an increase in patients during the same period and more recently. These two police cell complexes are required to assess and clear each patient before transfer to Penrith and Parramatta Court Cells, which are not staffed by JHFMHN. CSNSW data for 2016-17 shows that there were 465 receptions at Batemans Bay, 1074 receptions at Port Macquarie, 1285 receptions at Lismore, 1844 receptions at Wollongong, 6670 receptions at Amber Laurel CC and 9035 receptions at Surry Hills CCC. Accordingly, JHFMHN should consider increasing services at Surry Hills CCC and Amber Laurel CC.

---

3 Justice Health and Forensic Mental Health Network (2014) *Court and Police Cell Complexes (Adults) Healthcare Responsibilities (Policy Number 1.111)*, Justice Health and Forensic Mental Health Network, Sydney.

Although JHFMHN regularly review demand for health services at all court cell locations where they are present to inform service delivery decisions, JHFMHN do not currently monitor demand for health services in court cells in Albury, Wagga Wagga, Queanbeyan and Dubbo. JHFMHN and CSNSW should jointly monitor inmate reception numbers and patient flows to ensure adequate health coverage of all 24-hour court cells with locations and times to be negotiated between CSNSW and JHFMHN, having regard to the distinct needs of each location.

To address the issue of medication administration and provide equitable services to patients in rural and remote locations, JHFMHN could provide a service at all 24-hour court cell locations. However this would require additional funding.

### **Access to legal representatives**

Access to legal visits or legal phone calls was available at all 24-hour court cell locations as per CSNSW standard practice. However, some locations allowed more phone calls to legal representatives than others. CSNSW explain the different practices in different locations as being dependent on existing operational constraints. It is important that inmates at 24-hour court cell locations have access to their legal representatives to prepare for court appearances, bail applications and to assist in meeting bail conditions.

### **Relevant standards, legislation, policies and procedures**

Although the professional standard of staff was consistent across all locations, there was some variance in the operational practices between court cell locations. CSNSW has advised that correctional officers are expected to operate in accordance with the *CSNSW Operations Procedures Manual (OPM)*,<sup>4</sup> however, most court cell staff would like specific operational protocols for court cells that recognise the difference between court cells and CCs.

It is clear that, in the absence of specific standards relating to court cells, staff create local practices. For example, at some locations, cell lights are either dimmed or turned off at night time, while at other locations the lights are kept on 24-hours a day, making it difficult for inmates to sleep. Rule 43 of the UN Standard Minimum Rules for the Treatment of Prisoners prohibits the 'placement of a prisoner in a dark or constantly lit cell'.<sup>5</sup>

There were also variances in the clothing, bedding and food provided, with many locations not adhering to the OPM. As discussed in the report *Prison Greens: The clothing and bedding of inmates in NSW*, throughout the state, protocols relating to clothing issue varies widely. In some locations, inmates are only offered a clothing allocation after 72 hours. At others, only transit inmates or inmates in court cell locations who have been refused bail from a magistrate receive a clothing allocation. While appreciating that inmates generally stay a short time in court cells, it is not appropriate to have inmates in court cells without a change of clothes for several days. Clothing orders are compiled on a needs basis for 24-hour court cell locations and Officers in Charge are responsible for conducting regular audits of inmate clothing. The Inspector believes the court cells should conform with operational procedures, unless there is a specific protocol created for court cells.

---

4 Custodial Services NSW (2014) *Operations Procedures Manual*, <<http://www.correctiveservices.justice.nsw.gov.au/Documents/Policy-Correctional-Centre-Staff-Rotation.pdf>>, Custodial Services NSW, Sydney. The OPM was in effect at the time of the inspections conducted for this report. It was replaced by the Custodial Operations Policy and Procedures in December 2017. Some sections of the Custodial Operations Policy and Procedures are still under review by CSNSW.

5 'Rule 43', *UN Standard Minimum Rules for the Treatment of Prisoners* (Nelson Mandela Rules), 2015.

Although family visits are not possible in 24-hour court cell locations, it is important that inmates are able to contact their family or friends to let them know of their safety and whereabouts. The majority of staff and inmates said that allowing inmates to have a phone call after admission helped to reduce frustration and anxiety. Some court cell locations allow a daily phone call, while others only allowed a phone call after several days in custody.

The inspection team found that the absence of specific protocols for court cells explains the many differences encountered between court cell locations. CSNSW have recently revised Operational Procedures which are accessible to staff at court cells. However, a standardised operating practice for court cells may provide staff with an additional level of confidence of inmate management, in accordance with CSNSW expectations.

It was also apparent that some correctional officers were not up to date with the training requirements of their role, for a variety of reasons. The Security Operations Group in CSNSW coordinate and utilise field training officers to conduct firearms refreshment training for staff at court cells. Compliance with mandatory training requirements should be monitored. For example, correctional officers who handle weapons must complete an annual firearms refresher training course. It was also noted that some staff did not have up to date first-aid training. An audit is to be undertaken and first-aid training provided as required.

At some locations, there were few or no female correctional staff. It is acknowledged that the number of female inmate receptions at any given location is unpredictable, and CSNSW aim to deploy female officers where required. Fortunately, in most locations, the court cells are co-located or in close proximity to a police station and court cell staff are able to request assistance from female police officers to assist with searching female inmates. Although these local arrangements appear to operate well, it would be preferable if there were sufficient female correctional officers employed and rostered to conduct searches in court cells.

## **Infrastructure and maintenance**

Historically, the management of inmates in 24-hour court cells was the responsibility of the NSW Police Force. In 1999, the responsibility was transferred to CSNSW.<sup>6</sup> This enabled more police officers to be tasked to front line policing duties in the community, rather than inmate management in court cells.

Although the role of court cell security and inmate management was transferred to CSNSW, the NSW Police Force retained the infrastructure responsibility for the buildings. This was because the majority of 24-hour court cells are located within a police station. Despite this arrangement having been in place for over a decade, the inspection team found there is ongoing confusion over the responsibility for maintenance and repairs in court cells.

Although CSNSW support recommendations relating to maintenance and repairs in court cells, consultation is required with the NSW Police Force as it is responsible for managing the maintenance of court cells.

The inspection team was informed that a draft Memorandum of Understanding between the NSW Police Force and CSNSW was developed in April 2005. It would be preferable if the Memorandum of Understanding was finalised so that the roles and responsibilities of the respective agencies in relation to maintenance and repairs is clarified. This will facilitate maintenance issues such as painting, replacement of damaged observation windows and repairs to air-conditioning and televisions being addressed.

---

<sup>6</sup> *Crimes (Administration of Sentences) Act 1999.*

## Other related matters

At the time of the inspection, Official Visitors had been appointed to some but not all 24-hour court cell locations. Official Visitors provide an important oversight mechanism in the system and should regularly visit all 24-hour court cell locations. The Minister for Corrections, accepted a recommendation and appointed Official Visitors to all operational 24-hour court cells from 1 October 2017.

The Amber Laurel CC was also inspected. Unlike 24-hour court cells, Amber Laurel has a secure yard, program and visits areas, as well as a sporting oval. While such facilities are available, the centre is operated as a CCC rather than a CC. Consequently, the inspection team found that inmates are being held for periods in excess of seven days in circumstances where inmate time out-of-cell is minimal; inmates do not receive telephone calls or visits; and there are no programs or activities available for inmates. The circumstances in which inmates are being held at Amber Laurel has also been raised by the NSW Ombudsman. The NSW Ombudsman was concerned at the length of time inmates were being held at Amber Laurel with minimal association, exercise, and access to phones and visits. Accordingly, the role and function of Amber Laurel as either a CC or CCC requires clarification. CSNSW have indicated an intention to operate the centre as a 24-hour court cell, holding inmates for less than seven days.

The Parramatta and Penrith CCCs were also inspected. At the commencement of the inspection in May, CSNSW advised that these court cells were no longer in use. However, it became apparent over the course of the inspection that, due to overcrowding, these court cells were being intermittently opened on a short-term basis to alleviate bed pressure. The Parramatta CCC has subsequently been decommissioned by the NSW Police Force. In the circumstances, the Parramatta CCC should no longer be utilised by CSNSW even on a short term basis.

Over the course of the inspection, the inspection team observed many areas of good practice across various locations. At some court cells, correctional officers provide inmates with a supervised daily telephone call to family. At one court cell there is an exercise cell with natural light. At the busiest court cell, there is a Welfare Officer present five days a week to assess and assist inmates. At one of the regional locations, where there is a high number of Aboriginal inmates, there is an Aboriginal Community Liaison Officer (ACLO); and, at other court cells, there are mental health nurses. These are all important local initiatives and to be commended.

Many correctional officers made constructive suggestions aimed at reducing inmate anxiety and enhancing staff safety in court cell locations. One such suggestion was the provision of nicotine lozenges to inmates who are withdrawing from nicotine. This is currently available at CCs, but not at 24-hour court cell facilities.

As CSNSW staff, JHFMHN staff and inmates took time and effort to constructively participate in the inspection process, 14 individual reports feature in the body of this document. Each report is relevant to the findings and recommendations, some of which relate to specific court cell locations and others that relate to all court cell locations.

In total, there are 36 recommendations in this report. Recommendations one to 24 apply system-wide to all court cells in NSW, as they relate to matters of importance concerning inmate welfare, amenities, risk management, operational safety and staff capacity. These recommendations are presented in the following section. Recommendations 25 to 37 relate to particular CCCs. These recommendations appear within the body of the text of the relevant court cell report and they are also reproduced in the following section.

# Recommendations

## Admission and length of time spent in court cells

1. The Inspector recommends that CSNSW develops a monitoring system to ensure that inmates are not detained in 24-hour court cells longer than seven days.
2. The Inspector recommends that inmates who have been identified as being at risk of self-harm are prioritised for movement to a correctional centre.
3. The Inspector recommends that CSNSW and JHFMHN continue to work together to monitor patient flow and inmate bed availability to enable the transfer of at risk inmates and inmates with immediate health needs to correctional centres.
4. The Inspector recommends that all court cell staff are trained in CSNSW policy and practices in relation to the management of inmates who are at risk of self-harm.

## Conditions and treatment of inmates

5. The Inspector recommends that, upon admission, CSNSW facilitate inmates making urgent welfare related telephone calls to family or significant others in accordance with the *CSNSW Operations Procedures Manual*.<sup>7</sup>
6. The Inspector recommends that inmates at all 24-hour court cells are provided with adequate clothing and bedding, as per the *CSNSW Operations Procedures Manual*.
7. The Inspector recommends that the standard of food for inmates detained at 24-hour court cells should be in accordance with CSNSW policy.
8. The Inspector recommends that 24-hour court cells are cleaned daily by professional cleaners.
9. The Inspector recommends that skylights at all 24-hour court cells are cleaned on a regular basis.
10. The Inspector recommends that television sets in 24-hour court cells that are not in working order are repaired.
11. The Inspector recommends that cell lights should be dimmed at night time at all 24-hour court cell locations to a level that does not compromise security.
12. The Inspector recommends that badly scratched observation windows be replaced, so officers have a clear view of inmates during welfare and security checks.
13. The Inspector recommends that, where appropriate, toilets and showers are provided with privacy screens to provide inmates with privacy while using these amenities.

## The provision of and access to health services

14. The Inspector recommends that JHFMHN and CSNSW conduct a review of how Schedule 4D and 8 prescribed medications are administered and issued to inmates to ensure that their respective policies on the handling of Schedule 4D and 8 drugs are consistent and comply with legislative provisions.
15. The Inspector recommends that JHFMHN consider increasing services at Surry Hills CCC and Amber Laurel CC.
16. The Inspector recommends that JHFMHN and CSNSW jointly monitor inmate reception numbers and patient flows to ensure adequate health coverage of 24-hour court cells with locations and times to be negotiated between CSNSW and JHFMHN, depending on the distinct needs of each location.

---

<sup>7</sup> Recommendations relating to the *Operations Procedures Manual* should be regarded as applicable to equivalent provisions of the Custodial Operations Policy and Procedures introduced in December 2017.

## **Access to legal representatives**

17. The Inspector recommends that inmates at all 24-hour court cells should be permitted to contact their legal representative.

## **Infrastructure and maintenance**

18. The Inspector recommends that CSNSW enters into a Memorandum of Understanding with the NSW Police Force which clarifies the roles and responsibilities of each agency, particularly in relation to the maintenance, repairs and cleaning of 24-hour court cells.
19. The Inspector recommends that 24-hour court cells with air-conditioning are monitored on a regular basis to ensure the temperature is an acceptable level for staff and inmates.
20. The Inspector recommends CSNSW risk assess and remove any potential hanging and ligature points from court cell complexes.

## **Operational standards**

21. The Inspector recommends that CSNSW incorporates specific 24-hour court cell procedures within the Custodial Operations Policy and Procedures.

## **Staff training and profile**

22. The Inspector recommends that all correctional officers at 24-hour court cells are current in first-aid competency.
23. The Inspector recommends that all correctional officers who are required to carry a firearm should complete the CSNSW annual firearms refresher training course.
24. The Inspector recommends that CSNSW ensures an appropriate number of female officers are rostered in 24-hour court cells locations to undertake searches of female inmates.

## **Court cell specific**

25. The Inspector recommends that the doors for the male showers at Surry Hills Court Cell Complex are repaired and replaced, so inmates are provided with privacy when showering.
26. The Inspector recommends that the nurse's station at Surry Hills Court Cell Complex is refurbished to create a separate office for the Nurse Unit Manager from the consultation room, provide an additional consultation room and replace the existing flooring.
27. The Inspector recommends that consideration be given to installing a television system at Dubbo Court Cell Complex, like that at Moree Court Cell Complex.
28. The Inspector recommends that the position of the Aboriginal Community Liaison Officer at Dubbo Court Cell Complex is funded as a full-time permanent position.
29. The Inspector recommends that CSNSW conducts a review of staff facilities at Dubbo Court Cell Complex.
30. The Inspector recommends that CSNSW considers creating an Aboriginal Community Liaison Officer position at 24-hour court cell locations, such as Wagga Wagga, Albury and Moree.
31. The Inspector recommends a security review of Albury Court Cell Complex.
32. The Inspector recommends CSNSW considers alternatives for inmates to gain access to and from the top bunk beds at Newcastle Court Cell Complex.

33. The Inspector recommends that benches are installed at Batemans Bay Court Cell Complex for inmates to sit and sleep on.
34. The Inspector recommends that Wollongong Court Cell Complex is repainted to cover graffiti.
35. The Inspector recommends that inmates should not stay longer than seven days if CSNSW operates Amber Laurel Correctional Centre as a 24-hour court cell complex.
36. The Inspector recommends that Parramatta Court Cell Complex is no longer used by CSNSW.
37. The Inspector recommends the report is made public immediately.



# 1. Introduction

The office of the Inspector of Custodial Services was established by the *Inspector of Custodial Services Act 2012* (the Act) in October 2013. The mandate of the office is to provide independent scrutiny of the conditions, treatment and outcomes for adults and young people in custody, and to promote excellence in staff professional practice.

The principal functions of the Inspector, as set out in section 6 of the Act, are as follows:

- to inspect each custodial centre (other than juvenile justice centres and juvenile correctional centres) at least once every 5 years,
- to inspect each juvenile justice centre and juvenile correctional centre at least once every 3 years,
- to examine and review any custodial service at any time,
- to report to Parliament on each such inspection, examination or review,
- to report to Parliament on any particular issue or general matter relating to the functions of the Inspector if, in the Inspector's opinion, it is in the interest of any person or in the public interest to do so,
- to report to Parliament on any particular issue or general matter relating to the functions of the inspector if requested to do so by the Minister,
- to include in any report such advice or recommendations as the Inspector thinks appropriate (including advice or recommendations relating to the efficiency, economy and proper administration of custodial centres and custodial services),
- to oversee Official Visitor programs conducted under the *Crimes (Administration of Sentences) Act 1999* and the *Children (Detention Centres) Act 1987*,
- to advise, train and assist Official Visitors in the exercise of the functions conferred or imposed on them under those Acts,
- such other functions as may be conferred or imposed on the Inspector under this or any other Act.

In addition to the purpose and powers of the Inspector as detailed in the legislation, the Inspector also has a responsibility to ensure that ethical and professional practice is observed across the custodial environment in NSW.

As part of the legislative requirements, the Inspector has a statutory responsibility to inspect all 24-hour CCCs throughout NSW. In total, there are 11 full-time facilities and two separate locations, which are used on an occasional basis. The full list is as follows:

## Full-time use:

- Surry Hills CCC
- Dubbo CCC
- Moree CCC
- Wagga Wagga CCC
- Albury CCC
- Newcastle CCC
- Queanbeyan CCC
- Batemans Bay CCC
- Wollongong CCC
- Lismore CCC
- Port Macquarie CCC



**Part-time use only:**

- Penrith CCC
- Parramatta CCC

The Amber Laurel CC was also included in this inspection, as it is operated like a 24-hour CCC.

This inspection looked at the following aspects relating to inmates detained in custody at 24-hour court cells across NSW.

1. Admission and length of time spent in court cells
2. The conditions and treatment of inmates
3. The provision of and access to health services (provided by JHFMHN)
4. Access to legal representatives
5. Infrastructure and maintenance
6. Relevant standards, legislation, policies and procedures
7. Any other related matter.

## **2. Methodology**

The inspection consisted of onsite visits to each CCC by a Senior Inspection and Research Officer and a consultant during May and June 2017. Structured and semi-structured interviews were conducted with senior management, including the General Manager, Regional Managers, a senior police officer, officers in charge of court cells, correctional officers, an ACLO, Nurse Unit Managers, Clinical Nurses, Mental Health Nurses, a Welfare Officer, Official Visitors, representatives from NSW Legal Aid and the NSW Ombudsman. Importantly, a number of male and female inmates were also interviewed by the inspection team. Secondary data was provided by CSNSW and JHFMHN.

### 3. Summary of 24-hour court cells in NSW

	Inmate receptions (2016-17) Data supplied by CSNSW	Number of inmates who stayed longer than statutory maximum of seven days	JHFMHN presence	Prison-issued clothing available	Inmate access to television	Access to natural light	Privacy screens for toilets	Exercise area	Phone access	Audio-video link (AVL)	Obvious hanging or ligature points in holding cells
Albury CCC	759	2	No	Yes	Yes	Yes, (however, skylights require cleaning)	Yes	No	Yes, limited	No	None identified
Amber Laurel CC*	6670	29	Yes	Yes	Yes	No	No	Yes, but not used on a daily basis	No	Yes	None identified
Batemans Bay CCC	465	3	Yes	Yes	Yes	No	No	No	Yes, reception call	Yes	None identified
Dubbo CCC	1108	1	No	Yes	Yes, outside cells	No	Yes, in some cells	No	Yes, limited	No	None identified
Lismore CCC	1285	17	Yes	Yes	Yes	No	Yes, in some cells	No	Yes, limited	No	None identified
Moree CCC	441	3	Yes	Yes	Yes	Yes (exercise yard only)	No	Yes	Yes, limited	Yes	None identified
Newcastle CCC	2883	2	Yes, limited	Yes, limited	Yes	No	No	No	No	No	Yes
Parramatta CCC	1413	11	No	No	No	Yes, in some cells	No	No	Yes, one call per day	No	Yes

	Inmate receptions (2016-17) Data supplied by CSNSW	Number of inmates who stayed longer than statutory maximum of seven days	JHFMHN presence	Prison-issued clothing available	Inmate access to television	Access to natural light	Privacy screens for toilets	Exercise area	Phone access	Audio-video link (AVL)	Obvious hanging or ligature points in holding cells
Penrith CCC	987	20	No	Yes	Yes	Yes, in some cells	Yes	No	Yes, one call per day	No	None identified
Port Macquarie CCC	1074	14	Yes, limited	Yes	Yes	No	Yes, in some cells	Yes, very limited	Yes, inmates receive a call every 72 hours.	No	None identified
Queanbeyan CCC	357	5	No	Yes	Yes, outside cells	Yes, in some cells	No	No	Yes, one call per day	Yes	None identified
Surry Hills CCC	9035	29	Yes	Yes	Yes, some are not in working order or otherwise switched off	No	No	No	Yes, limited	Yes	None identified
Wagga Wagga CCC	845		No	Yes	No	No	No	No	On reception only	Yes	None identified
Wollongong CCC	1844	5	Yes	Yes	Yes, outside cells	No	Yes	No	Yes	Yes	None identified

\* Amber Laurel is a gazetted correctional facility.

## 4. Individual reports

### 4.1 Surry Hills Court Cell Complex

#### 4.1.1 Overview

The Surry Hills CCC, located in the Surry Hills Police Station on Goulburn Street, Sydney was inspected on 4 May 2017. The NSW Police Force is responsible for managing the maintenance contracts for the building and infrastructure. The court cells are managed and operated 24-hours a day, seven days a week by CSNSW.

The holding capacity is 87 inmates across 30 cells, and includes male and female inmates who are detained in separate sections of the building. In the previous reporting period (2016-17 financial year), there were 18,069 movements, making these court cells the busiest in NSW. CSNSW advises that 22 correctional officers are employed at the cells and rostered across three separate eight-hour shifts.

In relation to security and wellbeing, there have been no deaths in custody; however, there has been one inmate escape from custody in the past 12 months. At the time of the inspection, this incident was the subject of an internal review by CSNSW.

#### *Previous inspection of Surry Hills CCC*

Surry Hills was inspected in 2015 and 2016. The earlier inspection identified issues relating to the condition of mattresses, and inadequate provisions of clothing and bedding for inmates. Other issues identified related to the standard of cells, the high amount of graffiti, and hygiene problems caused by the lack of a rigorous cleaning schedule. These issues, also raised through Official Visitors reports, were tabled in the report *Prison Greens: The clothing and bedding of inmates in NSW*.<sup>8</sup>

Since the earlier inspection in 2015 and 2016, there have been noticeable improvements in relation to the standard of the cells at Surry Hills. These include:

- an improvement in the quality of mattresses and blankets issued to inmates;
- a contract for professional cleaning services, to ensure cells are deep-cleaned once a week;
- a supply of footwear (thongs) to all inmates.

Surry Hills CCC has also been repainted to conceal graffiti. The painting of the cells has made a considerable improvement to the appearance of the facilities; however, it was identified that the paintwork has not been sealed. Consequently, damage in some areas, such as the showers, is evident. The condition of the paintwork requires action to avoid further degradation, or repainting will soon be required.

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

During the 2016-7 reporting period, there were 9035 inmates admitted to Surry Hills CCC. According to data provided by CSNSW, there were 29 incidences of inmates who stayed longer than the statutory maximum of seven days at this location.

It is important to note that the cells have been specifically designed for short-term stays only. There is no expectation that inmates have access to activities such as recreational, therapeutic or educational programs while they are in custody at Surry Hills or any other court cells.

---

8 Inspector of Custodial Services (2017) *Prison Greens: The clothing and bedding of inmates in NSW*, <<http://www.custodialinspector.justice.nsw.gov.au/Documents/Prison%20Greens%20The%20clothing%20and%20bedding%20of%20inmates%20in%20NSW.pdf>>.

Inmates remain in the cells throughout the day and night and are only permitted to leave for court appearances, meetings with legal representatives, transfers to a custodial facility, or due to release from custody.

The design of the complex does not allow inmates access to sunlight, fresh air and exercise, and it is for these reasons that inmates should spend no longer than necessary in court cells prior to being transferred to an adult correctional facility or released from custody.

#### **4.1.3 The conditions and treatment of inmates**

Each cell contains concrete benches that are used for sitting and sleeping on. Each cell has a toilet and accessible running water. However, the location of the toilet in the cells is a design issue as there are no barriers to offer inmates privacy when using the toilet.

Inmates are required to use the toilet in full sight of other inmates in the cells. This is not only a dignity issue for the person using the toilet, but it also creates an unpleasant environment for inmates who share the cell.

Holding cells in other court cells in NSW, such as in the Dubbo court cells, contain a privacy barrier to provide inmates with some privacy when using the toilet.

The future design of court cell facilities should take inmate privacy into account. CSNSW and JHFMHN staff should also be consulted in the design phase of future court cell buildings.

Each cell has an intercom system that allows inmates to directly contact the officers in case of an emergency. The cell also has closed-circuit television (CCTV), which is monitored by staff in the officer's station. Inspectors were advised that for security purposes no more than three inmates are allowed in a cell at a time. The inspection team did not identify any obvious hanging points located in the cells.

#### ***Bedding***

Inmates are provided with a mattress and blankets for sleeping. Since the 2015–16 inspection, there has been considerable improvement in the standard of blankets provided to inmates. The quality of the mattresses has also improved. CSNSW is encouraged to continue with regular checks on mattresses and blankets at court cells. Any damaged mattresses should be replaced.

It was noted that the inmates are not provided with a pillow as part of their bedding. The majority of inmates were observed using a variety of alternatives as a substitute for a pillow, such as rolled clothing, towels and/or a blanket. Although the cells are used for short stays only, there are cases where inmates are held in custody for several days. The provision of basic bedding supplies, including a pillow, should not be viewed as unreasonable.

#### ***Cell temperature***

The inspection team noted that the cells were cool in temperature, and that most inmates described the cells as cold. One would imagine that in winter months the cells would become much cooler, and in the summer months much hotter.

#### ***Shower facilities***

The Surry Hills CCC is equipped with separate female and male shower facilities. The inspection team noted that the doors had been removed from the two male showers, resulting in male inmates being denied any privacy while showering. The reason provided by the correctional officers was that the door hinges had been damaged and it was easier and less expensive to remove the doors entirely than repair the hinges.



Showers without doors for privacy

Although the removal of the doors might have been the easier option, it does not provide inmates with an acceptable level of privacy, particularly vulnerable younger or older inmates.

The inspection team spoke to several men who had been in custody at the court cells for a number of days. They advised they had not showered since they had been placed in the cells. A reasonable assumption is that inadequate privacy provisions influence inmate decisions on whether or not to shower. It is not only in the best interests of the inmates to shower daily, but it is also in the interests of staff, as they are required to interact with inmates on a daily basis. CSNSW acknowledges

the shower doors need to be repaired. However, consultation with the NSW Police Force is required for maintenance issues.

The doors to the showers in the female cells are attached. At the time of inspection, the women advised that they had used the shower facilities.

**25: The Inspector recommends that the doors for the male showers at Surry Hills Court Cell Complex are repaired and replaced, so inmates are provided with privacy when showering.**

### **Clothing**

The previous inspection report was critical of the standard of clothing offered to inmates at Surry Hills CCC. The situation has improved, as additional clothing has been purchased for the facility. The inmate clothing issue is a dark-green tracksuit. The inspection team observed that the clothing was reasonably new and in good condition. CSNSW is to be commended for implementing the recommendations from the clothing and bedding inspection.

There is no laundry facility located at the cells and all inmate clothing is sent to be laundered by Corrective Services Industries (CSI). Officers advised that clothing is not always returned to the court cells and that consequently, new clothing must be purchased, which impacts on the court cells' operating budget.

The inspection team heard that the reason clothing is not always returned to Surry Hills CCC is due to confusion about which facility the clothing originated from. This results in clothing from Surry Hills being reissued to another facility. To address this issue, the department is exploring the possibility of screen printing the initials 'SHCC' on the clothing.

Although Surry Hills CCC has increased its stockpile of underwear and socks, inmates advised that they were still wearing their own socks and underwear, which in some cases they had been wearing for three consecutive days. This presents as a health and hygiene issue, not only for inmates but also for correctional officers who are required to conduct strip searches on the inmates.

## **Food**

The inmates interviewed confirmed the provision of three meals per day on a regular basis. The meals consist of two slices of toast, cereal and a hot drink for breakfast; pre-made sandwiches and a piece of fruit for lunch; and a range of pre-cooked meals for dinner. CSI prepares the lunch and dinner meals.

The inspection team conducted a visual check of the standard of food being provided for lunch. Although the food is basic, it is nutritious and handled appropriately, and there were no issues identified.

## **Stimulation while in cells**

Because of the design and purpose of the court cells, there is limited opportunity for any meaningful activity for inmates to relieve boredom or alleviate the stress of being in custody. Simple activities that are generally available in correctional facilities, such as making a telephone call, are not available for inmates in court cells.

One activity that could be made available to inmates at Surry Hills is access to television. At the time of the inspection, all the televisions were either switched off or not in working order. The reason provided by correctional staff was that repairing broken televisions is too expensive and consequently all televisions are switched off.

Televisions can be a useful tool to alleviate boredom and provide inmates with information on current affairs in the 'outside world'. It is recommended that televisions are repaired and switched on for the benefit of inmates. The Inspector extends this recommendation to all CCCs within this review.

## **Access to telephone calls**

Surry Hills CCC is equipped with a telephone for inmates to make outgoing telephone calls. However, access to the telephone is limited and generally inmates are only allowed to make a single telephone call upon admission to the cells.

The lack of telephone access creates some challenges for inmates. One of the main concerns raised by inmates was the inability to telephone family members and advise them of their detention. Other communication options, such as letter writing, are generally not available to inmates at 24-hour court cell locations.

The limited access inmates have to communicate can cause additional stress and frustration, which has the potential to cause behavioural outbursts that staff must manage. From the staff perspective, there are legitimate security concerns that must be taken into consideration when allowing an inmate to make a telephone call, such as some inmates having domestic violence restrictions in place. However, when appropriate CSNSW should facilitate telephone calls for welfare reasons to allow inmates to advise family or significant others that they are in custody.

### **4.1.4 Access to legal representatives**

The cells are equipped with audio-visual links (AVL) to local courts. The AVL may be utilised by inmates to contact their legal representatives and have their court matters heard from the court cells. This arrangement reduces the need for transportation of inmates to the courts, saves on inmate escort costs and reduces any potential risk of absconding during transportation. There were no legal access issues raised by inmates or representatives from NSW Legal Aid, who were interviewed prior to the inspection.

#### **4.1.5 The provision of and access to health services (provided by JHFMHN)**

JHFMHN provides nursing staff from 07:00 to 23:00 (16 hours) daily. These shifts are split between a Nurse Unit Manager and Clinical Nurses. Inmates who require medical attention are examined by the medical staff during these times.

An important aspect of the nurse's role is to administer methadone to those inmates who are on a prescribed methadone program. This ensures inmates who are in custody are not disadvantaged by not receiving the required treatment. In cases of medical emergencies, inmates are transported to hospital under the guard of CSNSW correctional officers.

The inspection team noted that, unlike most correctional facilities, inmates can be admitted 24-hours a day, seven days a week. Consequently, an inmate admitted after 23:00 will not be medically screened by a nurse as part of the admissions process until the following day. JHFMHN advised that commencing health assessments on patients after 23:00 is not ideal practice, as inmates are often sleep deprived or needing sleep.

Surry Hills CCC has the largest intake of inmates. It is in the Inspector's opinion that consideration should be given to providing additional medical coverage to ensure inmate health and safety issues. Currently most interactions between nurses and patients occur at the cell door and only one patient can be seen at a time. As there are usually two nurses on duty, an additional consultation room would increase the level and quality of service provided to patients at this facility, by increasing the number of patients able to be seen at one time.

#### **4.1.6 Infrastructure and staffing**

##### ***Welfare Officer***

Surry Hills CCC has a Welfare Officer rostered at the cells during the morning and early afternoon, five days a week. This position is filled by a Services and Program Officer (SAPO), who assists inmates with priority issues, such as making telephone calls or contacting legal representatives, as well as nominally assessing risk associated with the inmate.

Surry Hills CCC has the highest turnover of inmates in NSW. The Welfare Officer has a crucial role in screening and identifying any immediate welfare or wellbeing issues such as self-harm, suicidal behaviour or drug and alcohol issues. It is important that an appropriate screening process is conducted to reduce the risk to inmates and staff at Surry Hills. When the Welfare Officer is not present, this responsibility rests with correctional officers. The Inspector commends the practice of having a Welfare Officer at the cells to assist correctional officers during busy periods when there are a high number of admissions to custody.

##### ***Training of correctional officers***

The professional standard of correctional officers who are responsible for the daily management and safe custody of inmates is paramount. To maintain and enhance the professionalism of correctional officers it is necessary to provide training. Some, but not all, correctional officers had received training in first aid. It seemed only to be in circumstances where officers had graduated from the training academy in the past 12 months. As the cells operate as a 24-hour reception facility, it is recommended that all correctional staff at the court cells hold current qualifications in first aid. Some officers also stated that they had not received firearms training in several years despite being issued with a firearm for escorts.



### ***Infrastructure and maintenance***

The maintenance of the Surry Hills CCC is the responsibility of the NSW Police Force. The inspection team was advised that this creates some challenges in relation to addressing and repairing any infrastructure issues that require attention. Some of the maintenance issues raised include the painting of the shower areas and the regular cleaning of cells. It is acknowledged that there are budgetary constraints; however, these should not be at the expense of the wellbeing of inmates or staff.

### ***Infrastructure***

The nurse's station consists of a single room that is shared between the Nurse Unit Manager and a Clinical Nurse. The room is used for all administrative requirements; that is, short-term storage of medical records, charts and medication, examinations of inmates, distribution of medications, and to administer medical attention when required.

It was noted that there is limited privacy for the Nurse Unit Manager to conduct their daily duties, including, for example, confidential telephone discussions with doctors or psychiatrists regarding a patient's medical history. Consideration should be given to refurbishing the nurse's work station area to create a separate office for the Nurse Unit Manager from the patient examination area.

Additionally, it was noted that the vinyl flooring in the nurse's station is significantly worn, to the extent that there are obvious holes in the floor covering. This creates a potential slip, trip and fall hazard and an infection control issue. The vinyl should be replaced to mitigate any unnecessary health and safety issues. CSNSW and JHFMHN support replacing the vinyl flooring.

**26: The Inspector recommends that the nurse's station at Surry Hills Court Cell Complex is refurbished to create a separate office for the Nurse Unit Manager from the consultation room, build an additional consultation room and replace the existing flooring.**

### **4.1.7 Relevant standards, legislation, policies and procedures**

There were no issues raised.

## 4.2 Dubbo Court Cell Complex

### 4.2.1 Overview

Dubbo CCC is located at Dubbo Police Station and was inspected on 15 May 2017. The CCC comprises of six separate holding cells, which can contain a maximum of ten inmates. Male and female inmates are held at this location, in separate cells.

Data obtained from CSNSW identified that, within the previous annual reporting period, there were 1174 movements of inmates through the Dubbo CCC.

At the time of the inspection, there were 17 correctional officers employed at the cells, with an additional four correctional officer positions being recruited. There have been no inmate suicides, deaths or escapes from these court cells.

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

During the 2016-17 financial year, there were 1108 inmates admitted to Dubbo CCC. According to data provided by CSNSW, there was one incident of an inmate who stayed longer than the statutory maximum of seven days at this location.

Despite this, the system that CSNSW has implemented to monitor the length of time inmates are detained in the cells largely appears to be working at this location. Custody alerts are reported to regional managers when inmates have been detained for 72 hours or longer. While early reports indicate that this process has had some noticeable success, a lack of 'suitable beds' was often cited as the reason for delay in transfer to a CC. CSNSW is expanding facilities to increase bed availability.

This typically means that inmates who have been identified as at risk of either self-harm or suicide cannot be placed in a correctional cell unless it is a cell which is purposely designed for staff to closely monitor at-risk inmates. While this might be the case, it does not reduce the risk of inmates self-harming or committing suicide, especially as court cells are not designed for lengthy stays of more than two or three days, and particularly so if there is no JHFMHN staff presence at the location.

One staff member expressed the opinion that, for inmates who are at risk of self-harm or suicide, 'any bed in a CC is better than a bed in a CCC'. The reason is that inmates in correctional facilities have access to medical treatment, family visits, telephone calls, programs, fresh air and exercise. Inmates at risk should be treated as a priority transfer, rather than detained in court cells, which are not designed for stays longer than a few days.

Of note, CSNSW has developed a new 'Managing Inmates at Risk' policy<sup>9</sup>, which prioritises inmates identified as at risk of self-harm for movement to a CC. A staff training program is has been rolled out across CCs to assist staff in managing inmates who are at risk of self-harm. Training information and a reference guide have been distributed to staff at CCCs.

### 4.2.3 The conditions and treatment of inmates

The design of the court cells is basic. Like other court cells, they are intended for short-term custodial use only. Each cell contains a concrete bench, which inmates use to sit and sleep on. As with the majority of court cells in NSW, the cells are designed for singular and multiple inmate containment. It is not uncommon for up to three inmates to be accommodated in the same cell together.

---

<sup>9</sup> Custodial Operations Policy and Procedures 3.7, "Management of inmates at risk of self-harm or suicide."



A toilet privacy barrier



A makeshift privacy barrier using a mattress

Although the number of inmates in the CCC can be as high as ten, at the time of the inspection there were only two inmates detained at this location.

Each cell is fitted with a closed-circuit television (CCTV) camera and an intercom, which inmates can access to contact staff if required. The cells contain a toilet and wash basin, which is also used as a drinking fountain. Showers are located outside of the holding cell, which inmates can access daily.

Some of the cells are designed with a privacy screen, which provides the inmates with a degree of dignity when using the toilet. However, not all cells have a privacy screen and the inspection team observed inmates utilising their mattress as a makeshift privacy barrier when using the toilet.

Unlike some other court cells in NSW, the Dubbo CCC is not air-conditioned; staff raised concerns that the cells are often uncomfortably hot during summer and cold during winter months.

### ***Bedding***

The condition of mattresses and blankets were inspected for cleanliness and hygiene, that is, no rips, tears or mould. There were no issues identified or raised in relation to the mattresses or blankets. However, it was identified that inmates are not provided with a pillow to sleep with. As some inmates stay at the cells for up to seven days, it is not unreasonable to provide inmates with a basic sleeping item such as a pillow.

### ***Food***

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

### ***Stimulation while in cells***

The design of the CCC does not provide opportunities for inmates to access basic stimulation such as fresh air, sunlight and exercise. Therefore, it is important that other activities are made available to reduce inmate boredom, stress and frustration.

Televisions can provide inmates with a degree of distraction as well as some exposure to events occurring in the 'outside world'. It is noted, however, that although there are televisions located at the cells, the sets are placed on a corridor wall outside individual cells. The location of the televisions requires the sound to be amplified to enable the inmates to hear the audio. A legitimate concern raised by staff was the amount of noise created by the televisions, which makes it difficult for the officers to hear and to concentrate. Staff advised that because of the noise levels the televisions are either turned off or the volume is lowered to a level which is inaudible. It would be preferable to relocate the television sets to address staff concerns. Moree CCC is an example of a television system that meets the needs of staff and inmates. CSNSW support the installation of a new television system, subject to obtaining funding.

**27: The Inspector recommends consideration be given to installing a television system at Dubbo Court Cell Complex, like that at Moree Court Cell Complex.**

#### **4.2.4 Access to legal representatives**

Dubbo CCC has purpose-built rooms for inmates to have face-to-face meetings with their legal representatives. The rooms allow for legal representatives and their clients to have confidential discussions. However it was noted that inmate access to telephone calls is limited to one telephone call upon admission to the court cells.

An inmate who was interviewed confirmed that, because he had already made one telephone call, he could not call his legal representative again. It should be noted that Dubbo is not unique in relation to limited telephone access for inmates, as this was a recurring theme at the majority of court cells (the exception is Batemans Bay CCC, which allows inmates one supervised telephone call per day). Options should be explored to allow inmates to make multiple telephone calls to legal representatives.

#### **4.2.5 The provision of and access to health services (provided by JHFMHN)**

Inmates are often admitted to court cells with a variety of health issues. Inmates who present with an immediate health concern are not admitted into CSNSW custody unless the NSW Police Force has obtained a medical clearance from a general practitioner.

Although inmates can be admitted with a range of health and medical conditions, such as pre-existing injuries, withdrawing from illicit or legal substances (alcohol and nicotine), mental health as well as general health issues, there is no JHFMHN coverage at Dubbo CCC.

In practice, this means that inmates are escorted to the local hospital for minor complaints, which could possibly be managed if there was a nurse rostered at the court cells. Additionally, the lack of a JHFMHN staff presence requires that correctional officers are responsible for the handling, storing and distribution of prescription medications, including Schedule 8 'drugs of addiction'.

#### ***Medication management***

Section 17A of the *Poisons and Therapeutic Goods Act 1966* provides that a nurse is authorised to possess, use, supply or prescribe a drug of addiction if their registration is endorsed accordingly. There is no express provision allowing for the possession, supply or administration of drugs of addiction or Schedule 4D drugs which are liable to abuse or misuse, by correctional officers. However, section 23 provides that it is not an offence, for a person who has the care of or is assisting in the care of another person, to possess a drug of addiction if the possession is for the purpose of administering or assisting in the self-administration of the drug to the person with a prescription. Section 16 provides the same exception for Schedule 4D drugs. It would seem that these provisions prevent correctional officers from committing an offence by handling Schedule 8 and Schedule 4D drugs.

JHFMHN has specific policy and guidelines surrounding the provision of Schedule 4, 4D and Schedule 8 medication.<sup>10</sup>

Schedule 4 refers to 'Prescription Only Medicine' (also known as 'restricted substance') which can only be prescribed by a doctor, dentist or nurse practitioner in the custodial environment.

Schedule 4D is a subset of Schedule 4 medications that are known to be liable to abuse or misuse, and as such require additional requirements for storage in patient care areas. Examples include benzodiazepines and anabolic-androgenic steroids.

Schedule 8 refers to a 'Controlled Drug' (also known as 'drug of addiction'). These medications require strict requirements for storage and recordings of medication balances. This includes but is not restricted to medications such as methadone and buprenorphine.

JHFMHN staff prepare medications for patients in court cells. The process involves dispensing medication in a sealed envelope with clear instructions for correctional officers to follow. Schedule 4 medication is routinely provided in these envelopes and there are additional procedures for schedule 4D and 8 drugs.

The JHFMHN Medication Guidelines explain the role of a correctional officer is to be a witness to the administering of a Schedule 8 medication where only one JHFMHN nurse is available. The policy also provides that CSNSW Officers have a duty of care to provide a patient with prescribed medication as a "patient agent" for a JHFMHN nurse, but that the officer is not held accountable or responsible for the effect of the medication.<sup>11</sup> Of note, it is against policy to prepare Schedule 8 drugs for delayed administration or supply as advanced medication. However, the policy provides for the transfer of Schedule 4D and 8 drugs only after consultation with the Chief Pharmacist.<sup>12</sup>

CSNSW Custodial Operations Policy and Procedures provides that where only one JHFMHN registered nurse is available, a correctional officer is to witness the full process of administration of an accountable drug (Schedule 4D and 8).<sup>13</sup> The policy further provides that correctional officers are required to provide an inmate with necessary medication if JH & FHMN staff are not on duty or if JHFMHN have prepared medications for transfers to court or police cells. It is unclear whether this policy applies to Schedule 4D and 8 drugs.<sup>14</sup> The advice provided to correctional officers in court cells by JHFMHN is that if medication is not in prepared court envelopes, the medication should not be administered without the officer contacting the After Hours Nurse Manager Service on the 24 Hour Remote Offsite After Hours Medication Service number for advice.

It is important to note that correctional officers are not trained or qualified in the handling, storing and distribution of prescription medication. The current practice is not ideal. It lacks the rigorous checks and balances required to ensure accountability and to avoid serious health and wellbeing implications for inmates.

Due to the impact on inmates and correctional officers at locations where there is no JHFMHN presence, it is recommended that JHFMHN and CSNSW conduct a review of how Schedule 4D and 8 prescribed medications are administered and issued to inmates. There is also a need for CSNSW and JHFMHN to work together to ensure that their respective policies are consistent and comply with legislative provisions.

---

10 NSW Health (2013) *Medication Handling in NSW Public Health Facilities (PD2013\_043)*, <[http://www1.health.nsw.gov.au/pds/ActivePDSDocuments/PD2013\\_043.pdf](http://www1.health.nsw.gov.au/pds/ActivePDSDocuments/PD2013_043.pdf)>.

11 JHFMHN Medication Guidelines at 6.25.3.

12 JHFMHN Medication Guidelines at 5.15.2.

13 Custodial Operations Policy and Procedures 6.8, "Medications".

14 Custodial Operations Policy and Procedures 6.8, "Medications".

#### **4.2.6 Inmate interview**

At the time of the inspection, there were only two inmates in custody. One inmate was interviewed; the second inmate was not interviewed as he was asleep during the inspection process.

The inmate interviewed advised that he could have a shower, and was provided with soap, a toothbrush and toothpaste. The main concern raised by the inmate was that he was still wearing the same underwear and socks that he was admitted in, and that he would like an opportunity to change these clothing items.

#### **4.2.7 Infrastructure and staffing**

##### ***Aboriginal Community Liaison Officer***

Dubbo and the surrounding areas have a high Aboriginal population. The overrepresentation of Aboriginal and Torres Strait Islander people in custody is well documented throughout the Australian justice system. The inspection team was advised by operational staff that 70–80 per cent of inmates at Dubbo CCC identify as Aboriginal.

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

The employment of the ACLO is in the spirit of recommendations arising from the Royal Commission into Aboriginal Deaths in Custody (1987–91). The benefits of such a position are invaluable to the daily safe management of Aboriginal inmates. The Inspector notes that, although the current ACLO has been in the role for 20 years, the position has never been funded as a permanent position. While CSNSW accept the merits of doing so, it will require ongoing funding.

**28: The Inspector recommends that the position of the Aboriginal Community Liaison Officer at Dubbo Court Cell Complex is funded as a full-time permanent position.**

##### ***Infrastructure and maintenance***

As with all CCCs, infrastructure and maintenance is the responsibility of the NSW Police Force. The management of inmates is the responsibility of CSNSW.

In reference to infrastructure, there were no obvious hanging or ligature points identified at Dubbo CCC by the inspection team or raised by staff.

The main issue raised was the lack of amenities for staff. There are no showers for staff and there is no staff toilet in the lower cells complex, where inmates are detained during court times. Staff also raised concerns about the location of the staff toilet. CSNSW is consulting with the NSW Police Force to address the issue.

**29: The Inspector recommends that CSNSW conducts a review of staff facilities at Dubbo Court Cell Complex.**

#### **4.2.8 Relevant standards, legislation, policies and procedures**

The primary concern related to the storing, dispensing and accountability of medication.

## 4.3 Moree Court Cell Complex

### 4.3.1 Overview

Moree CCC is located next to Moree Court House and adjacent to Moree Police Station on Frome Street, Moree. The cell complex was inspected on 17 May 2017. Moree is relatively remote for a court cell location. The nearest CCs are Glen Innes (210 kilometres), Tamworth (253 kilometres), Brewarrina (347 kilometres), Grafton (370 kilometres) and Wellington (394 kilometres). The cells are relatively new, with some commendable design features including an exercise yard for inmates that has natural light.

The holding capacity of Moree CCC is 14 inmates spread across six cells. Three of those cells are single occupancy, for inmates who require segregation. Throughout the previous annual reporting period, there were 1853 movements through the centre. There are 14 permanent staff members, including a JHFMHN nurse who is present at the location for 6.5 hours, five days a week, between 07:00 and 13:30.

In relation to security and wellbeing, there have been no deaths in custody at Moree CCC. Staff noted that there had been three escapes at the location. More recently there was a fire at the facility in October 2017.

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

During the 2016-17 financial year, there were 441 inmates admitted to Moree CCC. According to data provided by CSNSW, there were three incidences of inmates who stayed longer than the statutory maximum of seven days at this location.

It is important to note that the cells have been specifically designed for short-term stays only. Inmates remain in the cells throughout the day and night and are only allowed out for court appearances, meetings with legal representatives, transfers to a CC or release from custody.

### 4.3.3 The conditions and treatment of inmates

#### *Design of the cells*

Each cell has raised concrete blocks for sitting and sleeping on. The cells at Moree can hold up to three inmates. Each cell has a toilet and a separate hand basin, which is also used as a drinking fountain. There is no privacy screen for inmates when using the toilet.

As the cells can be occupied by up to three people at times, privacy can be an issue for inmates. Inmates are required to use the toilet in full sight of other inmates in the cells, and court cell staff. This is not only a dignity issue for the person using the toilet, but also creates an unpleasant environment for inmates who share the cell.

Each cell has an intercom system that allows inmates to directly contact officers in case of an emergency. The intercom also doubles up as a speaker for the television and a remote volume control, which is an effective way of enabling inmates to enjoy some diversion during their time in the cell without causing too much noise for staff and



Example of a court cell



neighbouring inmates (in contrast to other court cells). The cell also has a CCTV, which is monitored by staff in the officer's station.

A unique feature of Moree CCC is the exercise yard that has some access to sunlight. It is a welcome innovation and should be incorporated in the designs of future CCCs, where possible.

### **Shower facilities**

The court cells at Moree are equipped with separate male and female shower facilities.

The inspection team found that, while there were some signs of wear on the floor of the showers, the facilities were clean. The glass was frosted to provide some privacy for inmates showering. There were no issues raised by the inmates in relation to the showers.

### **Clothing**

The availability of inmate clothing has been the subject of previous reports and it is positive to report that the availability of clothing (including socks and underwear) at this location was good. Inmates advised they had been supplied with clean and well-fitting clothes.

### **Food**

The inmates are provided with cereal, toast and a hot beverage for breakfast. A local business supplies lunch and dinner. There were no complaints in relation to the quality or quantity of food received.

### **Bedding**

The inspection team noted exposed foam on some mattresses, but overall the mattresses were generally clean and damage was minimal. Staff indicated that mattresses were regularly checked and replaced as soon as damage was identified. There were no pillows available at this location and inmates generally made substitutes by rolling up towels and blankets. Due to the possible length of stay, it would not be unreasonable to supply inmates with a pillow.

#### **4.3.4 Access to legal representatives**

The court cells are equipped with AVL facilities. AVL is utilised by inmates for access to their legal representatives. There were no issues or concerns raised about inmate access to legal representatives.



Internal exercise yard with natural light



Shower facilities and frosted glass



### **4.3.5 The provision of and access to health services (provided by JHFMHN)**

JHFMHN has a part-time presence at Moree. There is a medical area that comprises an office and clinic area. There is a nurse at Moree CCC five days per week, between 07:00 and 13:00 (six and a half hours). The JHFMHN presence at this location assists in preventing unnecessary external hospital escorts. Additionally, the presence of the nurse ensures that the regulations surrounding Schedule 8 drugs can be managed appropriately by qualified health practitioners. Examples of Schedule 8 drugs include opioid replacements, such as Suboxone or Methadone, but comprise many other 'drugs of addiction' such as Codeine, Endone, Morphine, Oxycontin and Xanax.<sup>15</sup>

### **4.3.6 Infrastructure and staffing**

The staff at Moree CCC noted that only one correctional officer is rostered on the night shift. The relationship with the police at this location appeared to be very positive and professional; police provide assistance if required. Nonetheless, the Inspector is of the opinion that consideration should be given to rostering additional staff, dependant on the number and gender of inmates in custody.

There is no Welfare or ACLO at Moree. As Moree has a considerably large Aboriginal population, an ACLO position like the one at Dubbo should be given consideration at this location. The position could assist with the wellbeing issues of Aboriginal and non-Aboriginal inmates. While CSNSW acknowledged the merits of this suggestion, they stated that this would require a new role to be created and funded.

#### ***Training of correctional officers***

The professional standard of officers who are responsible for the daily management and safe custody of inmates is paramount. To maintain and enhance the professionalism of correctional officers, it is necessary for staff training to be provided. In some cases, the officers had received training in necessary skills such as first aid. However, it is noted that this seemed only to be where officers had graduated from the training academy in the past 12 months.

At Moree, some gaps were identified in training. Reasons for the lack of training at this location related mainly to the remote location of Moree and the availability of training staff. It was also stated that it was difficult for staff to have time away from the cells to undertake the training required. Senior staff advised that a yearly magistrate's conference was the only available time in the annual calendar to undertake training; however, not all staff members are able to attend.

#### ***Infrastructure and maintenance***

The maintenance of Moree CCC is the responsibility of the NSW Police Force. Staff reported that the relationship with the police at this location was good, but highlighted some infrastructure issues they would like to see addressed, including ensuring security keypads were always working.

---

<sup>15</sup> The full list of the 87 drugs of addiction can be found at: <<http://www.health.nsw.gov.au/pharmaceutical/Pages/drugs-of-addiction-sch8.aspx>>

### ***Nurse's station***

The nurse's station consists of two rooms, which enables the nurse to keep the administrative function and storage of medicines separate to, and secure from, the examination area.

The inspection team was impressed with the accommodation for JHFMHN staff at this location. The team believes other locations such as Surry Hills CCC would benefit from a similar layout, to allow a better delineation of administrative and treatment functions.

The inspection team noted that there was clearly a supportive working relationship between the JHFMHN nurse and correctional officers at this location. All staff should be commended for this.



Nurse's examination area

### **4.3.7 Relevant standards, legislation, policies and procedures**

There were no issues raised.

## 4.4 Wagga Wagga Court Cell Complex

### 4.4.1 Overview

Wagga Wagga CCC is co-located with the Wagga Wagga Police Station. Consistent with all other 24-hour court cells in NSW, inmate safety and management is the responsibility of CSNSW. The cell complex was inspected on 22 May 2017.

The CCC comprises eight separate holding cells that hold a capacity of 18 inmates. Male and female inmates are held at this location. Data obtained from CSNSW identified within the 2016-17 financial reporting period shows there were 3069 movements of inmates through the Wagga Wagga cells complex. At the time of the inspection, there were 19 correctional officers employed at the cells. There have been no inmate suicides, deaths or escapes from these court cells.

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

During the 2016-17 financial year, there were 845 inmates admitted to Wagga Wagga court cells. According to data provided by CSNSW, there were no incidences of inmates who stayed longer than the statutory maximum of seven days at this location.

### 4.4.3 The conditions and treatment of inmates

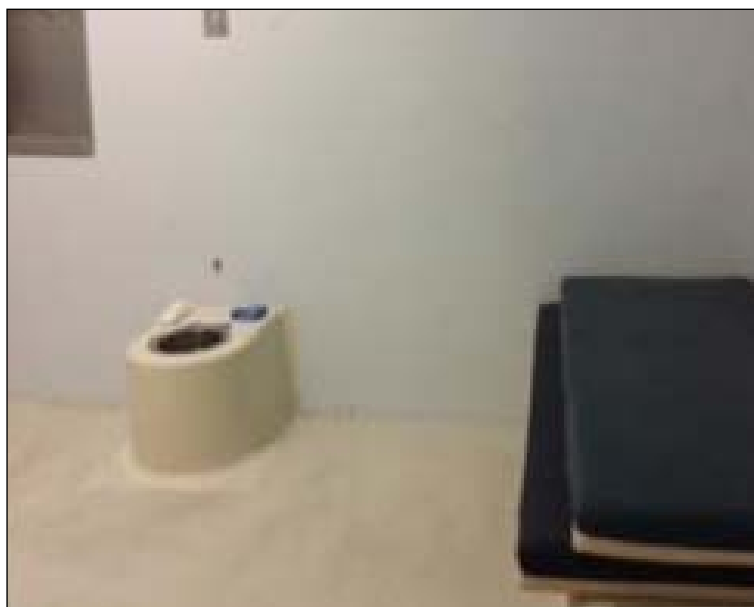
#### *Design of the cells*

The design of the court cells is basic, as they are intended for short-term custodial use only. Each cell contains a concrete bench which inmates use for sitting and sleeping on. As with most court cells in NSW, the cells are designed for single and multiple inmate containment. Each cell is fitted with CCTV and an intercom, which inmates can access to contact staff if required. The cells contain a toilet and a separate wash basin, which is also used as a drinking fountain. Showers are available outside of the holding cell and inmates may access the facilities daily.

It is noted that toilets within the cells do not have a modesty screen or barrier to provide inmates with privacy when using the toilet.

#### *Bedding*

The condition of the mattresses and blankets were inspected to ensure cleanliness and hygiene, that is, no rips, tears or mould. There were no issues identified or raised in relation to the mattresses or blankets. However, it was identified that inmates are not provided with a pillow to sleep on. As some inmates can stay at the cells for seven days, it is not unreasonable to provide inmates with a basic sleeping item such as a pillow.



Example of toilet in a cell

### ***Graffiti and cleanliness***

There were minimal amounts of graffiti on the walls and the cells are cleaned on a regular basis, by a professional cleaner.

Although there was minimal graffiti, there were signs of wilful damage to the observation windows in cell doors. Correctional officers use these windows when conducting wellbeing and security checks on inmates. The inspection team noted that some observation windows were damaged to a level that would make it difficult for staff to conduct physical observations of inmates, particularly at night time.



Example of damage on cell door window

### ***Clothing***

Unlike the majority of CCs, inmates are allowed to wear their own clothing. If an inmate requests additional clothing, they are provided with CSNSW clothing, which is also issued to inmates at correctional facilities. This clothing is manufactured and laundered by CSI.

Although there was a significant stockpile of inmate clothing stored at the complex, it was identified that correctional officers are reluctant to issue clothing to inmates on a regular basis. The reason provided by staff was that, once an inmate wears the clothing, it is required to be sent to CSI for laundering. Staff raised concerns that the clothing is not returned to the court cells, and inferior items of clothing are returned instead. This is a recurring theme across CCCs.

### ***Food***

Inmates are provided with cereal, toast and a hot beverage for breakfast. A selection of frozen meals such as meat pies, sausage rolls and chicken rolls are provided for lunch and dinner. A pie warmer is used to heat the meat pies and sausage rolls.

Inmates who have been in custody for three days are provided with a hot meal, purchased from a local business. The meal generally consists of a chicken schnitzel and vegetables.

Despite frozen meals being an easy and economic option, the Inspector is of the opinion that frozen meals are not ideal for inmates who are held in cells longer than two days.

### ***Inmate interview***

The inspection team had the opportunity to interview one inmate. The inmate was wearing court cell issued clothing. The inmate advised that he had been able to speak to his lawyer since being detained.

The main issue raised by the inmate was a lack of suitable stimulation while detained in the cell, such as access to books, magazines or a television.

#### **4.4.4 Access to legal representatives**

The court cells have purpose-built rooms that inmates can access for face-to-face meetings with legal representatives. The rooms are secure and provide privacy. There were no issues identified or raised with regard to the legal visit rooms. It was noted, however, that inmates are limited to one telephone call upon admission. Although staff advised that they can make a telephone call on behalf of the inmates, this does not provide the inmate with the ability to have a direct conversation (where appropriate) with the second party. Options should be explored in relation to providing inmates with access to multiple telephone calls to legal representatives.

#### **4.4.5 The provision of and access to health services (provided by JHFMHN)**

Health issues for inmates admitted to the court cells vary depending on the inmate. For inmates who have an immediate health concern, the admitting officers from the NSW Police Force are required to obtain a medical certificate from a general practitioner, stating that the inmate is fit for custody.

It was identified that there is no medical coverage at Wagga Wagga CCC by JHFMHN or any other health-care provider. This is concerning, as inmates can be admitted with a range of health and medical conditions such as pre-existing injuries, withdrawing from illicit or legal substances (alcohol and nicotine), and mental health or general health issues.

The lack of a JHFMHN staff presence requires that correctional officers are responsible for handling, storing and the distribution of prescription medications, including Schedule 8 pharmaceutical drugs.

#### **4.4.6 Infrastructure and staffing**

##### ***Aboriginal Community Liaison Officer***

Wagga Wagga and surrounding areas have a large Aboriginal population. Employing an ACLO, either on a full-time or part-time basis, would be beneficial for Aboriginal inmates, staff and the community. The creation of such a position would also be in the spirit of recommendations from the Royal Commission into Aboriginal Deaths in Custody (1987-91). While CSNSW acknowledge the merit of having an ACLO in this location, it will require a new role to be created and funded.

**30: The Inspector recommends that CSNSW considers creating an Aboriginal Community Liaison Officer position at 24-hour court cell locations, such as Wagga Wagga, Albury and Moree.**

#### **4.4.7 Infrastructure and maintenance**

The inspection team did not identify any obvious hanging or ligature points at Wagga Wagga CCC, nor were any issues raised.

#### **4.4.8 Relevant standards, legislation, policies and procedures**

There were no issues raised.

#### **4.4.9 Any other related matters**

One issue raised by correctional officers was the limited opportunities for mandatory training, such as first aid, and re-accreditation in weapons competency. Staff stated they are required to carry firearms while on escort; however, some correctional officers have not had their annual re-accreditation training.

## 4.5 Albury Court Cell Complex

### 4.5.1 Overview

Albury CCC is located on Olive Street, Albury, between Albury Police Station and Albury Court House and was inspected on 23 May 2017.

The area managed by CSNSW is spread across the two sites (the police cells and the court house), with a secure car park between the two. To escort inmates to the court house, Court Escort Security Unit staff must walk the inmates, handcuffed, across a car park to the court house.

The holding capacity of inmates is 18. Advice received from CSNSW states that there are 11 permanent staff at this location rostered across three eight-hour shifts for every 24-hour period. In the 2016-17 financial year the cells have processed 982 inmates.

In relation to security and wellbeing, there have been no deaths in custody or escapes from Albury CCC.

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

During the 2016-17 financial year, there was 759 inmates admitted to Albury CCC. According to data provided by CSNSW, there were two incidences of inmates being held longer than the statutory maximum of seven days at this location.

### 4.5.3 The conditions and treatment of inmates

#### *Design of the cells*

The inspection team found the cells to be clean, recently painted and free of graffiti. As is the case with most court cells in NSW, there was no outdoor exercise space. The inmates we spoke to were complimentary of the treatment provided by staff. The televisions were in good working order, and the inmates who were interviewed were positive about their treatment by correctional officers.

The inspection team noted that the skylights were dirty and in need of cleaning. Skylights are an important design aspect in court cells, as they provide some natural light.

The inspection team was advised that cell lights are left on throughout the evening. The reason provided was that it is a security risk to turn them off. The consequence of permanently lit cells is that inmates make a cover out of spare mattresses to create a dark space which they sleep under. This somewhat undermines the security justifications for keeping the cells permanently lit and contradicts Rule 43 of the *UN Standard Minimum Rules for the Treatment of Prisoners* which prohibits the 'placement of a prisoner in a dark or constantly lit cell'.<sup>16</sup>

#### *Food*

Breakfast consists of cereal, toast and a hot beverage. Lunch consists of two microwaved sausage rolls with sauce, and dinner is either two meat pies or a vegetable pastie. On the third day of an inmate's stay, a McCain microwave meal is provided for dinner; however, on day four, meals revert to sausage rolls and pies. The inspection team was advised there are plans for CSI-prepared meals to be made available in future.

#### *Clothing and bedding*

Clothing and bedding supplies were sufficient and no issues were raised as to the availability of clean and dry bedding, as the laundry services are provided by a local business.

---

16 'Rule 43', *UN Standard Minimum Rules for the Treatment of Prisoners* (Nelson Mandela Rules), 2015.

#### **4.5.4 Access to legal representatives**

Although there is no AVL at the court cells, there is one located at the police station which inmates can access under escort. Inmates stated they had no issues in contacting their legal representative while at the court complex.

#### **4.5.5 The provision of and access to health services (provided by JHFMHN)**

There is no JHFMHN staff presence at Albury CCC. The only trained medical professional that attends the site is a local pharmacist who administers Methadone and Suboxone to inmates who require it. Both Methadone and Suboxone are Schedule 8 drugs. As the court cells are the 'front end' of the correctional system, many individuals on intake present with pre-existing medical conditions. Some inmates might be in the middle of a treatment program that should not be interrupted, while others may have chronic conditions that require ongoing medication.

Staff advised that some Schedule 8 drugs (except for Methadone and Suboxone) had been administered by correctional officers. It was further evident that there was no drug safe to secure medications. The local procedures that had been developed because JHFMHN are not present at this location are not compliant with CSNSW policy.

Staff were candid about their concerns with administering Schedule 8 drugs and suggested the presence of JHFMHN staff was necessary to administer medication to inmates. The Inspector believes CSNSW and JHFMHN should work together to address the concerns about administering Schedule 8 drugs.

#### **4.5.6 Infrastructure and staffing**

A number of issues were raised in relation to the staffing of Albury CCC. There are 11 permanent staff members at this location, all of them male. Although Albury CCC accommodates female inmates, there are no female correctional officers employed at the cells.

Unlike some other locations, there is no support staff, such as an ACLO or Welfare Officer.

##### ***Infrastructure and maintenance***

There were some concerns raised about the security of the centre. While staff explained the security procedures that were in place, it was clear a security review might be advisable. CSNSW confirmed that a security review and inspection of cells would be undertaken at this location by Court Escort Security Unit management.

Correctional officers advised that the relationship between the NSW Police Force and CSNSW was professional and positive. Most notably, staff complimented the police for their willingness to address any maintenance issues.

**31: The Inspector recommends a security review of Albury Court Cell Complex.**

#### **4.5.7 Relevant standards, legislation, policies and procedures**

The primary concern related to the storing, dispensing and accountability of medication.

#### **4.5.8 Any other related matters**

There were reportedly few opportunities for staff training at this location. Most notably relating to the types of handguns staff are required to carry when escorting inmates.



## 4.6 Newcastle Court Cell Complex

### 4.6.1 Overview

Newcastle CCC is co-located at Newcastle Police Station and was inspected on 30 May 2017. The complex comprises of eight separate holding cells, which can contain up to a maximum of 23 inmates. Male and female inmates are held at this location.

The court cells at Newcastle are located approximately one kilometre from the court houses at the Newcastle Justice Precinct. The distance requires inmates to be transported by vehicle to the court house, and placed in holding cells until required for court. In extraordinary circumstances, inmates have been detained overnight for short periods of time (48 hours or less) at the eight-hour court house location when numbers of inmates are high.

Inmates at Newcastle CCC are generally transferred to the Cessnock CC, which is 48 kilometres from the court cell location. Staff at the cells advised that when Cessnock CC is at capacity, inmates are transported to metropolitan Sydney CCs, mainly the Metropolitan Reception and Remand Centre, which is 155 kilometres from Newcastle.

Data obtained from CSNSW identified that within the previous annual reporting period there were 5652 movements of inmates through the Newcastle cells, making it one of the busiest CCCs in NSW.<sup>17</sup>

At the time of the inspection, there were 38 correctional officers employed at the cells. In relation to safety, wellbeing and security, there have been no inmate suicides, deaths or escapes from these court cells.

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

During the 2016-17 financial year, there was 2883 inmates admitted to Newcastle court cells. According to data provided by CSNSW, there were two incidences of inmates being held longer than the statutory maximum of seven days at this location.

#### *The conditions and treatment of inmates*

##### **Design of the cells**

Newcastle court cells are one of the more modern court complexes in NSW, however, consistent with other court cells, it is intended for short-term detention only.

Each cell contains a concrete bench which inmates use as a seat as well as a bed. CCTV cameras are fitted in each cell, as well as an intercom system, which inmates access to contact staff if required. The cells contain a toilet and a separate wash basin, which is also used as a drinking fountain. Showers are available in a separate location, which inmates can access daily. As with the majority of 24-hour court cells in NSW, the cells are designed for singular as well as multiple inmate containment. It is not uncommon for two or three inmates to be sharing a cell.

Some of the cell toilets have a privacy barrier, which provides inmates with a degree of dignity when using the toilet. However, not all cells have a privacy screen in place, and it was observed that inmates create a makeshift privacy barrier using their mattress. Privacy when using the toilet is not an unreasonable expectation, and it was an issue of concern raised by inmates.

---

<sup>17</sup> Data produced by CSNSW.



It was also noted by the inspection team that CCTV cameras are installed directly above the toilet area, at times monitored by correctional officers. It is not uncommon for inmates to throw wet toilet paper at the cameras in an attempt to cover them while using the toilet. The covering of the cameras with wet toilet paper negates the purpose of the camera, and requires regular cleaning to remove the toilet paper.

The inspection team formed the opinion that any future designs of court cells should include some form of privacy barrier for inmates when using the toilet, and a camera system that provides a degree of privacy for inmates when toilets are in use.

The design of the bedding in some of the cells is a considerable improvement to the standard of bedding design at other locations. The new design includes three separate beds, providing inmates with individual space as opposed to sharing one long bench, as is the case in other court cells in NSW. CSNSW should be commended for this development.

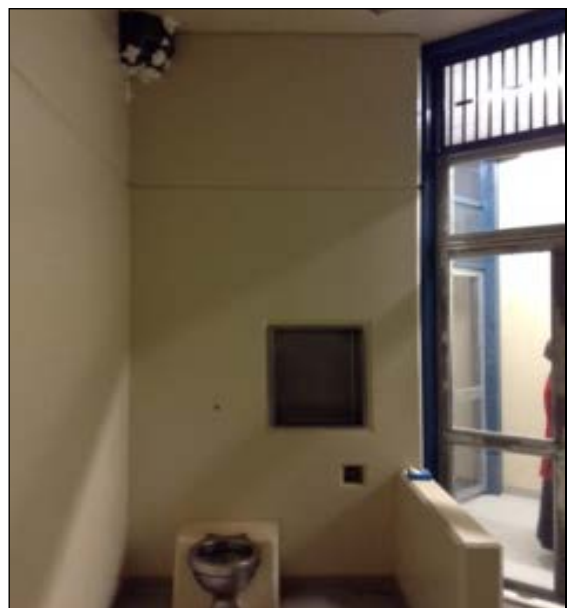
### ***Potential hanging and ligature points***

In contrast to other 24-hour court cells, the inspection team is concerned with regard to potential ligature and hanging points in some of the cells at Newcastle. Cells with potential ligature points are cells that have been retro-fitted with bunk beds.

Although the inspection team was advised that there have been no incidents of self-harm to date, the Inspector is of the opinion that the potential exists for an inmate to self-harm using these points. Recommendation 165 of the Royal Commission into Aboriginal Deaths in Custody has an emphasis on eliminating potential ligature and hanging points in court cells.<sup>18</sup>

It is acknowledged that CSNSW is undertaking a risk assessment of any potential ligature points as well as consulting with the precinct builders regarding the design and installation of the bunk beds.

## **32 The Inspector recommends CSNSW considers alternatives for inmates to gain access to and from the top bunk beds at Newcastle Court Cell Complex.**



CCTV camera installed above toilet



Good use of space, rather than sharing one long bench

<sup>18</sup> 'The Commission notes that prisons and police stations may contain equipment which is essential for the provision of services within the institution but which may also be capable, if misused, of causing harm or self-harm to an inmate or detainee. The Commission notes that in one case death resulted from the inhalation of fumes from a fire extinguisher. Whilst recognising the difficulties of eliminating all such items which may be potentially dangerous the Commission recommends that Police and Corrective Services authorities should carefully scrutinise equipment and facilities provided at institutions with a view to eliminating and/or reducing the potential for harm. Similarly, steps should be taken to screen hanging points in police and prison cells.' (3:291)

## ***Bedding***

The condition of the mattresses and blankets were inspected to ensure cleanliness and hygiene, that is, no rips, tears or mould. In general, the majority of mattresses were in good condition. The inspection team identified only one mattress that required replacing and this was only being used for additional cushioning. There were no other issues identified or raised in relation to the mattresses or blankets.

It was identified that inmates are not provided with a pillow to sleep on. As some inmates can remain at the court cells for seven days, the Inspector is of the opinion that it is not unreasonable to provide inmates with a basic sleeping item such as a pillow on admission.

## ***Food***

Meals are provided by CSI, and consist of cereal, toast and a hot drink for breakfast, sandwiches for lunch and a precooked meal for dinner. Comments about the food varied, from staff and inmates alike. Some inmates stated the food was fine, while other inmates and staff stated that better options could be provided.

One inmate suggested morning and afternoon tea could be provided, as there is a six-hour break between meals.

## ***Stimulation while in cells***

Consistent with the majority of court cells, the design is basic and intended for short-term use only. Inmates have access to a television, which can assist in providing some distraction and inform them of news and events.

However, inmates do not have access to sunlight, fresh air, exercise, telephone calls, family visits or programs while they remain in court cells. Both staff and inmates, at this and other court cell locations, raised concerns that the lack of available stimulus is the primary reason for inmate frustration.

### **4.6.3 Access to legal representatives**

Inmates have access to AVL facilities, which are situated at the holding cells at the Newcastle court house. There were no issues identified or raised in relation to inmate access to legal representatives.

### **4.6.4 The provision of and access to health services (provided by JHFMHN)**

JHFMHN provides nursing coverage for four hours a day. It should be noted that nurses were previously rostered for eight-hour shifts, but the shifts have been reduced by 50 per cent. Staff advised they had not been informed about the reduction in nursing hours prior to the change.

Interviews with relevant staff stated that the intake of inmates with health needs and risks is diverse. The needs and risks include: inmates with diagnosed and undiagnosed mental health issues, drug dependency (including alcohol), inmates on single or multiple prescription medications including Schedule 8 drugs (for example, Methadone and Suboxone). Also included are inmates with pre-existing injuries and inmates with general anxiety issues associated with being incarcerated.

Concerns were raised that the nursing coverage of four hours is insufficient, particularly as Newcastle is one of the busiest court cell locations in NSW. A concern raised by staff was that it is not uncommon for correctional officers to dispense medication to inmates in the absence of a nurse. Although this practice is not unique to Newcastle court cells, it is still a concern that correctional officers are required to dispense medication to inmates. The practice lacks the rigour and accountability required to ensure that inmates are receiving the correct medication, that medication is stored correctly, and to ensure appropriate audits are conducted.

The inspection team was also advised that correctional officers are generally not informed if a nurse is unable to attend the court cells for a rostered shift; in such cases, alternative medical coverage is not always provided.

#### **4.6.5 Inmate interviews**

The inspection team interviewed two inmates about their experience at the cells. One inmate had been in custody at the cells for two days and was permitted to have a book to read. The inmate stated that reading was helpful in passing the time. The inmate advised that he could speak privately with his legal representative and that he had no issues about his treatment at the cells.

The inmate also advised that the lights were dimmed at night time, which he found beneficial to his sleeping pattern. Although the inmate was positive about staff interactions and conditions, he did state that he wouldn't be able to spend any more than a few days in the cells, due to boredom and a lack of activities.

The second inmate had been at the cells for five days. The inmate stated that the correctional officers had treated him fairly and that he had no issues or concerns, other than wanting to be transferred to prison, so he could access family visits and medical assistance. The main concern raised was the lack of food in-between meals.

#### **Observations**

The inspection team observed one inmate who had obvious difficulties in walking. The inmate claimed that he had a suspected fractured bone in his foot that was self-inflicted and sustained by kicking a wall prior to being detained in custody.

The inmate had been in custody at the cells for five days, since 26 May 2017, but advised the inspection team that he did not want to go to hospital for treatment. The reason provided by the inmate was that he was concerned about being placed in ankle cuffs/manacles (a security requirement during hospital escorts), as he already had difficulty walking. He stated that he would rather wait until he was transferred to Cessnock CC for his injuries to be assessed.

The inmate was transferred to Cessnock CC on 31 May 2017 and to hospital on 13 June 2017, where X-rays confirmed the inmate had a fracture in his foot.

The Inspector acknowledges that the health service requirements for individual inmates in a dynamic environment such as court cells are onerous at times. For example, the inspection team was advised that, on the day of the inspection, one inmate had had a seizure and was placed in hospital under intensive care. Another inmate was identified as withdrawing from alcohol and required immediate medical attention. Consequently, the inmate with a suspected fractured bone in his foot was not considered as being a medical priority on that day.

Providing safe custody for inmates with health issues is a daily requirement for correctional officers, who, as part of their role, are also required to provide regular supervision and security tasks for inmates in a challenging work environment.

To assist correctional officers managing inmates with health care needs the health service should be negotiated between senior officers of CSNSW and JHFMHN. The peak periods when health care is required for inmates should be taken into account.

#### **4.6.6 Infrastructure and maintenance**

Consistent with the majority of court cells in NSW, maintenance is the responsibility of the NSW Police Force. There were no significant issues raised by staff or management in relation to maintenance, other than the professional cleaning services could be improved. Staff advised that they are required to give the cells a thorough clean from time to time, to cover the shortcomings of the service provided by an external contractor.

As previously mentioned in the report, the Inspector has concerns with potential ligature points in some of the cells, which requires immediate action.

#### **4.6.7 Staffing**

There were no issues or concerns in relation to correctional officers being current in firearms training, as they have the benefit of being able to access the NSW Police Force pistol range located at the police station. The relationship between the NSW Police Force and CSNSW staff is professional and co-operative to allow joint sharing of such a facility.

Regular firearms training is important to ensure that correctional officers are competent and confident during times that they are armed, particularly as they are predominately armed when conducting inmate escorts and transport duties. Such training is essential to maintain a capable and competent workforce.

#### **4.6.8 Relevant standards, legislation, policies and procedures**

There were no issues raised.

#### **4.6.9 Any other related matters**

There were no other matters identified or raised.

## 4.7 Queanbeyan Court Cell Complex

### 4.7.1 Overview

Queanbeyan CCC was inspected on 5 June 2017. All staff and management were helpful and courteous towards the inspection team and provided assistance with any requests.

Queanbeyan CCC is adjacent to the Queanbeyan Police Station on the Kings Highway in Queanbeyan, NSW. There are five individual court cells, and a staffing of ten permanent correctional officers. Data supplied from CSNSW identifies that in the previous reporting period there were 1064 movements of inmates at Queanbeyan. The majority of inmates were moved to Goulburn or Amber Laurel CCs.

As a point of interest, it is worth noting that Queanbeyan is located near the Australian Capital Territory (ACT). Subsequently, there are often inmates in custody awaiting escort to or from the Alexander Maconochie Centre in the ACT.

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

During the 2016-17 financial year, there was 357 inmates admitted to Queanbeyan CCC. According to data provided by CSNSW, there were five incidences of inmates being held longer than the statutory maximum of seven days at this location.

### 4.7.3 Design of the cells

The design of the court cells is basic. The cells are intended for short-term custodial use only. Each cell contains a concrete bench, which inmates use for sitting and sleeping on. The cells are designed for single and multiple inmate containment.

Each cell is fitted with a CCTV camera and an intercom, which inmates can access to contact staff if required. The cells contain a toilet and wash basin, which is also used as a drinking fountain. Showers are available for inmates to access daily.

It is noted that the toilets within the cells do not have a screen or barrier to provide inmates with privacy when using the toilet. Inmates use their mattress as a privacy barrier when using the toilet.

There was no obvious hanging or ligature points identified in the cells. Some cells have a skylight which provides inmates with some natural light; however, it was noted that the skylights required cleaning.



Cell for male inmates



Cell for female inmates





Clothing supplies



Blanket supplies

Unlike other court locations, inmates have control over the lights in their cells. This allows inmates to turn the cell lights off at night. Such simple practices can assist an inmate with sleeping and ultimately their daily management by staff. The inspection team considered this a positive practice.

#### **4.7.4 The conditions and treatment of inmates**

##### ***Clothing***

There was evidence of available clothing at Queanbeyan CCC, and inmates advised they had been offered clothing and footwear.

##### ***Bedding***

Mattresses and blankets were inspected to ensure cleanliness and hygiene, that is, no rips, tears or mould. All mattresses and blankets were in good condition, as well as being in ample supply. The blankets at this location were supplied by a local hospital and laundered by a local business. There were no issues or concerns in relation to this area.

As with the majority of CCCs, the inmates are not provided with a pillow. It is not unreasonable to provide inmates with a pillow to sleep on.

##### ***Food***

Inmates are provided with cereal and toast for breakfast and a hot beverage. Lunch predominately consists of a sausage roll or meat pie. Inmates are also provided with fresh fruit. Dinner is a frozen meal provided by CSI, which is re-heated in an oven.

##### ***Stimulation while in cells***

Inmates can view a television from their cell, and, unlike the majority of other court cells, inmates are permitted access to the remote control. Staff stated that this practice works well as it allows inmates to control what they watch as well as the volume level, without having to request the assistance of staff each time they want to adjust the television.

Access to television provides inmates with stimulation and information. This is important, as there are no radios or newspapers available to inmates at the court cells. Further, it can assist inmates to know what time of day it is, as many find it disorientating not to know the time. There are no clocks in the cell, a common complaint throughout 24-hour CCCs.

Some inmates who had transferred from prison could keep their personal belongings in their cell, including toiletries, books and additional clothing.

#### **4.7.5 Access to legal representatives**

The court cells have a purpose-built area for inmates to speak to their legal representatives without being observed or monitored by staff. Three inmates were interviewed, and they confirmed that they could speak to their legal representative while at the court cells. There were no issues or concerns raised in this area.

#### **4.7.6 The provision of and access to health services (provided by JHFMHN)**

There is no on-site medical coverage provided by JHFMHN at Queanbeyan CCC. Staff raised legitimate concerns in reference to the lack of a JHFMHN staff presence, particularly as inmates can be admitted with a range of health and medical conditions such as pre-existing injuries, withdrawing from illicit or legal substances (alcohol and nicotine), mental health as well as physical health issues.

For inmates who are on a Methadone or Suboxone program, the medication is obtained from a local pharmacy by a correctional officer. The inmate is provided with the medication at the court cells under the supervision of a correctional officer, who is also monitored on CCTV. Such practices are not ideal and would be better provided by a qualified health practitioner.

The absence of a JHFMHN nurse also means that correctional officers are responsible for storing and distributing inmate medications, including Schedule 8 drugs. This is a concern particularly if the medication requires specific storage conditions, such as controlled temperature, or has security requirements, as is the case with Schedule 8 drugs.

#### **4.7.7 Inmate interviews**

The inspection team interviewed three inmates. All inmates stated that they were treated well by the correctional officers at the cell complex.

The inmates stated that, although they are not permitted to have visits from family, they are provided one five-minute telephone call per day to family. The main complaints raised by the inmates were in relation to the cells being uncomfortably cold at night. The uncleanliness of the facilities was also raised, and one inmate stated that he had not seen a cleaner in the four days that he had been there. Inmates also stated that the shower smelt like urine and had not been washed out for several days. It should be noted that the inspection team could also detect a strong odour from the shower, and found the cells required cleaning.

#### **4.7.8 Infrastructure and staffing**

There are 10 permanent staff members rostered at the court cells (nine males and one female officer). Staff interviewed stated that it is difficult at times to receive training due to the demands of their work. Some correctional officers stated that they would benefit from additional training in court paper work and warrants. Other correctional officers stated that they had not received training or been qualified in the type of firearm that they are required to carry while on escorts.

All staff spoke highly of the excellent professional working relationship that exists between the CSNSW staff and the NSW Police Force officers present at the court cells. Police officers echoed this statement.



### ***Infrastructure and maintenance***

There is a considerable amount of graffiti on the cell walls and in the shower area. The walls have been painted with undercoat paint; however, the final coat has not been applied. Staff advised that it has been in this state for several years. The cell complexes also presented as in need of a thorough clean.

#### **4.7.9 Relevant standards, legislation, policies and procedures**

The primary concern related to the storing, dispensing and accountability of medication.

#### **4.7.10 Any other related matters**

There were no additional matters of concern.

## 4.8 Batemans Bay Court Cell Complex

### 4.8.1 Overview

Batemans Bay CCC was inspected on 6 June 2017. The correctional officers in attendance were professional and cordial towards the inspection team and fully engaged with the inspection process. At the time of the inspection, there were no inmates located at the cells to interview in relation to their experience at the cells.

Batemans Bay CCC is situated within the Batemans Bay Police Station. It is located 150 kilometres east of Canberra and 280 kilometres south of Sydney. There are three cells at this location with a reported holding capacity of eight inmates. However, this number of inmates can increase during court hours due to short-term stays. At the time of the inspection, there were 13 permanent staff employed at the cells. In the previous reporting period, there were 902 movements. The majority of inmates are transferred to the nearby South Coast CC at Nowra.

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

During the 2016–17 financial year, there was 465 inmates admitted to Batemans Bay Court cells. According to data provided by CSNSW, there were three incidences of inmates being held longer than the statutory maximum of seven days at this location.

### 4.8.3 The conditions and treatment of inmates

#### *Design of the cells*

The cells were in a reasonable condition. However, there were some examples of graffiti and signs that the cells required a thorough clean.

The cells are larger in design than other court cell locations. There are only two benches for beds in some cells, so when the number of inmates increases above two inmates per cell, the additional inmates are required to sit and sleep on the floor. In one cell there is no bench, which means that all inmates are required to sleep on a mattress on the floor. This is not acceptable, particularly if an inmate is required to stay for seven days. CSNSW have indicated that bedding options and related funding implications will be discussed with the NSW Police Force.



Cell with no bench or beds

#### **33: The Inspector recommends that benches are installed at Batemans Bay Court Cell Complex for inmates to sit and sleep on.**

There is no screen for inmates using the toilet and therefore inmates often utilise a mattress as a makeshift privacy screen.

There was no obvious hanging or ligature points identified within the cells.

Staff advised that the lights in the cells are dimmed during the night, and inmates are able to be monitored by CCTV camera.

### ***Bedding***

All cells inspected had mattresses and blankets which were in good condition, with no rips, tears or mould. As with the majority of court cells, inmates are not provided with a pillow. Inmates should be provided with a pillow during their stay in the CCCs.

### ***Food***

Inmates are provided with cereal and toast for breakfast and a hot beverage. Lunch and dinners are purchased from a local business. Fruit or biscuits are provided for morning and afternoon tea. There were no issues or concerns raised in relation to the food.

### ***Stimulation while in cells***

Inmates can access a television while in their cell, which can assist with information, as inmates are not provided with books, newspapers or magazines.



Mattress used as a privacy screen

### **4.8.4 Access to legal representatives**

There is an interview room in which inmates may have confidential meetings with their legal representatives. There were no issues or concerns raised or identified in relation to this area.

### **4.8.5 The provision of and access to health services (provided by JHFMHN)**

JHFMHN has a presence at the cells from 18:00 to 22:00, Monday to Friday. Staff stated that the JHFMHN presence is paramount to the safe custody of inmates, and that additional hours would be beneficial, especially on weekends and mornings.

In reference to medication, JHFMHN dispenses prescription medication to inmates as well as providing secure storage of Schedule 8 medications.

### **4.8.6 Infrastructure and staffing**

There are 13 full-time correctional officers employed at the cells complex (ten males and three females). During the evening shift, there is only one staff member rostered on duty, although officers can request assistance from the police officers who are co-located at this location.

### ***Infrastructure and maintenance***

There were no immediate issues raised in relation to the maintenance of the cells by CSNSW staff.

### **4.8.7 Relevant standards, legislation, policies and procedures**

There were no issues raised.

### **4.8.8 Any other related matters**

The main issue raised by staff was the difficulty some inmates have withdrawing from legal drugs such as nicotine when they are newly admitted to custody. Although nicotine patches are no longer available within the NSW prison system for inmates, nicotine lozenges are available in correctional facilities. Staff were of the view that the provision of nicotine lozenges could be effective in assisting inmates who are habitual cigarette smokers withdrawing from nicotine.

## 4.9 Wollongong Court Cell Complex

### 4.9.1 Overview

Wollongong CCC was inspected on 7 June 2017. The CSNSW staff in attendance were professional and cordial towards the inspection team and fully engaged with the inspection process.

Wollongong CCC is situated 85 kilometres south of Sydney. There are eight holding cells at this facility. The holding capacity is 18 inmates. Data from CSNSW states that there were 5102 inmate movements to the cells in the last reporting period, making it one of the busiest 24-hour court cells locations in NSW.

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

During the 2016–17 financial year, there was 1844 inmates admitted to Wollongong CCC. According to data provided by CSNSW, there were five incidences of inmates being held longer than the statutory maximum of seven days at this location.

### 4.9.3 The conditions and treatment of inmates

#### *Design of the cells*

As with the majority of court cells in NSW, the design is basic and intended for short-term use only. Each cell has benches, which inmates can sit on during the day and use as a bed at night.

The cells have been designed with a screen, which provides inmates with a degree of privacy when using the toilet.

There were no obvious hanging or ligature points identified in the holding cells.

The cells presented with a significant amount of graffiti and in need of a thorough clean. Senior management advised that as Wollongong is one of the busiest court cells in NSW there are minimal opportunities available to repaint the cells, or for that matter give the cells a daily clean. Although this may be the case, the inspection team formed the view that the cells require cleaning on a daily basis, as well as painting. Although CSNSW support repainting, it will need to discuss funding implications with the NSW Police Force.



Privacy screen for toilet

**34: The Inspector recommends that Wollongong Court Cell Complex is repainted to cover graffiti.**

#### *Bedding*

The mattresses and blankets were inspected to ensure they were in a suitable condition with no rips, tears or mould.

All mattresses and blankets inspected were in good condition, and there is an ample supply of additional blankets available if required. As with the majority of court cell complexes, the inmates are not provided with a pillow. It is not unreasonable to provide inmates with a pillow to sleep on.



Graffiti in cells



Cell floor requiring repainting

### **Food**

Inmates are provided with cereal, toast, and a hot beverage for breakfast. Sandwiches for lunch are prepared by CSI, and a hot meal for dinner is supplied by a local business.

Some inmates stated that they do not receive water or food when in transit from this location.

### **Stimulation while in cells**

Inmates have some access to televisions, which are placed in the corridor outside the cells. The televisions are out-dated analogue systems, which have been converted to the current digital system. Staff stated that the television sets often do not work, which can cause some frustration for inmates as well as staff, as other forms of stimulation are limited. However, inmates are permitted writing implements such as a pen and paper while they are in the cells.

#### **4.9.4 Access to legal representatives**

There are two interview rooms for legal representatives to meet with their clients. There were no issues or concerns raised in relation to these facilities.

#### **4.9.5 The provision of and access to health services (provided by JHFMHN)**

JHFMHN has a presence at the cells from 18:00 to 22:00 (four hours), five days a week. The Clinical Nurse dispenses medications during these times only. Outside of these times, it is the responsibility of correctional officers to dispense inmate medication. Schedule 8 drugs are secured and stored in a locked safe, which only the Clinical Nurse is able to access.

The Clinical Nurse is responsible for dispensing Schedule 8 drugs. Staff and management spoke highly of the service provided by JHFMHN and stressed the importance and need for JHFMHN at the cells. Staff indicated they would welcome additional nursing hours.

In addition to the Clinical Nurse, there is also a Mental Health Liaison Nurse situated at Wollongong CCC. The primary role of this position is to assist the court in diverting inmates charged with summary offences who have mental health issues to appropriate treatment rather than custody.

This position is located at the court house, Monday to Friday from 07:30 to 16:00. Staff and management spoke highly of this position and stated that it is an asset to the location, as it assists with the wellbeing and welfare of inmates. It should be noted that this initiative is funded through the NSW Mental Health Tribunal and is also available at other court locations throughout NSW.

#### **4.9.6 Inmate interviews**

The inspection team interviewed two inmates. The inmates spoke positively about the professionalism of correctional officers at the cells. One inmate stated, 'Although the cells are dirty, I care more about fair treatment from staff than I do about the standard of the cells.' The second inmate concurred with this statement; however, he did raise concerns that the cells are dirty and that he hadn't seen a cleaner in the two days that he had been there. The inspection team also noted that the cells smelt unpleasant.



Mounted televisions in hallway

The inmates said that the cells were warm, and that staff turned the lights off at night time. Inmates advised the showers worked well, however, the televisions sometimes do not work, which created a level of boredom.

The inmates said that the cells were warm, and that staff turned the lights off at night time. Inmates advised the showers worked well, however, the televisions sometimes do not work, which created a level of boredom.

#### **4.9.7 Infrastructure and staffing**

##### ***Infrastructure and maintenance***

The NSW Police Force is responsible for the maintenance and infrastructure of the cells. Staff and management spoke positively of the professional working relationship between the two agencies.

##### ***Staffing***

There are 18 permanent correctional staff members rostered at the court cells. One issue identified was the lack of training opportunities for correctional officers in first aid and firearms. The inspection team formed the view that staff responsible for the wellbeing of newly admitted inmates with diagnosed and undiagnosed health issues need to be current in first-aid training.

#### **4.9.8 Relevant standards, legislation, policies and procedures**

There were no issues raised.

#### **4.9.10 Any other related matters**

There were no other matters identified or raised.

## 4.10 Lismore Court Cells Complex

### 4.10.1 Overview

Lismore CCC was inspected on 20 June 2017. The CSNSW staff were professional and cordial towards the inspection team and fully engaged with the inspection process. Lismore CCC is located approximately 744 kilometres from Sydney. There are eight cells at this location, which hold a maximum of 18 inmates. Inmates at this location are generally sent to Grafton CC, which is 130 kilometres away. At the time of reporting, there were 19 permanent staff located at the court cells and five inmates in custody.

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

During the 2016-17 financial year, there were 1285 inmates admitted to the Lismore court cells. According to data provided by CSNSW, there were 17 incidences of inmates being held longer than the statutory maximum of seven days at this location.

#### *Design of the cells*

The court cells at Lismore are split between two locations. During court days, inmates are moved to holding cells that are closer to the court.

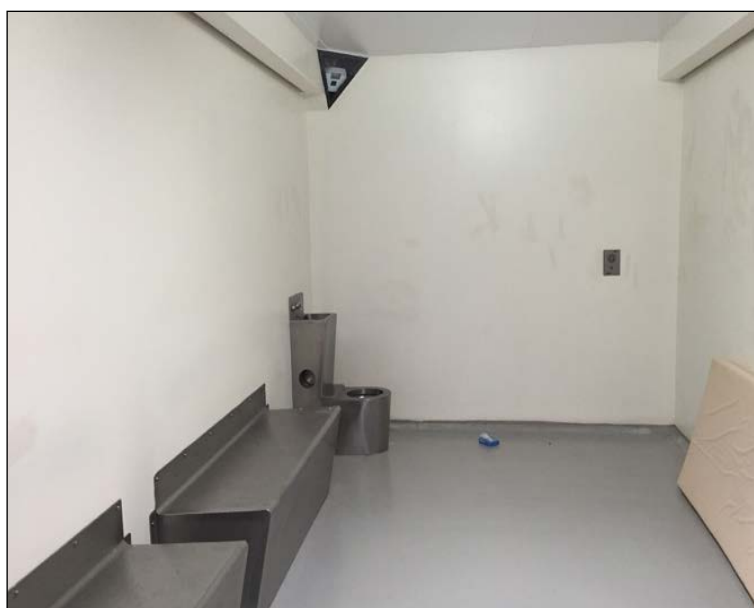
The cells in which inmates are detained overnight have televisions, skylights and some cells have privacy screens around the toilet.

### 4.10.3 The conditions and treatment of inmates

The cells are cleaned daily by a professional cleaner, and there was minimal graffiti identified.

Inmates had few complaints about the overnight cells, but did request some passive recreational activities such as books or playing cards to reduce boredom.

The main concern raised by staff and inmates was the temperature of the cells, which they stated was very cold in winter and hot in summer. Inmates further observed that there is no opportunity to tell the time when they are in the cells.



Cell with no privacy screen



Cell with a privacy screen



## **Clothing**

Clean clothing is distributed to inmates who are in custody longer than 72 hours. There was sufficient clothing, including socks and underwear, in storage.

## **Food**

Breakfast consists of cereal, toast and tea or coffee. Lunch is supplied from a local business. Frozen meals from CSI are re-heated as evening meals as was the practice at most locations. Inmates advised that there were no issues with the food.

## **Bedding**

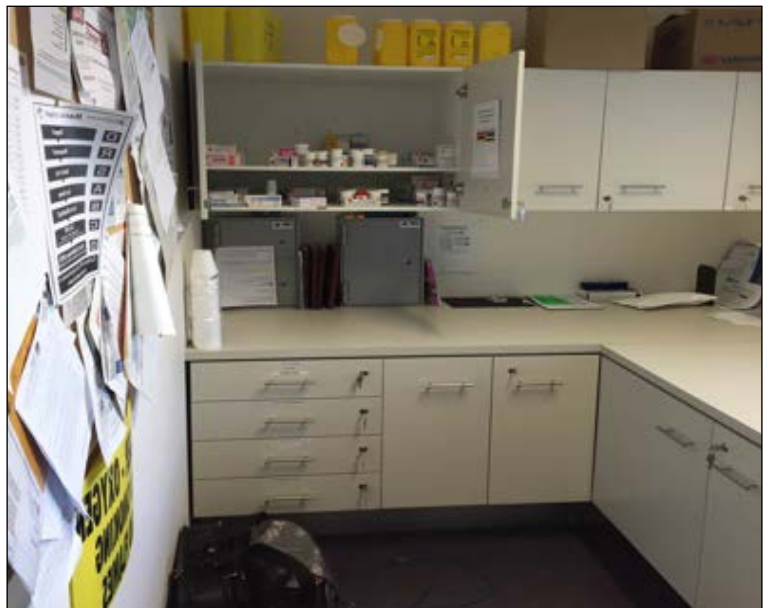
The mattresses and blankets were inspected to ensure that they were in a suitable condition with no rips, tears, or mould. All mattresses and blankets inspected were in good condition, and there is an ample supply of additional blankets available if required. As with the majority of 24-hour court cell complexes, the inmates are not provided with a pillow.

## **Inmate welfare**

A Mental Health Nurse is stationed at Lismore CCC and prepares specialist assessments for court. The Mental Health Nurse at this location also assists inmates to make telephone calls. The presence of mental health services is valued by CSNSW staff, and assists in providing an essential safety net for some of the most vulnerable inmates.

An issue that was raised at this location and relevant to all court cell locations was in relation to inmate access to telephone calls. Inmates often need to contact family or friends to advise where they are and to make alternative care arrangements for their children or parents. Inmates may need to advise their employer that they will be absent from work or arrange for the care of pets. There are other reasons inmates may need to make a telephone call. An example raised at Lismore was in relation to assisting inmates to meet bail conditions.

It has been expressed by staff that the opportunity to provide a telephone call is one of the limited number of management tools available to reduce the anxiety and frustration of inmates. Allowing inmates to make phone calls makes a significant difference to inmate wellbeing and, in some cases, may assist them in meeting bail conditions.



Nurse's station



Nurse's station

#### **4.10.4 The provision of and access to health services (provided by JHFMHN)**

JHFMHN has a Clinical Nurse rostered at Lismore CCC for four hours (12:00 to 16:00), seven days a week. Staff voiced their opinion that additional hours would be beneficial, particularly as the cells operate 24-hours a day, seven days a week.

The consensus was that an extra two hours a day would address some of the most serious issues, with a preference that the shift be extended to eight hours a day.

#### **4.10.5 Access to legal representatives**

There were no issues or concerns raised or identified in relation to inmates accessing their legal representative.

#### ***Infrastructure and staffing***

There were no significant issues or concerns raised by staff in relation to infrastructure and maintenance.

#### ***Staffing***

There were no issues raised in relation to staffing at this location.

#### **4.10.6 Relevant standards, legislation, policies and procedures**

Staff at this location raised concerns about the absence of a set of standards applicable to 24-hour court cell complexes. Staff suggested that a standardised set of procedures should be developed which is specific to the needs of 24-hour court cell complexes.

#### **4.10.7 Any other related matters**

One concern at this location was in relation to the implementation of the changes to the Risk Intervention Team (RIT) process for inmates who have been identified as being at risk of either self-harming or suicide. The RIT process means that inmates who have been identified as at risk of either self-harm or suicide cannot be placed in a correctional cell unless it is a cell which is purposely designed for staff to closely monitor at-risk inmates. CSNSW has developed a new 'Managing Inmates at Risk' policy,<sup>19</sup> which prioritises inmates identified as at risk of self-harm for movement to a CC. A staff training program is being rolled out across CCs to assist staff in managing inmates who are at risk of self-harm. Staff advised they had not yet received training in relation to the changed policy and procedure.

---

19 Corrective Services NSW (2017) *Custodial Operations Policy and Procedures 3.7: Management of inmates at risk of self-harm or suicide*, Corrective Services NSW, Sydney.

## 4.11 Port Macquarie Court Cell Complex

### 4.11.1 Overview

Port Macquarie Court Cell Complex was inspected on 22 June 2017. The cells are located 388 kilometres north of Sydney, 246 kilometres south of Grafton CC and 63 kilometres south of the Mid North Coast CC. Port Macquarie CCC is situated within the local police station. There are six cells at this location, with a maximum capacity of 11 inmates.

At the time of reporting, there were 12 permanent staff members employed at the cells, and in the previous reporting period there were 3700 total movements. There were six inmates in custody at the time of inspection. Generally, inmates are transferred to Mid North Coast CC or Grafton CC.

The infrastructure at this location was relatively dated in comparison to other locations and very restricted in terms of allocated space.

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

During the 2016-17 financial year, there was 1074 inmates admitted to Port Macquarie CCC. According to data provided by CSNSW, there were 14 incidences of inmates being held longer than the statutory maximum of seven days at this location.

### 4.11.3 The conditions and treatment of inmates

#### *Design of cells*

The cells were clean and tidy, with minimal evidence of graffiti or other wilful damage. There is a corridor which inmates can use to exercise; however, not all inmates can access this space.

All cells had access to a television set with the audio delivered via an in-cell speaker, which is an appropriate design for containing the noise coming from multiple television sets. The lights in the cells are turned off at night.

However, the infrastructure is not ideal as some of the cells had showers located within the actual holding cell without any privacy.



Shower in cell with no barrier



Cell with a modesty barrier

One complaint expressed by staff and an inmate was in relation to the temperature of the water in the showers and temperature of the cell location as a whole. The general complaint was that the cells were too cold in winter and too hot in summer. As a result, in winter, inmates often choose not to shower during their time at the cells.

### **Clothing**

There were different sizes and types of clothing, including footwear available at the cells. The clothing was supplied by Mid North Coast CC, which has a robust system for washing and recycling clothes.

### **Food**

Breakfast is toast, cereal and a hot beverage. Lunch is sandwiches, provided by CSI. A local business supplies evening meals.

### **Welfare**

There are no welfare services provided at Port Macquarie CCC.

### **Access to telephone**

The staff at Port Macquarie CCC offer a telephone phone call to inmates after they have stayed at the location for longer than 72 hours, if it is operationally possible. The calls are subject to the normal security checks for inmate access.

#### **4.11.4 The provision of and access to health services (provided by JHFMHN)**

JHFMHN provides nursing coverage at the cells four hours a day, four days a week.

The main issue raised by correctional officers is that they are not advised if a nurse is unable to attend the court cells for their rostered shift. Staff stated that this can cause issues if they are expecting a nurse to attend the court cells to administer medication to inmates.

Management also raised concerns that the nurse contact hours had been reduced from five days a week to four days. There are repercussions that flow on from a restricted presence at this location. Between 20:00 on Thursday and 16:00 on Monday, there is no medical presence. The result is that inmates with medical issues or prescription requirements are without professional medical assistance for nearly four days if an inmate is admitted after 20:00 on Thursday.



Nurse's Station



Drug safe



If an inmate requires opiate replacement therapy during this time, correctional officers are required to escort handcuffed inmates to the local detox clinic, which is a potential security risk.

Staff were universally of the opinion that a JHFMHN staff presence should be maintained.

### **Medical facilities**

A holding cell has been converted into a nursing station. The station is equipped with some of the basic needs for a functioning nurse's station, including a drug safe for Schedule 8 drugs.

### **5.11.5 Access to legal representatives**

There is no AVL facility at this location, however, there is a legal visits area where inmates may speak with their legal representatives. There were no issues identified or raised in relation to this area.



Legal visits area

### **4.11.6 Inmate interview**

The inspection team spoke with one inmate at the court cells. The inmate was newly admitted to custody and did not have any issues or concerns. The inmate stated that he had been fed and offered access to a legal representative.

### **4.11.7 Infrastructure and staffing**

A recurring issue at 24-hour court cells relates to the ownership of the physical infrastructure, therefore the responsibility of maintenance. An example of a recurring maintenance issue is the CCTV cameras in cells. Staff advised that when a camera in a cell is out of commission, it precludes the cell from being used and reduces the capacity of the court cells. Staff advised that issues relating to CCTV usually took approximately 72 hours to fix.

### **Staffing**

There is only one correctional officer on staff for the morning and evening shift at Port Macquarie CCC. NSW Police assist in situations where more than one officer is required, such as inmate movements, intake and searching.

### **4.11.8 Relevant standards, legislation, policies and procedures**

Staff at this location raised concerns about the absence of a set of standards applicable to 24-hour court cell complexes. Staff suggested that a standardised set of procedures should be developed which is specific to the needs of 24-hour court cell complexes.

## 4.12 Amber Laurel Correctional Centre

### 4.12.1 Overview

Amber Laurel CC was inspected on 1 June 2017. Amber Laurel CC is located at Emu Plains, 60 kilometres west of Sydney; it is gazetted as a CC. However, unlike other correctional centres, the operational practices generally reflect that of a 24-hour court cell complex. That is, the inmates are contained in the cells for most of their stay, and provided no access to telephone calls, visitors, activities or programs.

The centre has 28 double cells, which can accommodate a maximum of 56 prisoners. There are 31 permanent staff members employed at the facility. During the last reporting period, there were 12,520 inmate movements through Amber Laurel. On the day of the inspection there were 25 inmates located at the facility.

As Amber Laurel is gazetted as a correctional facility, inmates can be detained for periods longer than seven days. However, unlike other correctional facilities, inmates at Amber Laurel do not have access to family visits, telephone calls, buy-ups, programs, structured day activities or professional services such as psychologists, the Visiting Medical Officer or caseworkers.

As Amber Laurel is gazetted as a correctional facility, inmates should be provided with access to family visits, time out of cells, fresh air and exercise. If this is not possible, inmates should not be held for longer than seven days.

CSNSW have advised that there is no intention to operate the centre as a correctional facility, and that they will investigate possible improvements to the amenity of the centre.

**35: The Inspector recommends that inmates should not be held longer than seven days if CSNSW operates Amber Laurel Correctional Centre as a 24-hour court cell complex.**

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

During the 2016-17 financial year, there was 6670 inmates admitted to Amber Laurel Correction Centre. According to data provided by CSNSW, there were 29 incidences of inmates being held longer than seven days at this location.

### 4.12.3 The conditions and treatment of inmates

#### *Design of the cells*

Each two-person cell has a toilet, wash basin and drinking fountain. Consistent with most of the other cells inspected, there is no privacy screen for inmates when using the toilet. Inmates stated that they use a mattress as a substitute for a screen when using the toilet.

#### *Bedding*

All cells inspected had mattresses and blankets. Consistent with the majority of the court cells, inmates are not provided with a pillow. As Amber Laurel is gazetted as a correctional facility, inmates should be provided with standard clothing and bedding requirements.



Typical cell

### **Condition of cells**

Although there is a professional cleaner employed seven days a week at the facility, staff stated that it is difficult to clean the cells thoroughly during busy periods when inmates are confined to their cells. The cells showed obvious signs of requiring a thorough clean, with evidence of graffiti, food matter and other types of stains on walls.

### **Stimulation while in cells**

Each cell has a television, which assists in relieving the boredom for inmates and provides an opportunity to stay connected with the 'outside world'. However, there was no evidence of inmates being able to access books, magazines, writing material or other items that are otherwise available in a correctional facility to provide some level of stimulus.

### **CCTV monitoring of at-risk inmates**

CSNSW is trialling monitoring software at Amber Laurel for inmates who have been identified as being at risk of self-harm or committing suicide.

The introduction of this specialised software to court cells alerts staff when observations of an inmate are required.

A full-screen image of the inmate's cell is displayed on the screen, which requires the observing officer to physically acknowledge the alert and record what the inmate is doing at the time of observation. The benefit of this system is that it provides a real-time recording of the inmate's behaviour and an accountable system that ensures staff are conducting regular checks on inmates. Such practices assist in ensuring the welfare and safety of inmates, particularly those who are vulnerable and require additional supervision and monitoring.

### **Food**

All meals are provided by CSI. Meals consist of cereal and toast for breakfast, meat pies and sausage rolls for lunch and a pre-cooked meal for dinner.

All inmates interviewed stated that the food was like that of a correctional facility. There were no issues or concerns raised by inmates in relation to the food at the time of the inspection. However, it should be noted that, unlike a correctional facility, inmates cannot purchase additional food through the approved buy-up process, which is available to inmates in custodial facilities.



Views of the secure yard available



Views of the secure yard available



### ***Outdoor exercise, sunlight and fresh air***

Although Amber Laurel has a secure outdoor area for inmates to access fresh air and exercise, the staff and inmates stated that the area is not used on a regular basis. The use of this area is contingent on the availability of correctional officers to supervise inmates.

### **4.12.4 Access to legal representatives**

Inmates have access to AVL. There were no issues or concerns raised, reported, or identified in relation to this area.

### **4.12.5 The provision of and access to health services (provided by JHFMHN)**

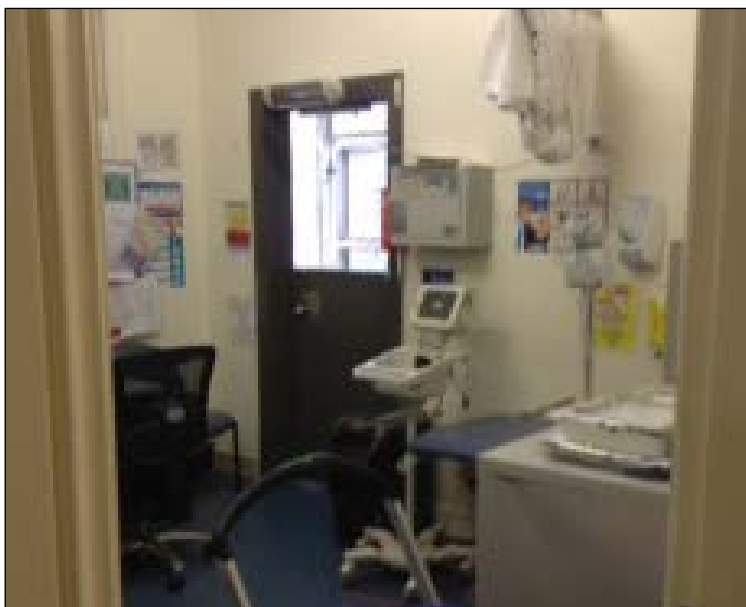
JHFMHN has a presence at the facilities seven days a week and medical services are provided Monday to Friday 14:00 to 22:30 and Saturday and Sunday 8:00 to 22:30.

Any out-of-hours medical services are provided by the nursing staff stationed at Emu Plains CC. Correctional officers advised that they are often required to distribute medication to inmates after hours, when there is no nurse present.

It was identified that JHFMHN has clear protocols in relation to the distribution of prescribed medications such as Schedule 8 drugs. All Schedule 8 medications are secured in a safe. There was evidence that these drugs are audited on a regular basis by the Nurse Unit Manager.

JHFMHN has instituted a process for dispensing medication after hours.

It involves dispensing medication in a sealed envelope with clear instructions for correctional officers to follow.



Nurse's Station

The correctional officers advised that this process was not always followed, as staff can be distracted by unforeseen circumstances, resulting in an inmate not receiving their medication. Four correctional officers stated that this situation had occurred to them; while not a deliberate action, there are concerns about inmates not receiving their medication.

JHFMHN advised they are liaising with Court Escort Security Unit CSNSW to provide additional guidelines for custodial officers around medication management. They also stated that an additional consultation room at Amber Laurel CC would allow JHFMHN nurses to see more patients and provide a better quality service.



Envelope that medication is placed in for CSNSW staff to dispense to an inmate

## **4.12.6 Infrastructure and staffing**

### ***Staffing***

There were no issues raised in relation to staffing at this location.

### ***Infrastructure***

Although Amber Laurel has an outdoor secure exercise yard, the staff and inmates advised that it is not used to full potential as a result of insufficient staff being available to supervise the inmates. The inspection team formed the view that such facilities should be used as part of a daily management routine for inmates, rather than having inmates confined to cells for the majority of the day without access to exercise.

## **4.12.7 Inmate interviews**

Four inmates were randomly selected by the inspection team for interview. All four stated that staff at Amber Laurel treated them respectfully. One inmate provided an example of a situation where his daughter had called Amber Laurel and the message had been passed on to the inmate.

The inspection team identified that all inmates had been at Amber Laurel for less than five days. There were no significant issues or concerns raised, reported or identified.

## **4.12.8 Relevant standards, legislation, policies and procedures**

There were no issues raised.

## 4.13 Penrith Court Cell Complex

### 4.13.1 Overview

Penrith CCC was inspected on 23 June 2017. At the time of inspection, the 24-hour court cell area was in use.

Penrith CCC is located within Penrith Police Station, 60 kilometres west of Sydney CBD. The complex is generally only utilised as an eight-hour or five-day location, during standard court hours. However, if Amber Laurel CC is over capacity, Penrith CCC is at times utilised as a 24-hour court cell location.

From 1 July 2016 to 1 July 2017, the cells were used 43 distinct times.<sup>20</sup>

Penrith CCC comprises of 12 cells, with a maximum holding capacity of 22. In the previous reporting period (since 1 July 2016), there were 1365 movements.

As the Penrith cells are only used when the number of inmates in custody is high, the types of inmates admitted are restricted, for example, female inmates are not detained at this location, or inmates who have been identified as being at risk from other inmates or self-harm.

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

During the 2016-17 financial year, there was 987 inmates admitted to Penrith court cells. According to data provided by CSNSW, there were 20 incidences of inmates being held longer than the statutory maximum of seven days at this location.

### 4.13.3 The conditions and treatment of inmates

#### *Design of the cells*

The cells at Penrith were broadly the same as at other locations: a small room with concrete bunks around the outside wall. A toilet is available in-cell with a privacy barrier. Televisions are also available in common areas.

One difference in the design of the cells for inmates at Penrith is that the cells all face a common corridor, with showers at one end. The showers are in the communal areas of the court cells with limited privacy for inmates, as the walls to the showers are opaque. However, inmates can shower daily and no complaints were received.

---

<sup>20</sup> Penrith Court Cell Complex was utilised as a 24-hour court cell location during the following dates: 1-26 July 2016, 14-15 November 2016, 26-30 November 2016, 2-11 December 2016, 18-19 February 2017, 27-29 May 2017, 3-8 June 2017, 10-13 June 2017 and 17-30 June 2017. Data provided by CSNSW.

### ***Inmate care and management***

As Penrith CCC is not used on a regular basis, the cleaning and cell management routine is not consistent.

The inspection team was impressed by the standard of professionalism demonstrated by correctional officers in providing inmates with the best possible treatment and conditions within a challenging environment. This included permitting inmates to exercise, providing inmates with one approved telephone call per day and providing morning and afternoon tea, in addition to meals.

Discussions with multiple inmates reflected the positive and professional work of staff at Penrith CCC. The respectful relationship between staff and inmates was obvious, and staff and management should be commended for their professionalism.



A cell at Penrith

One of the particularly positive aspects of the infrastructure at Penrith was access to some natural light in the cells during the day. It was also noted the cell lights are turned off at night to help the inmates to sleep.

### ***Bedding***

Mattresses and bedding were inspected to ensure cleanliness and condition. The majority of mattresses used for sleeping were in good condition. Unlike other 24-hour court cell complexes, inmates are provided with pillows as part of their bedding entitlements. This is a practice which should be adopted at all other locations.

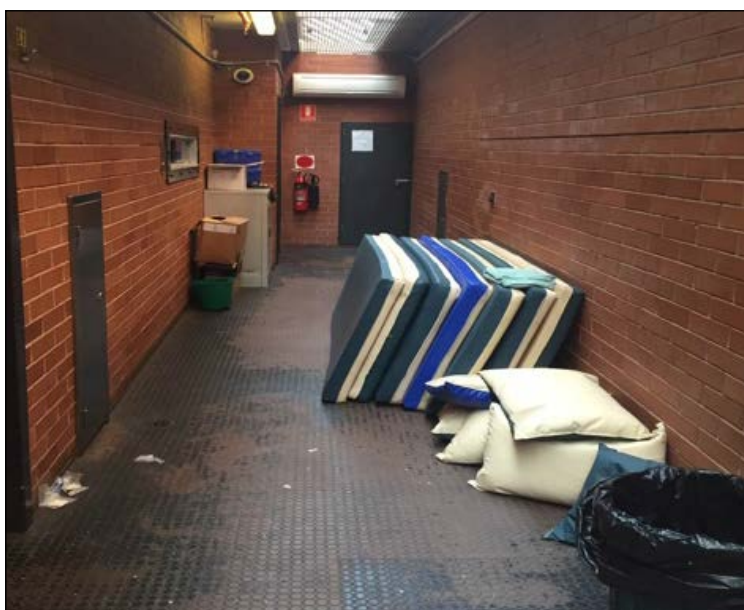
Due to the sporadic use of Penrith CCC, the storage of unused mattresses and other bedding is an issue, as these items are stored in the corridors, which is neither ideal or hygienic.

### ***Clothing***

Staff advised CSNSW issued clothing supplied by Amber Laurel CC is available at Penrith, but availability of particular items including underwear is limited.

### ***Food***

Food is provided by CSI and transported from Amber Laurel to Penrith CCC. Breakfast consists of toast, cereal and coffee. Lunch generally consists of sandwiches. Dinner consists of hot meals. Due to the lack of preparation facilities, the meals are heated at Amber Laurel CC and transported to Penrith.



Mattresses and pillows stored on the floor of the main corridor

## ***Welfare***

There is no welfare service provided at Penrith CCC.

## ***Access to telephone***

Inmates receive the provision of one telephone call every day. The practice of offering phone calls at this location assists in the overall management and wellbeing of inmates.

### **4.13.4 The provision of and access to health services (provided by JHFMHN)**

There is no JHFMHN staff stationed or allotted to this location. The inspection team was advised that correctional officers are generally not required to administer medication for inmates at Penrith since the inmates have to be medically cleared to reside at these facilities.

### **4.13.5 Access to legal representatives**

There is a legal visits area at Penrith CCC, but no AVL suites. This means that inmates can communicate with legal representatives who attend in person or via telephone.

### **4.13.6 Infrastructure and staffing**

#### ***Staffing***

There were several areas for staff to use at this location, including a decent-sized officer's mess. Staff requested that the kitchen is refurbished to enable staff to prepare their own meals as well as the inmates' meals. The intake area was very small, and the skylights both in the intake area and throughout the facility required cleaning.

In relation to maintenance other than cleaning, there were no issues identified or raised.

### **4.13.7 Relevant standards, legislation, policies and procedures**

Staff advised that standard operating procedures and an operational procedures manual specific to court cells is required. Correctional officers believe this would assist in ensuring a consistent approach is maintained across all court cell locations.

### **4.13.8 Any other related matters**

The staff at this location advised that transport vehicles do not fit in the loading bay, causing a potential security risk.

## 4.14 Parramatta Court Cell Complex

### 4.14.1 Overview

Parramatta CCC is located 23 kilometres west of Sydney CBD and adjacent to the Parramatta Police Station. The cells were inspected on 23 June 2017.

Although Parramatta Court Cells are not operational daily, they were included in this inspection as they have been opened when inmate numbers were high. Prior to the re-opening in June 2017, Parramatta had not been operational since December 2016. Since the inspection, CSNSW have been advised that the Parramatta CCC has been decommissioned by the NSW Police Force.

From 1 July 2016 to 1 July 2017, Parramatta CCC was utilised for a total period of 29 days.<sup>21</sup>

The complex comprises of seven cells with a maximum holding capacity of 14 inmates. At the time of inspection, this was reduced to 12 cells, as two cells were out of commission. In the previous reporting period (since 1 July 2016) there have been 264 movements at this location.

Inmates who have health issues or require protection or additional supervision are not detained at Parramatta. Female inmates are also not detained at this location. Inmates must be medically cleared to be accepted at this location.

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

During the 2016-17 financial year, there were 1413 inmates admitted to Parramatta CCC. According to data provided by CSNSW, there were 11 incidences of inmates being held longer than the statutory maximum of seven days at this location.

### 4.14.3 The conditions and treatment of inmates

#### *Design of the cells*

The cells at Parramatta are basic in design. At this location, some cells adjoin a common area and this gives the inmates the opportunity to commune, which can assist in alleviating boredom and in some cases anxiety. While this is precluded due to security concerns at other court cell complexes, it is permitted at this area due to the absence of at-risk inmates.

Each cell has a toilet without a privacy barrier. There is a hand-washing unit installed on the wall, which also provides drinking water. The beds are raised concrete bunks. Some of the cells have limited access to sunlight, but most do not.

There are no televisions in the cells, but some brackets remain where there used to be out dated analogue television sets. The remaining brackets are a safety risk as they have both a sharp edge and constitute a potential hanging point. Each cell has a call button for emergency assistance.

The inspection team found that the cells were dirty and had graffiti. In the out-of-commission cells, there were old food containers, with remnants of food still inside. This is a health and hygiene issue. Staff and inmates complained about the number of cockroaches at the cells. The walls and floors were also dirty and in need of thorough cleaning and painting.

Showers were available daily to inmates and inmates indicated they used them; however, two showers had their doors removed, causing privacy issues for inmates.

---

<sup>21</sup> Parramatta CCC was utilised as a 24-hour court cell location during the following dates: 9-19 July 2016, 21-22 July 2016, 24 July 2016, 3-5 December 2016, 8 December 2016, 6-8 June 2017, 21 June 2017, 23-26 June 2017 and 29-30 June 2017. Data provided by CSNSW.

### ***Inmate care and management***

Throughout the inspection process and visits to all 24-hour court cells in NSW, inmates have generally shared positive experiences about their stay at court cells. Very few inmates have given rise to serious complaints relating to conditions. The inspection at Parramatta CCC was an exception in that respect.

The inspection team found that the infrastructure at Parramatta needed maintenance and the design of the cells was dated. The cells were dark, and few had any natural light. Most concerning was the obvious potential hanging or ligature points in some cells. There are no diversions for inmates, such as television, books, magazines or newspapers. Further compounding the conditions is the absence of air-conditioning or heating at this location.

### ***Clothing***

Staff and inmates both reported that there was no clothing or shoes available, and the inspection team observed, by the odour, that some inmates needed clean clothing. This may be a result of the sporadic opening times of the 24-hour court cell area; however, the availability of clothing should be consistently applied throughout the state.

### ***Food***

Meals are provided by CSI. Breakfast is toast and cereal with tea and coffee. Lunch is sandwiches and dinner is a hot meal.

### ***Welfare***

There are no welfare services provided to inmates at Parramatta CCC.

### ***Access to telephone***

Inmates are permitted to make one phone call per day. Staff facilitate phone calls by using a portable phone. Staff stated that the availability of phone calls to inmates was particularly useful to break the boredom for inmates.

#### **4.14.4 The provision of and access to health services (provided by JHFMHN)**

There is no JHFMHN staff presence at this location; however, correctional officers are generally not required to administer medication for inmates at Parramatta, as inmates who are on medication are not detained at this location.

#### **4.14.5 Access to legal representatives**

There is no AVL suite or legal visits area at Parramatta CCC. Inmates can use their standard daily telephone call to contact a legal representative if they wish to, but that is at the expense of a telephone call that could otherwise be used to call a family member or friend.



#### **4.14.6 Inmate interviews**

Inmates raised concerns about the conditions, however, all of the inmates commented on the professional attitude and behaviour of correctional officers. Staff should be commended for this feedback.

Some inmates were agitated due to the length of time they had spent in the cells. One inmate had been at the location for six consecutive days, and requested to be transferred to a prison as soon as possible.

The inmates raised concerns in relation to the cold conditions, particularly during the evening, and also raised issues about the lack of prison clothing available. All inmates spoken to were wearing their own clothing, which they had been wearing for several days. The inmates stated that they were bored and had no form of passive recreation or distraction, although they were grateful that staff provided one telephone call per day. The inmates volunteered various suggestions, including television, radio, playing cards, pen and paper, magazines or books. Staff also echoed these concerns for the inmates.

#### **4.14.7 Infrastructure and staffing**

##### ***Infrastructure and maintenance***

A number of maintenance issues were raised with senior CSNSW staff at the inspection debrief. These issues had caused some cells to be decommissioned at the time of inspection to allow repairs to occur to correct the problems. For example, one decommissioned cell had a leak in the ceiling, which allowed water to run into the electric light housing when it rains.

The staff areas at Parramatta CCC also need some maintenance and attention. Although the CCTV system was in working order, the cabling was loose and not covered. There was a very strong smell of insecticide that the staff put down to the cockroach infestation. Staff stated that it was an unpleasant place to work. CSNSW were unable to provide information relating to cleaning contracts at Parramatta. Staff advised that inmates occasionally mop the cells, but it was evident from the inspection that cleaning was not performed regularly or at all at this location. CSNSW has advised that the complex has been decommissioned by the NSW Police Force.

**36: The Inspector recommends that Parramatta Court Cell Complex is no longer used by CSNSW.**

##### ***Staffing***

Some staff stated they would appreciate regular visits by senior staff to this location to ensure the cells were in a suitable condition for staff and inmates before being utilised.

#### **4.14.8 Relevant standards, legislation, policies and procedures**

Although CSNSW advises that correctional officers are meant to operate within the OPM, staff were concerned about the absence of formal operational protocols at the cells. It is clear, in the absence of specific standards relating to court cells, local and informal ways of doing things develop. The absence of standard operating procedures for court cells is evident in the many differences encountered between court cell locations.

## Annex A: Terms of reference

### *Terms of reference*

The Inspector of Custodial Services will inspect the 24-hour court cells operated by Corrective Services New South Wales (CSNSW), with particular reference to:

1. Admission and length of time spent in court cells
2. The conditions and treatment of inmates
3. The provision of and access to health services (provided by JH&FMHN)
4. Access to legal representatives
5. Infrastructure and staffing
6. Relevant standards, legislation, policies and procedures
7. Any other related matters

The inspection will take place at Amber Laurel CC and the following 24-hour court cell complexes:

Albury Cell Complex

Batemans Bay Cell Complex

Dubbo Cell Complex

Lismore Cell Complex

Moree Cell Complex

Newcastle Justice Precinct

Port Macquarie Cell Complex

Queanbeyan Cell Complex

Surry Hills Cell Complex

Wagga Wagga Cell Complex

Wollongong Cell Complex



**Justice**

Inspector of  
Custodial Services