



Inspector of
Custodial Services

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Inspection of Mary Wade
Correctional Centre



Inspector of Custodial Services

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(October 2020)

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Foreword

This report documents our inaugural inspection of Mary Wade Correctional Centre (MWCC) following its opening in November 2017. As a stand-alone remand facility for women in metropolitan Sydney, I was eager that we explore the correctional environment at MWCC after our series of inspections focusing on the conditions and experience of women on remand in NSW custody. MWCC's offering is unique in the NSW custodial system and its premise acknowledges that women on remand have specific needs that differ from both those of men and from those of sentenced women in custody.

At MWCC we observed a level of access to women's health services, legal services, relevant programs, and employment opportunities that was much improved on the access for women on remand when they are accommodated in predominantly male custodial centres or alongside sentenced women. The physical site, with its open layout, and small accommodation units organised around a central green space, is also more aligned with the needs of women adjusting to custody. It retains some sense of community living and enables women to maintain a sense of autonomy and responsibility for their daily movements without compromising the safety and security of the environment. We also observed a positive and generally respectful social climate that both staff and women in custody at MWCC were benefiting from. This was most recently evident to me in the sincere appreciation that women in custody expressed to staff at MWCC, for their bravery in responding to a fire in a cell and compromising their own wellbeing to assist women out of their cells and to safety. The recommendations proposed in this report aim to build on the good foundations we found had been established at MWCC.

In August 2020, prior to the finalisation of this report, I received advice from Corrective Services NSW that MWCC is to be repurposed as a custodial facility to accommodate minimum security classified men in custody. Reflecting on this advice, I am not surprised. Since October 2019 the number of women in custody in NSW has decreased. At the time of writing, the number of women in custody was 857 with 346 women on remand. This reduction in numbers had already enabled the closure of Berrima Correctional Centre in June 2020. Berrima Correctional Centre was built in the 1800s and was originally planned to be inspected for this report, before its closure was announced. Although it was not formally inspected we visited Berrima Correctional Centre on a number of occasions before its closure. Additionally the recent expansion of Dillwynia Correctional Centre in Windsor provides capacity for another 200 women in the metropolitan Sydney area and the opening of Clarence Correctional Centre near Grafton has accommodation for up to 300 women in northern NSW.

This report outlines the advantages of keeping an unsentenced population separate from sentenced inmates; in that it enables the specific needs of this cohort to be addressed, as distinct from those informing regimes for sentenced inmates. While I am disappointed that MWCC will no longer be available to accommodate women on remand in custody, my hope is that Corrective Services NSW will implement this successful model in other locations. For this reason, many of the recommendations in this report will remain relevant for the management of women at Dillwynia and Clarence Correctional Centres, as well as other correctional centres in NSW that accommodate women on remand and sentenced women. A number of other recommendations that are site specific will remain relevant for the new cohort of male minimum security inmates.

Fiona Rafter, Inspector of Custodial Services (October 2020)

Acknowledgements

The Inspector appreciates the contribution made by women in custody at Mary Wade Correctional Centre who spoke to the inspection team. The Inspector would also like to acknowledge the assistance and input of CSNSW and Justice Health & Forensic Mental Health Network staff at Mary Wade Correctional Centre, and from the Regional Aboriginal Programs Officer. Additional assistance from Corrective Services NSW units, including Corrections Research, Evaluation and Statistics (CRES), Offender Services and Programs, Brush Farm Corrective Services Academy, and JUST Connect is also acknowledged. The Inspector also thanks Dr Elizabeth McEntyre for her contribution to this inspection.

Glossary of terms and acronyms

Aboriginal	'Aboriginal' when used in this report is inclusive of Aboriginal and Torres Strait Islander people.
AVL	Audio-Visual Link technology, enabling communication between an offender and their legal representative or a court. Facilities can also be used for virtual family and social visits.
Bangkok Rules	The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders
CCTV	Closed-circuit television used to visually monitor a physical space/s.
COPP	Corrective Services NSW's Custodial Operation Policy and Procedures
CSNSW	Corrective Services NSW
CSI	Corrective Services Industries
ICS	Inspector of Custodial Services
ICS Act	<i>Inspector of Custodial Services Act 2012</i> (NSW)
IDC	Inmate development committee
ISQ	The Intake Screening Questionnaire is administered to inmates on their reception to a correctional centre.
JH&FMHN	Justice Health & Forensic Mental Health Network
Mandela Rules	The United Nations Standard Minimum Rules for the Treatment of Prisoners
MWCC	Mary Wade Correctional Centre
NESB	Non-English speaking background
OST	Opioid substitution treatment
Remand	An inmate on 'remand' has had a charge/s laid against them but is unsentenced.

Executive summary

Mary Wade Correctional Centre (MWCC) was established at Lidcombe in November 2017 as a maximum security custodial centre for women on remand. At the time the number of women being remanded in custody was increasing and there was a shortage of appropriate accommodation in the metropolitan Sydney area. The designation of a custodial centre for unsentenced women is consistent with international¹ and local² guidance. It acknowledges that this cohort has specific needs that require considerations distinct from those informing regimes for sentenced inmates. The inspection of MWCC was completed by the Inspector of Custodial Services (ICS) in October 2019 and was the first inspection of MWCC conducted by the ICS.

Organisational environment

The inspection found that MWCC had fostered a healthy organisational environment and staff engaged well with the inspection process. Staff were also observed to be generally aware of, and responsive to, the needs of women in custody on remand as distinct from other cohorts in custody. Notwithstanding this, the Inspector has suggested ongoing training in the maintenance of professional boundaries and the use of contemporary correctional language.

Notably for a custodial centre managing women, the majority of the custodial staff are women, including the Manager of Security. This is to be commended and CSNSW should continue to provide their female staff with pathways to leadership roles in order to consolidate MWCC's staffing profile.

Management regime and conditions

MWCC accommodates women who have been remanded into custody. The physical environment and daily regime is a key strength of MWCC and is reflected in low rates of assault on staff. A structured daily routine that affords women considerable time out of their cells and units, and supervised movements in the central compound contributes to the safety and security of the centre.

Although the majority of women in the greater Sydney region are initially received at Silverwater Women's Correctional Centre, there is still a requirement that a thorough induction is undertaken at MWCC. The issuing of clothing, bedding and personal items was found to be consistent with departmental requirements. However, there was scope to strengthen the provision of support and orientation to new arrivals at MWCC. The Inspector has recommended a more structured induction program that is responsive and tailored to the needs of individual women. This is particularly important for women from culturally and linguistically diverse backgrounds, where the importance of engaging interpreting services to ensure confidential personal information is managed appropriately was highlighted. The Inspector has also recommended that the service and program needs of women on remand, especially those who have been in custody for more than six months, are reviewed and updated to reflect changes in personal circumstances and services available.

The practice of strip searching women was identified as an area of concern. The inspection identified that routine strip searches were being performed after the conclusion of non-contact visits. The Inspector has recommended that this practice is ceased and that staff at MWCC receive further training on when and how to conduct searches. Many of the observations echo the concerns published in the Women on Remand Report that routine strip searching is inconsistent with trauma-informed practice principles and less effective than alternative technology-enabled search methods.³

1 United Nations Standard Minimum Rules on the Treatment of Prisoners;
United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders.

2 Crimes (Administration of Sentences) Regulation 2014 cls 33 and 34.

3 Inspector of Custodial Services (NSW), *Women on Remand* (Report, February 2020).

Health and wellbeing

Justice Health & Forensic Mental Health Network (JH&FMHN) operate the health centre at MWCC. It was observed to be accessible to women and well-resourced, with a range of available services, including women's health. However, the waitlists for visiting JH&FMHN psychiatry, mental health nursing, and drug and alcohol services were identified to be a risk in the remand setting. It is recommended that mental health services are expanded at MWCC to align with the elevated mental health needs of women in custody, and the peak of poor mental health during the period immediately after entering custody.⁴ The Inspector has also recommended that the availability of on-site health services be extended from 8am–9pm to 24-hour coverage to account for the needs of women on remand.

The inspection also found that while funding for a fulltime CSNSW psychologist had been allocated to MWCC, coverage had been impacted by staff shortages and demand for psychology services in other correctional centres. Further work is required to ensure the high demand for these services is met without impacting access to psychology services at MWCC.

The inspection found cultural services and programs were limited. Given 25% of women at MWCC were Aboriginal, expanding the support for Aboriginal women was a priority of MWCC management. It is recommended that MWCC implements CSNSW's existing Aboriginal community mentors policy to ensure that any financial or logistical barriers to visits by Elders and community mentors are removed.

Family contact

The need to minimise the impact that imprisonment has on family relationships and community networks is important both for the health and wellbeing of those families and communities and for an inmate's rehabilitation and resettlement outcomes.⁵ Prior to the opening of MWCC, it was common for women in custody on remand in NSW to be transferred between metropolitan and regional correctional centres several times. The lack of stable placement was limiting access to contact between women and their families and support networks. It also limits the possibility of children being accommodated with their mothers in custody.

The range and condition of services at MWCC for making contact with family and community networks were generally good, with sufficient visit, telephone and Audio Visual Link (AVL) facilities to meet demand from women. Recommendations are aimed at reducing barriers that were found to be associated with a failure to account for the needs and circumstances of individual inmates and their families. For example, women working in particular industries should not be disadvantaged in terms of their telephone access. There is also a need for information about visit processes and contact options to be provided in different languages to cater for those inmates and families from non-English speaking backgrounds. It is also recommended that visits schedules make at least one weekday option available to cater for inmates with children in out of home care who rely on a caseworker to facilitate in-person contact.

A concerning trend identified during this inspection was the use of disciplinary sanctions that restricted family contact. While the circumstances of a small number of institutional offences may require a response that includes a restriction on family contact, for the most part, the Inspector found that relevant alternative sanctions were available.

4 Kimberlie Dean and Daria Korobanova, 'Brief mental health screening of prison entrants: psychiatric history versus symptom screening for the prediction of in-prison outcomes' (2018) 29(3) *The Journal of Forensic Psychiatry & Psychology* 455-466.

5 Lord Farmer, 'The Importance of Strengthening Female Offenders' Family and other Relationships to Prevent Reoffending and Reduce Intergenerational Crime.' Ministry of Justice (Final Report from The Farmer Review for Women, Ministry of Justice (UK), June 2019) 79.

Ian Brunton-Smith and Daniel McCarthy, 'The Effects of Prisoner Attachment to Family on Re-entry Outcomes: A Longitudinal Assessment' (2017) 57(2) *The British Journal of Criminology* 463-482.

Purposeful activity

The Inspector was impressed with the range of programs, education and employment at MWCC and considers that this is a key benefit of accommodating women on remand separately from sentenced women. The pursuit of modifications to programs by services and programs officers was encouraging. Participation in education units is strong at MWCC but enrolments in formal qualifications are regularly disrupted by transfer or release. There is an opportunity to maximise the potential of managing a 100% remand cohort and better align education, programs and employment with the custodial circumstances and the needs of women on remand. It is recommended that CSNSW reviews the delivery format of programs and education at MWCC to maximise the opportunity for completion by participants.

Legal services

Access to legal services is a fundamental need and right of women remanded in custody. In correctional centres where women on remand are managed alongside sentenced women or men, challenges arise in balancing the needs of these different cohorts. The benefits to women on remand of being accommodated in a remand-only environment were apparent during this inspection. Good access to lawyers, the courts and legal materials was generally observed at MWCC, reflecting both the available facilities and the centre's sole focus on managing women on remand. The Inspector has recommended that MWCC consolidate the good work in this area by developing specific support and supervision around bail applications and release planning.

Recommendations

The Inspector recommends:

1. Corrective Services NSW establish a structured induction process at Mary Wade Correctional Centre and publish the Mary Wade Correctional Centre Local Handbook in languages relevant to the women in custody at Mary Wade Correctional Centre.
2. Corrective Services NSW use interpreters at Mary Wade Correctional Centre in accordance with the requirements of the CSNSW Custodial Operations Policy and Procedures - 11.1 Language Services.
3. Corrective Services NSW review service plans generated for people remanded in custody in NSW at least every six months and each time they are transferred to a new correctional centre.
4. Corrective Services NSW ensure there are adequate bathroom facilities accessible to women throughout the day at Mary Wade Correctional Centre.
5. Corrective Services NSW deliver training to Mary Wade Correctional Centre staff on conducting strip searches on women and cease the practice of ***routine*** strip searching women in custody in NSW after non-contact visits.
6. Corrective Services NSW articulate and monitor acceptable standards of professional language at Mary Wade Correctional Centre.
7. Justice Health & Forensic Mental Health Network provide a 24-hour onsite health care service at Mary Wade Correctional Centre and increase the range and availability of mental health services for women at Mary Wade Correctional Centre.
8. Justice Health & Forensic Mental Health Network introduce long acting OST injections at Mary Wade Correctional Centre and other women's centres.
9. Corrective Services NSW ensure a psychologist is available to provide psychology services at Mary Wade Correctional Centre five days per week.
10. Corrective Services NSW remunerate Aboriginal Elders and community mentors to attend Mary Wade Correctional Centre.
11. Corrective Services NSW display visitor information at the Mary Wade Correctional Centre reception in a range of languages.
12. Corrective Services NSW ensure a visit session is available at Mary Wade Correctional Centre between Monday and Friday for children in out of home care.
13. Corrective Services NSW ensure that current information about family video visits is included in local correctional centre handbooks, and is accessible to people from non-English speaking backgrounds.

14. Corrective Services NSW install another phone in the Acacia unit at Mary Wade Correctional Centre.
15. Corrective Services NSW identify alternatives to disciplinary sanctions that restrict family contact to address correctional centre offences by women in custody.
16. Corrective Services NSW consider providing English language education at Mary Wade Correctional Centre.
17. Corrective Services NSW review the format for delivery of programs at Mary Wade Correctional Centre to ensure that the opportunity for completion of programs is maximised.
18. Corrective Services NSW upgrade security measures in the accommodation unit yards at Mary Wade Correctional Centre to create additional employment.
19. Corrective Services NSW provide work instruction and health and safety documentation in languages other than English to women employed at Mary Wade Correctional Centre who require interpreters.
20. Corrective Services NSW ensure Acacia unit is provided with the same level of access to legal resources as the other accommodation units at Mary Wade Correctional Centre.
21. Corrective Services NSW develop a Local Operating Procedure at Mary Wade Correctional Centre to address release planning activities and responsibilities.
22. The Inspector recommends that this report is made public immediately upon being tabled in NSW Parliament, in accordance with section 16(2) of the *Inspector of Custodial Services Act 2012* (NSW).

Introduction

Mary Wade Correctional Centre profile

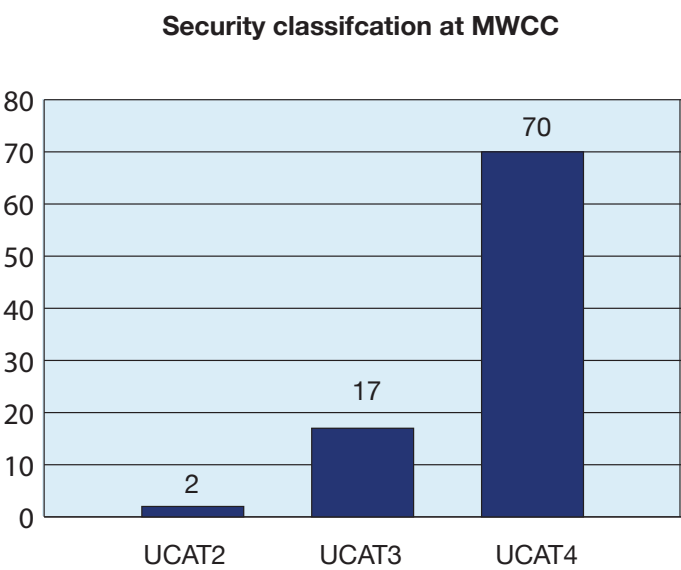
LOCATION

Mary Wade Correctional Centre (MWCC) is located 19km west of Sydney’s central business district in Lidcombe.

FUNCTION

MWCC is a maximum security custodial centre that accommodates women on remand, who have been charged with an offence but are unconvicted. If convicted, a woman may remain at MWCC for a short period of time until their sentencing is finalised.

MWCC holds women assessed as both minimum and maximum security classification. At the time of inspection women were categorised across the range outlined in the following graph.⁶



Unsentenced Category 2 and Unsentenced Category 3 classifications are both minimum security classifications and Unsentenced Category 4 is designated as a maximum security classification.

CAPACITY

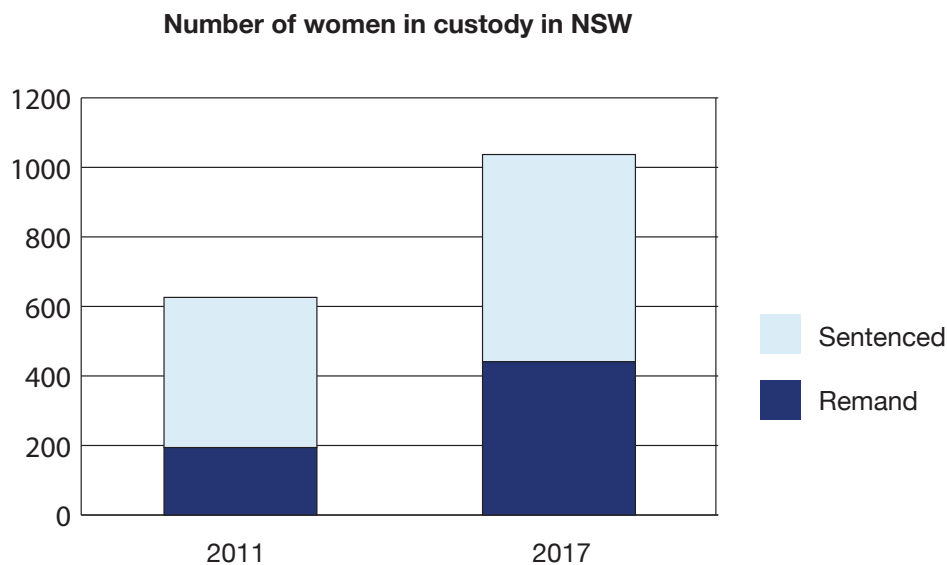
MWCC can hold 94 inmates in custody across four accommodation units. All cells accommodate two inmates.

⁶ This data was obtained from CSNSW and reflects the range of women’s security classifications as at 8 September 2019.

HISTORY

MWCC was opened on 17 November 2017. The site was previously occupied by the 44-bed Juniperina Juvenile Justice Centre for young women and girls. After gazettal of the site for MWCC on 16 September 2016, the custodial infrastructure was repurposed as a 94-bed maximum security correctional centre for adult women.

At the time MWCC was opened there was a need to accommodate increasing numbers of women held in custody on remand. Data from custody reports prepared by the NSW Bureau of Crime Statistics and Research, and reflected in the graph below, indicates that between 2011 and 2017 the number of women held in custody on remand increased by 123% from 194 to 432.



As a proportion of the number of women in custody there was also an increase in remand during this period. In 2011 women on remand constituted 31% of the total number of women in custody but by 2017 this had increased to 43%.⁷

While the opening of MWCC addressed the need to accommodate increasing numbers of women remanded in custody in the Sydney area, it also enhanced the NSW correctional system by prescribing a custodial centre for women on remand. Rule 11 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) stipulates that unconvicted inmates should be kept separately from convicted inmates.⁸ This principle of separating categories of inmate is also embedded in the *Crimes (Administration of Sentences) Regulation 2014*, which requires that to the extent that it is practicable, unconvicted inmates should be kept separate from convicted inmates.⁹

Unconvicted women and convicted women are often accommodated together but the opening of MWCC presented an opportunity to tailor a custodial regime to the specific needs of women on remand.¹⁰

⁷ NSW Bureau of Crime Statistics and Research, *NSW Custody Statistics Table* (Web Page, 10 February 2020). <https://www.bocsar.nsw.gov.au/Pages/bocsar_custody_stats/bocsar_custody_stats.aspx?_sm_byp=iVbj4WS7GFSqjQH>. This data reflects the average number of women in custody in the September-December quarters of 2011 and 2017 respectively.

⁸ *United Nations Standard Minimum Rules on the Treatment of Prisoners*, Rule 11.

⁹ *Crimes (Administration of Sentences) Regulation 2014* cl 33.

¹⁰ Inspector of Custodial Services (NSW), *Women on Remand* (Report, February 2020) 43. The Inspector previously found that unconvicted and convicted women were accommodated together at Silverwater Women's Correctional Centre, Wellington Correctional Centre, Dillwynia Correctional Centre and Grafton Correctional Centre.

Inspection process

The office of the Inspector of Custodial Services (ICS) was established by the *Inspector of Custodial Services Act 2012* (the ICS Act) in October 2013. The mandate of the office is to provide independent scrutiny of the conditions, treatment and outcomes for adults and young people in custody, and to promote excellence in staff professional practice. The Inspector is required to inspect each adult custodial centre at least once every five years and report on each such inspection to the NSW Parliament with relevant advice and recommendations.¹¹

Inspection provides independent information gathering and analysis concerning what is working well and which areas require improvement. Relevant standards, legislation, policies and procedures informed the inspection of MWCC with a focus on:

- Custody
- Care and wellbeing
- Programs, employment and education
- Resources and systems

The inspection team gather information from a range of sources in order to verify and test its consistency. An onsite inspection was conducted 15–19 October 2019. During this onsite component, observations were made, documentation was obtained and a range of discussions were held with individual women in custody at MWCC, groups of women in custody (including the inmate representative committee), and a range of staff at MWCC.

Prior to, and after, the onsite inspection, information was obtained from Justice Health & the Forensic Mental Health Network (JH&FMHN) and Corrective Services NSW (CSNSW) concerning the operation of MWCC.

While ICS staff had visited MWCC on several occasions after it opened, this was the first inspection of MWCC conducted by the ICS.

¹¹ *Inspector of Custodial Services Act 2012* s 6.

Management regime and conditions

Arriving at MWCC

Entering custody is very stressful. In addition to the disruption that imprisonment causes to family and social networks, women on remand contend with the stress of ongoing legal processes, unresolved arrangements for the care of children and other dependents, and outstanding housing and employment issues.

Accordingly, the process for receiving and admitting a person to a correctional centre is crucial in ensuring that they adjust to the environment safely. The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) stipulate that in relation to newly admitted women, supervising staff should be well-trained and respectful in their interactions, sufficient and accessible information about the custodial environment should be provided, access to legal support should be enabled, and contact with family should be facilitated.¹²

The physical reception area at MWCC was clean and well organised. There were two holding cells with closed-circuit television (CCTV) surveillance, toilet facilities with a privacy screen, a television and a bench seat. There was also a separate interview room for staff to speak confidentially with women, and a search room with access to privacy curtains, sanitary products and means of their disposal.



Reception holding cell with toilet facilities and television



Searching room with privacy curtain

Services and programs officers did not attend the reception to meet with inmates arriving at MWCC. Instead their approach was to make contact over the first few days to provide a local handbook with information about the centre's routine, family contact, support services and the range of activities and programs available at MWCC. Staff reported that while they met with women to help orient them to MWCC, there was no formal induction process because this had already occurred at Silverwater Women's Correctional Centre. The inspection team had some concerns about this assumption because the Inspector has previously identified that the induction process at Silverwater Women's Correctional Centre is not always sufficiently detailed or delivered in an accessible format.¹³ Accounts from some women at MWCC were that they had

¹² *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders*, Rule 2.

¹³ Inspector of Custodial Services (NSW), *Women on Remand* (Report, February 2020) 56-57.

The Inspector found that some women remanded in custody were only accommodated at Silverwater Women's Correctional Centre for a few days before being transferred to another correctional centre. The Inspector recommended that an induction process and local handbook is provided at all correctional centres.

spent very little time at Silverwater Women's Correctional Centre before being transferred to MWCC and that their induction had been rushed and left them without sufficient understanding of custody. Consideration should be given to delivering a structured induction program at MWCC to ensure that women are informed about their custody and supported to engage with available services and programs.¹⁴

Service plans are generated following the administering of the Intake Screening Questionnaire (ISQ) and initial contact with services and programs officers, to identify relevant services and programs.¹⁵ CSNSW procedure does not require these to be updated unless an inmate is sentenced to more than three months imprisonment.¹⁶ This means that service plans for women on remand are not subject to any review or update. CSNSW data indicated that the median time women spent on remand at MWCC was 101 days and the longest was 858 days.¹⁷ At least 18 women (or 20% of the cohort at MWCC) had been on remand for more than six months.¹⁸ Changes in a woman's circumstances and changes in the availability of services and programs at each correctional centre should be reflected in the service plan. It follows that service plans require review for women on remand for more than six months or after a correctional centre transfer. At MWCC, specific attention should be directed to ensuring that women know what is available at MWCC and any offerings are responsive to their needs.

At the time of the inspection almost 10% of women in custody at MWCC required an interpreter (eight women) and over 25% of women were from non-English speaking backgrounds (NESB). We were generally satisfied that interpreters were being used in medical escorts and court appearances. CSNSW data also showed that psychologists, case management staff and parole staff had used interpreters.¹⁹ However, the data obtained was consistent with inmate accounts that an interpreter was not routinely engaged to facilitate custodial reception interviews, orientation meetings and classification and placement reviews. Instead, a practice had emerged whereby women would seek assistance from other women on remand to provide informal translation and interpreting services. In addition to potential inaccuracies and misunderstanding, this is a breach of inmate privacy and presents a risk to security and safety at MWCC. The reception process at MWCC needs to ensure that information provided to women about their custody is accessible. Documentation that is provided to women, such as the MWCC local handbook, should be provided in languages other than English to cater for the needs of culturally and linguistically diverse women on remand.

The clothing and linen stores were well organised and clothing stocks were available in a range of sizes. Prior to the inspection there had been a shortage of underwear but this had since been rectified and a new stock management process was implemented to prevent it occurring again. Underwear was not routinely provided in the reception pack as it was assumed that women had already been issued with underwear at Silverwater Women's Correctional Centre. This does not account for those women who are transferred between correctional centres with only the clothing they are wearing. The issuing of sufficient clothing to women on their reception to a correctional centre has previously been addressed by the ICS.²⁰ With the exception of underwear, the clothing and linen packs issued to women on their arrival at MWCC were compliant with the CSNSW requirements for the issue of clothing on reception.²¹

14 The orientation program offered at John Morony Correctional Centre is structured across five days with presentations from many of the key staff and service providers in the centre. Inmates engage a workbook throughout the program in which they map relevant support and prioritise those areas they wish to work on in custody.

15 Corrective Services NSW, *Procedure for the Reception, Screening, Induction and Orientation of CSNSW Inmates* (2019) 7-11.

16 Corrective Services NSW, *Procedure for the Reception, Screening, Induction and Orientation of CSNSW Inmates* (2019) 7-11.

17 Information provided by Corrective Services NSW on 17 September 2019.

18 Information provided by Corrective Services NSW on 7 November 2019.

19 Information provided by Corrective Services NSW on 7 September 2020.

20 Inspector of Custodial Services (NSW), *Women on Remand* (Report, February 2020) 18.

In this report the Inspector recommended that 'CSNSW ensure female inmates are provided with clothing and bedding as required under Departmental procedure [...].'

21 Corrective Services NSW, *Custodial Operations Policy and Procedures - 1.5 Issuing correctional centre clothing and linen* (16 December 2017) 6.

Recommendation: CSNSW establish a structured induction process at MWCC and publish the MWCC Local Handbook in languages relevant to the women in custody at Mary Wade Correctional Centre.

Recommendation: CSNSW use interpreters at MWCC in accordance with the requirements of the CSNSW Custodial Operations Policy and Procedures - 11.1 Language Services.

Recommendation: CSNSW review service plans generated for people remanded in custody in NSW at least every six months and each time they are transferred to a new correctional centre.

Physical environment

MWCC has the benefit of relatively new infrastructure, purpose-built in 2005 to accommodate girls and young women in detention. The four accommodation units—Acacia, Banksia, Boronia and Mimosa—all open onto a large, landscaped open-air compound which is also bordered by the library, two multipurpose classrooms, the Packing and Assembly industry, administration building, health centre, visits area and the gymnasium. The compound area also has a garden bed, a series of lawns, and tables where women can congregate during the day.



Central covered walkway with programs and accommodation units on the right



Indoor gymnasium with outdoor fitness equipment foregrounded

This open, campus-style layout provides very good visibility for staff to supervise movements on the covered walkways between accommodation units, work, programs and education, and the health centre. It has also enabled an increase in daily activities as women are able to move between areas without the need for escorts. This strengthens women's sense of autonomy and encourages an exercise of self-responsibility. The results are reflected in the low rate of staff assaults. Between September 2018 and August 2019 there were no assaults against staff by inmates.²²

²² Information provided by Corrective Services NSW on 17 September 2019 and 9 October 2019.

The inspection team observed a very clean and well maintained correctional centre. The four accommodation units were all well maintained with shared facilities in good working order. A shared kitchen and common seating area was available in each of the accommodation units. Facilities included a sink, microwave, boiling water tap and cold water tap. Each cell can accommodate two inmates, with a bunk bed, desk, fixed stool, and a shower and toilet separated from the bed area by a privacy curtain. Mattresses and pillows issued to inmates were in good condition.



Two-person cell with bunk beds and a single desk



Unit common room and yard

Daily routine

The daily routine at MWCC is structured around shifting access to physical areas within the correctional centre and facilitates eight hours and 15 minutes out of cell each day.

Time	Access to cell	Access to unit common area	Access to unit rear yards	Access to compound
7.15am–8.15am				
8.15am–10am				
10am–11.30am				
11.30am–12pm				
12pm–2.30pm				
2.30pm–3.30pm				
3.30pm–7.15am				

Breakfast and lunches are consumed in accommodation units and dinners are served through cell door hatches at 4.30pm.

The inspection team observed the morning headcount and unlock, and the afternoon headcount and lock-in. Both processes were conducted according to schedule and accounts from women were that their time out of cell was rarely impacted by late morning unlock or early afternoon lock-in. Data obtained indicated that unscheduled lock-ins were infrequent at MWCC and during the September 2018–August 2019 period the monthly out of cell average was maintained at above seven hours.

Female custodial officers conducted visual checks through cell windows and warned of the forthcoming headcount and the subsequent interactions between women and staff were efficient and polite. Copies of the daily schedule were laminated and available in the unit common areas and on the insides of cell doors. This establishes transparency and clear expectations around the structure of each day.

The inspection team noted there was only one toilet available for use by women in the compound between 8.15am and 10am. This toilet had recently been retrofitted with a blue lamp to deter intravenous drug use but the light emitted was insufficient to see anything in the bathroom if the door was shut.

Recommendation: CSNSW ensure there are adequate bathroom facilities accessible to women throughout the day at MWCC.

Strip searching practice

Women at MWCC are subject to frequent strip searches but CSNSW policy does not require routine strip searches to be recorded centrally. This means CSNSW is unable to provide data on the specific number of strip searches undertaken at MWCC. Routine strip searches are conducted every time women leave MWCC and every time they return to MWCC, including for court appearances or for medical appointments. Women are also subject to a strip search after contact visits and non-contact visits. These routine strip searches are not informed by specific intelligence or a reasonable suspicion that the person is carrying contraband. Routine strip searching of women who have not left the correctional centre and have had no contact with visitors is particularly troubling. The Inspector has previously recommended that CSNSW reconsider the use of routine strip searches on women because of their inconsistency with trauma-informed principles.²³

There are also questions around the efficacy of routine strip searching as a measure for deterrence or identification of contraband. Routine strip searching of women is not recorded except where contraband is found so the rate of detection as a fraction of the number of strip searches conducted on women at MWCC is unknown. Data obtained from CSNSW indicates that no contraband was identified by way of strip searching after a visit (contact or non-contact) between 22 October 2018 and 22 October 2019.²⁴

The inspection team was satisfied that many staff members exhibited an awareness of the additional considerations set out in CSNSW's state-wide Custodial Operations Policy and Procedures (COPP) for strip searching women:

- providing for sanitary waste disposal before the search and an issue of new items after the search
- conducting the search in two stages to allow for a woman to remain partially clothed at all times.²⁵

However, accounts from women of their experience of strip searches at MWCC suggested some inconsistency in practice and the level of professionalism by searching officers.

A review of training materials used by the Brush Farm Academy revealed that staff are being trained in accordance with the Regulation, the CSNSW COPP and the need to allow women to remain partially clothed at all times. However, the inspection found that refresher training around the conduct of searches is necessary to ensure that all correctional staff are alert to their obligation to afford an inmate dignity and respect, and are informed about what a search that is consistent with this principle looks like. While the forthcoming portion of the CSNSW COPP promises to offer specific guidance and instruction to staff around the management of female inmates, including search procedures, there remains a need to provide regular, face-to-face training in this area of correctional practice.

Recommendation: CSNSW deliver training to MWCC staff on conducting strip searches on women and cease the practice of *routine* strip searching women in custody in NSW after non-contact visits.

²³ Inspector of Custodial Services (NSW), *Women on Remand* (Report, February 2020) 12, 18.

In this report the Inspector recommended that 'CSNSW review the use of routine strip searches on female inmates and consider a risk-based approach to strip searching utilising technology.'

²⁴ Information provided by Corrective Services NSW on 19 November 2019.

²⁵ Corrective Services NSW, *Custodial Operations Policy and Procedures - 17.1 Searching Inmates* (16 December 2017).

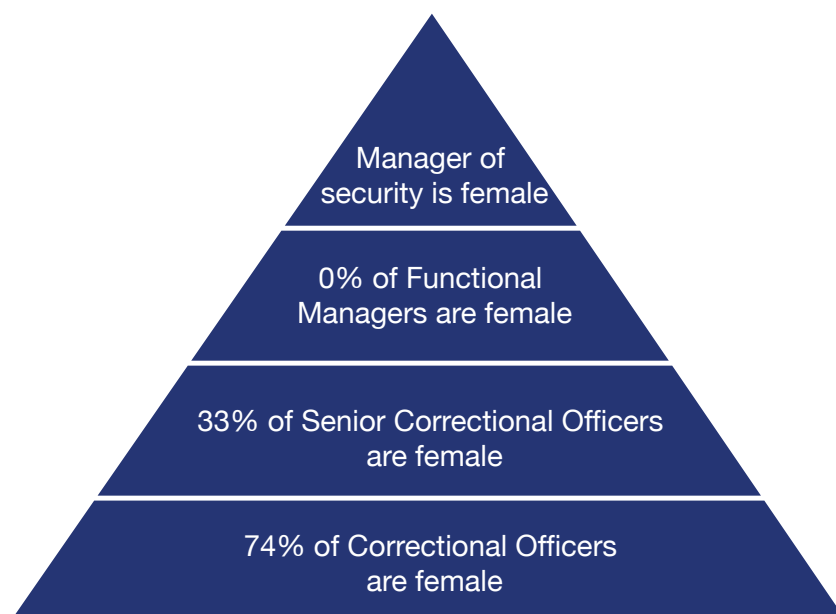
Organisational environment

The culture of a correctional centre is important because it is a determinant in predicting the level of disorder that occurs in that environment.²⁶ Several key organisational variables inform the culture of a correctional centre: staffing structure and resource allocation, staff profile and culture, and the management of a correctional centre.

The Bangkok Rules set out a number of requirements around the staffing of correctional centres holding women in custody:

- Capacity-building for staff in women's prisons should focus on the social reintegration needs of women in custody and staff should be trained in the gender-specific needs of women in custody.
- There should be a pathway for female staff to access senior management positions with responsibility for the treatment and care of women in custody.
- Staff should be trained in gender sensitivity and on the prohibition of gender discrimination.²⁷

A detailed breakdown of gender at each level of MWCC's organisational hierarchy is set out below.²⁸



²⁶ Lisa Gadon, Lorrain Johnstone and David Cooke, 'Situational variables and institutional violence: A systematic review of the literature' (2006) 26 *Clinical Psychology Review* 515-534.

Marie L Griffin, 'The influence of organisational climate on detention officers' readiness to use force in a county jail' (1999) 24 *Criminal Justice Review* 1-26.

²⁷ *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders*, Rules 29-33.

²⁸ Information provided by Corrective Services NSW on 11 February 2020.

At MWCC, approximately 55% of the custodial staff is female. This compared favourably with the state-wide substantive custodial staffing pool, which is made up of only 26% female officers²⁹ and was consistent with guidance offered by the United Nations Office on Drugs and Crime around the staffing of women's prisons that:

[f]emale prison staff should be employed in senior positions with key responsibility for the development of policies and strategies and delivery of programmes for female prisoners.³⁰

A continued commitment to providing female staff with pathways to leadership roles will consolidate MWCC's staffing capabilities.

Since the opening of MWCC in November 2017 seven different CSNSW officers have occupied the Manager of Security role. In a new correctional centre, with a large proportion of new custodial staff, there are challenges in, and opportunities for, building a supportive, inclusive and contemporary correctional culture. The inspection team heard from many staff that the consistency and stability associated with current management at MWCC was welcome. MWCC management was characterised by staff as being approachable and open to staff input, which was observed to occur at regular staff meetings. The inspection team also heard accounts of positive collaboration between custodial and non-custodial staff at MWCC. Reducing barriers to collaboration between custodial and non-custodial staff is crucial for providing a contemporary model of custody, focused on providing women on remand with access to services and individualised support. This should continue to be prioritised at MWCC.

A willingness to address issues was also reported by the Inmate Delegate Committee (IDC). It is constituted by one representative from each unit and one Aboriginal representative. The IDC meets regularly and those meetings are attended by the Nurse Unit Manager, Chaplain, Functional Managers, a Senior Correctional Officer and the Manager of Security (when available). Minutes of discussion and decisions are recorded and distributed and the communication forum was reportedly an open and collaborative one.

While the inspection team observed generally respectful and professional interactions between staff and inmates, there is always scope for strengthening staff professionalism. It was disappointing to hear some use of terms 'crims' and 'crooks' in reference to women in custody at MWCC. The Inspector has previously identified this language as unprofessional and inconsistent with contemporary correctional practice, and it was especially concerning to hear it used in a remand context in reference to unconvicted women.

Ongoing attention should also be directed towards supporting custodial staff in applying principles of dynamic security and in discerning the boundaries between positive and respectful relationships with inmates and overly familiar relationships. Staff had recently completed a training module on maintaining professional boundaries and the Inspector encourages the delivery of frequent refresher training around this theme.

Recommendation: CSNSW articulate and monitor acceptable standards of professional language at MWCC.

29 Information provided by Corrective Services NSW on 24 June 2020.

30 United Nations Office on Drugs and Crime, *Handbook on Women and Imprisonment* (Criminal Justice Handbook Series, 2nd ed, 2014) 29.

Health and wellbeing

Health centre

The JH&FMHN health centre at MWCC is operational seven days between 8am and 9pm. The staffing profile included a full-time Nurse Unit Manager, four registered nurse positions, one part-time enrolled nurse position, one part-time clinical support position and one part-time administration position.

Women seeking a health care service are required to submit a form to a secure box affixed to the wall outside the health centre. Health centre staff empty the box daily to process these referrals. Several women advised us that they found the delay between this self-referral and a health consultation to be a barrier in their general access to health care at MWCC. A review of the data recording 'walk-in' consultations in July, August and September 2019 did not identify any concerns with access to the health centre for women.³¹ However, the absence of an open service window from the health centre to the compound, enabling direct access to clinical staff may give rise to the perception that there is a barrier to access. Consideration should be given to challenging this perception because in contrast, JH&FMHN staff reported very good access to women on account of MWCC's smaller population and layout that permits free movements without the need for custodial escorts.



Dental suite in the health centre



Health centre consultation room

There are monthly visits to MWCC by a general practitioner and dentist. A number of other clinical services, including primary health, women's health, Aboriginal health, mental health, and drug and alcohol were delivered via telehealth facilities. A shortage in available telehealth hours from a psychiatrist was identified as a deficit in the present service offering at MWCC. The wait times to see a psychiatrist, mental health nurse or drug and alcohol nurse were significant and this presents a particular risk for women in custody, who tend to have a high prevalence of mental disorder and poor self-reported psychological wellbeing.³² This is especially critical in a remand context, because the period immediately after entering custody is often associated with a peak in poor mental health.³³

³¹ Information provided by Justice Health and Forensic Mental Health Network on 29 October 2019.

Walk-in consultations are facilitated by JH&FMHN centre staff without a prior appointment through the self-referral process.

³² The survey results did not differentiate between remand and sentenced inmates. See Justice Health & Forensic Mental Health Network, *2015 Network Patient Health Survey Report* (Final Report, 2017).

³³ Kimberlie Dean and Daria Korobanova, 'Brief mental health screening of prison entrants: psychiatric history versus symptom screening for the prediction of in-prison outcomes' (2018) 29(3) *The Journal of Forensic Psychiatry & Psychology* 455-466.

While all JH&FMHN health centres in adult correctional centres have access to 24-hour clinical telephone support from the Remote Off-site After Hours Medical Services, the absence of 24-hour on-site health care for women on remand at MWCC had a number of impacts. Women cannot be received into custody at MWCC without undergoing an initial reception placement and health assessment at Silverwater Women's Correctional Centre. Pregnant women, women with chronic health conditions and women with any acute illness cannot be accommodated at MWCC. If a woman becomes unwell after 9pm they are placed in an observation cell without medical supervision until the following morning. Serious and acute health care needs usually warrant immediate transfer to hospital by ambulance under custodial escort.

The health centre hours also presented a problem for women receiving opioid substitution treatment (OST) who needed to appear in court. Women being transferred from MWCC to court for an appearance depart the correctional centre very early in the morning and, therefore, do not receive their methadone dose until after they have returned to MWCC in the late afternoon or early evening. JH&FMHN has reported that over 50% of OST in custody is now delivered by long acting injection.³⁴ This is welcomed as it negates the logistical issues arising from daily methadone administration. JH&FMHN has also advised that the delays we identified in methadone administration do not present clinical problems for an OST program. However, for women who rely on the consistency of daily morning administration of methadone, the stress of a court appearance is compounded by the agitation and anxiety of not receiving their methadone before they depart the correctional centre.

Recommendation: JH&FMHN provide a 24-hour onsite health care service at MWCC and increase the range and availability of mental health services for women at MWCC.

Recommendation: JH&FMHN introduce long acting OST injections at MWCC and other women's centres.

Psychology services

Psychology services are delivered by CSNSW. MWCC is funded for one full-time psychologist but as a result of a CSNSW state-wide shortage of psychologists the centre has struggled to maintain coverage of at least three days a week. As at January 2020 there were 54 women waitlisted to see the psychologist. CSNSW has verified that psychology waitlists do not differentiate between who is waiting to be seen by a psychologist and who is currently being seen by a psychologist.³⁵ It is therefore difficult to discern who has received services and who is waiting for a service.

As per the Policy on Providing Psychology Services in CSNSW Psychologists are required to triage all referrals within three days and prioritise these referrals. Psychologists are to address immediate (acute) priorities through face to face contact within three days of triage and every three days thereafter until the service line is closed. High (sub-acute) priorities are to be addressed within the time period of 4 days to 12 weeks. Ideally waitlist data should identify the number of people waiting to commence a psychology service as separate from regular scheduled appointments, to inform resource planning.

A psychologist was moved to MWCC full-time in March 2020, but staff absence and fluctuating service priorities at other correctional centres still result in MWCC relying on psychology services being remotely provided by other staff from the psychology service cluster.³⁶

Access to a psychologist is also critical for successful inmate engagement with a number of the group

34 Information provided by Justice Health and Forensic Mental Health Network on 3 September 2020.

35 Information provided by Corrective Services NSW on 7 September 2020.

36 Information provided by Corrective Services NSW on 7 September 2020.

programs delivered by services and programs officers. Programs such as 'Out of the Dark'³⁷ and Mothering at a Distance'³⁸ require participants to contemplate trauma and loss they have experienced. This can trigger distress and associated deterioration in mental health and wellbeing. In addition to the program facilitators, it is important that a psychologist is available to respond to the needs of participants. Ensuring this support is reliably available to inmates at MWCC can reduce the triggering of behavioural escalation that may otherwise be met with disciplinary sanctions.

Recommendation: CSNSW ensure a psychologist is available to provide psychology services at MWCC five days per week.

Cultural services for Aboriginal women

The Guiding Principles for Corrections in Australia provide that 'interventions for Aboriginal and Torres Strait Islander prisoners/offenders [should be] culturally specific or adapted to cultural needs. They [should] acknowledge the impact of Stolen Generations and emphasise indigenous healing and wellbeing.'³⁹

Despite Aboriginal women constituting 25% of the MWCC population the inspection team observed minimal focus on providing culturally responsive programs and services. Aside from the visiting health service provided by an Aboriginal health worker, the only regular service available to Aboriginal women was the support offered by the Regional Aboriginal Programs Officer (RAPO) during her visits to MWCC. The RAPO had arranged for the purchase of art materials that were stored in the gymnasium but outside of her visits, there was no evidence of any art activities for Aboriginal women occurring.

Expanding the services and support for Aboriginal women is a current priority of the Manager of Security and the inspection was informed of plans to engage Elders to visit MWCC. One of the historical barriers identified to engaging Elders and community mentors is a lack of remuneration and support with the cost of their transport to and from the correctional centre. However, the Aboriginal Community Mentors policy authorises payments to Aboriginal Cultural Mentors for their hours of service onsite at MWCC and their actual travel costs associated getting to and from MWCC.⁴⁰ Establishing this initiative at MWCC should be prioritised.

Further initiatives should be developed with input from Aboriginal women in custody and other Aboriginal stakeholders.

Recommendation: CSNSW remunerate Aboriginal Elders and community mentors to attend MWCC.

37 Out of the Dark is a program that supports participants to identify and work through domestic and family violence issues that have affected them.

38 Mothering at a Distance is a program that supports participants to strengthen their parenting skills.

39 Corrective Services Administrators' Council, *Guiding Principles for Corrections in Australia* (2018) 23.

40 Corrective Services NSW, *Custodial Operations Policy and Procedures - 11.6 Aboriginal community mentors* (16 December 2017).

Faith services

A Christian chaplain is based at MWCC Monday-Friday and offers a weekly chapel service in addition to two structured inmate programs. Prison Fellowship also attends MWCC fortnightly to facilitate a bible studies group.

The chapel service observed during the inspection was attended by 12 women. The chaplain is to be commended for her efforts in making services inclusive and accessible to women from NESBs.

There are also weekly visits to MWCC by a Buddhist chaplain and more recently fortnightly Friday visits by a Muslim chaplain have also been secured. At the time of inspection, over 10% of women in custody at MWCC identified as Muslim so this expansion of chaplaincy services is a positive development.

Recreational activities

In a remand context, where access to programs, education and employment can be limited,⁴¹ there is scope to expand the focus and the availability of wellbeing programs and recreational activities. The inspection team was impressed that the MWCC management team was prioritising the expansion of the range of activities offered at MWCC. The range of available arts and craft materials on the inmate buy-up list at MWCC had been recently expanded, supplementing the crosswords, word search puzzles and colouring materials that were provided by the education assessment and planning officer. There were also plans underway to certify a staff member in fitness instruction to safely expand the offering of organised health and fitness activities at MWCC.

The gymnasium store has a range of fitness equipment and the gym floor is sizeable with a basketball hoop, a punching bag and a table tennis table. Unfortunately women reported inconsistent access to these resources. It is important that any barriers to accessing fitness and sporting equipment are removed at MWCC.



The gymnasium had a basketball hoop, ping pong table and a punching bag.



The activities equipment was inside a locked cage inside the gymnasium.

⁴¹ Inspector of Custodial Services (NSW), *Women on Remand* (Report, February 2020) 13.

Each of the accommodation units had an attached outdoor area with a garden bed, which offers a potential source of activity and fresh produce. Some of these were used but security restrictions on access to the outdoor area, and a lack of gardening equipment limited participation. Women were observed using plastic cutlery and sticks to dig and turn the soil over.

The library at MWCC was open during out-of-cell hours on weekdays and has a wide array of books, including recent releases in a range of genres. There was also a small but varied range of foreign language items. Books were in good condition and the space, although limited, was tidy and well organised by the librarian. The library appeared to be a desirable place for women to congregate, particularly during the hours they are unable to access their accommodation unit common areas.

Family contact

The disruption that imprisonment causes to family and community networks is widely documented. The positive effect that family connection and support during a period of custody has on reducing reimprisonment rates and improving an inmate's rehabilitation and resettlement outcomes is also widely accepted.⁴² The responsibility to support an inmate to preserve and strengthen these family relationships and links to community is embedded in the Mandela Rules⁴³, the Bangkok Rules⁴⁴, and the Guiding Principles for Corrections in Australia⁴⁵, which prescribe regular access to visits and other forms of communication, and considerations around family proximity in placement decisions.

The imprisonment of women who have been the sole carers of their children has a disproportionately harmful social and emotional impact on both mothers in custody and on children whose care arrangements are disrupted. At MWCC over 25% of women had their children living with them prior to their imprisonment.⁴⁶ Children of inmates often experience major disruption to their care and family network, and this is especially marked in the context of maternal incarceration, where children are more likely to be separated from their natural family and placed in out of home care.⁴⁷ Accordingly, the Bangkok Rules stipulate that:

Women prisoners' contact with their families, including their children, their children's guardians and legal representatives shall be encouraged and facilitated by all reasonable means. Where possible, measures shall be taken to counterbalance disadvantages faced by women detained in institutions located far from their homes.⁴⁸

The Inspector previously identified that a barrier to women on remand maintaining contact and connection with their children and family was the insufficient number of remand placements in metropolitan Sydney. It was common for women on remand to be transferred between metropolitan and regional correctional centres several times. This instability in placement was limiting access for women to their families and support networks. It also disrupts preparation for court matters, and undermines continuity in health care provision.⁴⁹ The opening of MWCC in the Sydney metropolitan area has significantly reduced the need for women from the greater Sydney area to be dispersed throughout NSW during their remand in custody.

42 Lord Farmer, 'The Importance of Strengthening Female Offenders' Family and other Relationships to Prevent Reoffending and Reduce Intergenerational Crime' Ministry of Justice (Final Report from The Farmer Review for Women, Ministry of Justice (UK), June 2019) 79.

Ian Brunton-Smith and Daniel McCarthy, 'The Effects of Prisoner Attachment to Family on Re-entry Outcomes: A Longitudinal Assessment' (2017) 57(2) *The British Journal of Criminology* 463-482.

43 *United Nations Standard Minimum Rules on the Treatment of Prisoners*, Rules 43, 58, 59, 106 and 107.

44 *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders*, Rules 23, 26-28, 43-47.

45 Corrective Services Administrators' Council, *Guiding Principles for Corrections in Australia* (2018) 24.

46 Information provided by Corrective Services NSW on 17 September 2019.

47 Rosemary Sheehan and Gregory Levine, 'Parents as prisoners: maintaining the parent-child relationship' (2006) *Criminology Research Council*.
Victorian Association for the Care and Resettlement of Offenders, *Children: Unintended victims of legal process – A review of policies and legislation affecting children with incarcerated parents* (Report, 2006).

Vicky Saunders and Morag McArthur, *Children of Prisoners: Exploring the needs of children and young people who have a parent incarcerated in the ACT* (SHINE for Kids, 2013).

48 *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders*, Rule 26.

49 Inspector of Custodial Services (NSW), *Women on Remand* (Report, February 2020) 11.

Visits

In CSNSW's 2018-2021 *Family Matters Strategy*, visits are identified as one of three priority areas in which inmates will be supported to improve their relationships with family and friends:

Visits are an important element in sustaining and strengthening positive relationships between inmates and family members including children. Visits can work to maintain or re-establish connections that enable inmates to better understand what is happening in the lives of their family and promote well-being, hope and practical consideration of a future outside of prison.⁵⁰

At MWCC visits are available on Saturdays and Sundays across two sessions: 9am–11.30am; and 12.30pm–3pm. In each session up to 15 women can be accommodated with their visitors and there are two additional booths that can accommodate non-contact visits for women.



Indoor and outdoor visit facilities

The visits facilities were clean and the wall-mounted activities for children in the outdoor area were in working order. Visitors were able to purchase refreshments from a confectionary vending machine. The lack of tea and coffee facilities were identified by women in custody and their visitors as a deficit at MWCC, particularly relative to their initial custody experience at Silverwater Women's Correctional Centre. While the security issues identified by staff are acknowledged, enhancements to visits facilities can significantly improve the experience for the inmate and their visitor/s. Any initiatives that reduce the impact of necessary security protocols such as searching, use of drug detection dogs, and x-ray scanning on families and children are encouraged.

Visitor reception and processing by MWCC staff was observed to occur efficiently and respectfully and the accounts obtained from visitors were generally consistent with this observation. It was noted that several visitors attending MWCC had minimal English language skills. While CSNSW makes visitor information booklets available online in Arabic, Chinese and Vietnamese, the centre-specific experience at MWCC could be enhanced by displaying some of the visitor signage and instructions in a range of languages that reflects the inmate population.

⁵⁰ Corrective Services NSW, 2018-2021 *Family Matters Strategy* (2018) 15.

There were no weekday visits sessions available at MWCC. A regular Friday session had been cancelled following a review that identified inconsistent and lower demand relative to the Saturday and Sunday visit sessions. While MWCC's visit records confirmed that the number of visits booked on Fridays was much lower than Saturdays and Sundays, there was no analysis undertaken of the types of visits that occur across each of these sessions. The continued availability of visits on a weekday is vitally important to ensure access to visits for those children in out of home care who rely on their case worker to facilitate arrangements.

The Audio Visual Link (AVL) technology in correctional centres provides another visit modality for women in custody at MWCC whose families are unable to attend in person. This is of particular importance for women at the centre who are foreign nationals, and for women whose families reside in regional NSW, or outside NSW. Access to family video contact is prescribed in the COPP, which provides:

CSNSW understands the importance for inmates of maintaining links to their families and communities whilst in custody. Audio Visual Link (AVL) studios may be used to assist inmates in maintaining these links where distance, disability, lack of transport and/or funds or other factors inhibit physical contact with family and community.⁵¹

In 2018 no family video contacts occurred via AVL and in 2019 five family visits occurred via AVL.⁵² Although this may have reflected that many of the women at MWCC were from the greater Sydney area, the majority of women we spoke to during the inspection were unaware that they could request visits via AVL. The inspection team observed that there was very little information available to women in custody at MWCC about family AVL visits. Access to this service should be better advertised around the centre, and specific instructions should be included in local correctional centre handbooks that are provided to women upon their reception to MWCC and other correctional centres.

Recommendation: CSNSW display visitor information at the MWCC reception in a range of languages.

Recommendation: CSNSW ensure a visit session is available at MWCC between Monday and Friday for children in out of home care.

Recommendation: CSNSW ensure that current information about family video visits is included in local correctional centre handbooks and is accessible to people from non-English speaking backgrounds.

51 Corrective Services NSW, *Custodial Operations Policy and Procedures - 8.10 Family Video Contact* (16 December 2017).

52 Information provided by Corrective Services NSW on 22 January 2020.

Phones

Inmate access to telephones is essential for family contact, legal advice or for contact with various relevant external authorities, such as the NSW Ombudsman. There are two main requirements for inmate telephones: their installation should afford sufficient privacy and there should be enough telephones to avoid competition or conflict over access. As a guide the ICS has indicated a ratio of one telephone per 20 inmates.⁵³

Telephone access at MWCC was ample. There were two inmate telephones in the compound, one in the Corrective Services Industries (CSI) pack and assembly unit and two telephones in each of the Banksia, Boronia and Mimosa accommodation units. Caller privacy was also good, with the benefit of at least one telephone in each accommodation unit being enclosed in a booth.



Enclosed telephone booth in an accommodation unit



Second telephone in the common room of an accommodation unit

The only barrier to access was identified in Acacia unit where most women are employed in the CSI pack and assembly unit. Acacia unit only had one telephone to service 22 women, and there was an increased pressure on that telephone because women could only access it after their work day was finished at 2.30pm and before they were locked into their cells at 3.30pm. While it is acknowledged that these women had access to a telephone in their employment unit, those that the inspection team spoke with expressed a reluctance to stop work to make a personal phone call. This may also be because there was limited privacy in the CSI pack and assembly unit compared with their accommodation unit.

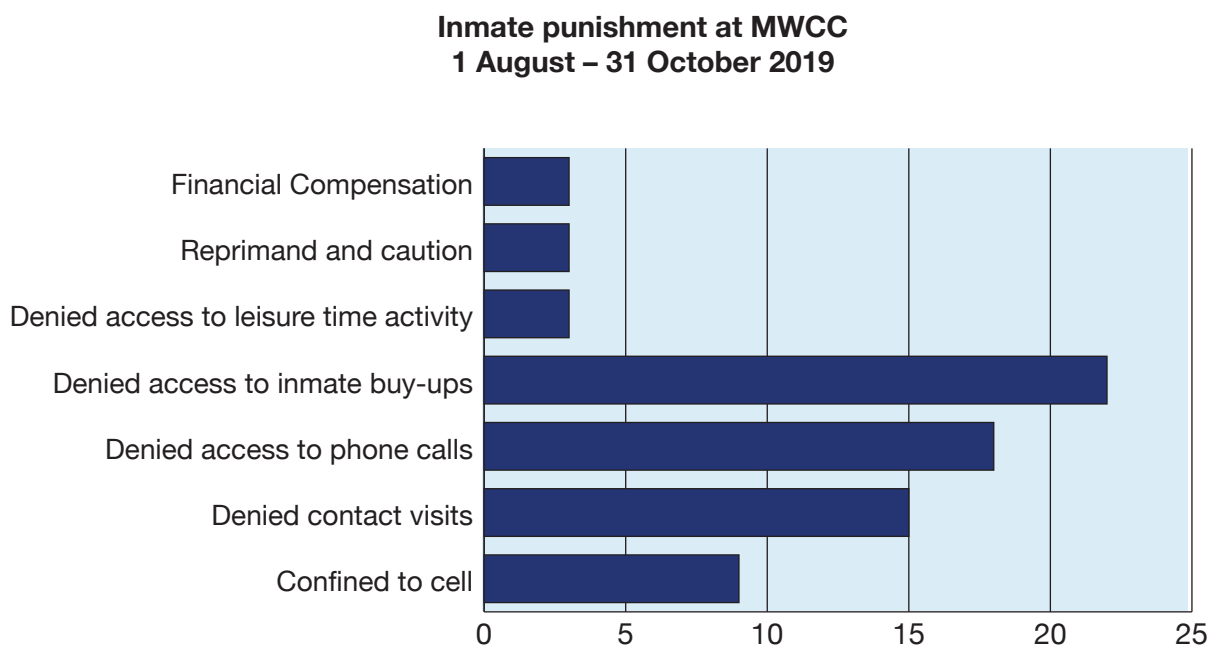
Recommendation: CSNSW install another phone in the Acacia unit at MWCC.

⁵³ Inspector of Custodial Services (NSW), *Inspection Standards for Adult Custodial Services in New South Wales* (August 2014) Standard 105.

Family contact and punishments

In NSW the deprivation of prescribed ‘withdrawable [inmate] privileges’ for up to 56 days is one of several lawful punishments available to address a correctional centre offence.⁵⁴ Withdrawable privileges include contact visits, telephone access, inmate buy-up, and leisure and recreation activities.⁵⁵

Between 1 August 2019 and 31 October 2019 there were 73 correctional centre offences recorded at MWCC.⁵⁶ Punishments imposed in response to these offences are presented in the following graph.



The prevalence of the use of sanctions that restrict family contact—the suspension of access to telephone calls and contact visits—is of concern to the ICS. They accounted for over 47% of sanctions imposed over this period.⁵⁷

The Mandela Rules stipulate that disciplinary sanctions and punishments should not involve restrictions on family contact and the Bangkok Rules emphasise this as being especially important for women in custody.⁵⁸ This reflects the foundational role that family contact plays in an inmate’s health and wellbeing and the secondary punishment that can be experienced by family members who are denied contact with an inmate, particularly those children whose mothers are in custody.

It is also arguable that an inmate whose behaviour is unsettled may be an inmate whose behaviour could benefit most from regular contact with family.⁵⁹ In the remand context this is of particular relevance as women navigate their adjustment to a custodial environment.

⁵⁴ *Crimes (Administration of Sentences) Act 1993* s 53.

⁵⁵ *Crimes (Administration of Sentences) Regulation 2014* cl 163(j)-(k).

⁵⁶ Information provided by Corrective Services NSW on 19 November 2019.

⁵⁷ Information provided by Corrective Services NSW on 19 November 2019.

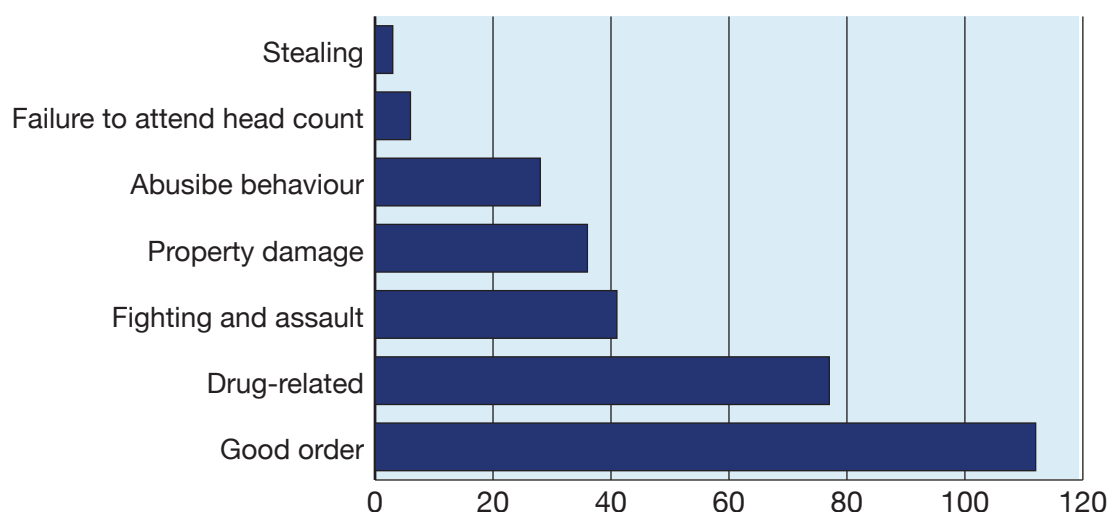
⁵⁸ *United Nations Standard Minimum Rules on the Treatment of Prisoners*, Rule 43.

United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, Rule 23.

⁵⁹ Lord Farmer, ‘The Importance of Strengthening Prisoners’ Family Ties to Prevent Reoffending and Reduce Intergenerational Crime’ Ministry of Justice (Final Report from The Farmer Review, Ministry of Justice (UK), August 2017) 65.

At MWCC the prevalence of correctional offences involving assault and physical violence is relatively low, accounting for less than 14% of breaches during the period 17 September 2018–17 September 2019. Offences involving drugs during the same period constituted approximately 25% of the breaches of correctional centre regulations.⁶⁰ The following graph reflects all correctional centre offences at MWCC during this period.⁶¹

**MWCC offences by category
17 September 2018 – 17 September 2019**



It is acknowledged that in some cases the specific circumstances of a correctional offence may warrant a restriction on contact visits or phone calls with an individual/s to mitigate risks to safety and security. Where this occurs, special care needs to be taken to ensure that an inmate retains their telephone access to the common call list and their legal representative. In some cases at MWCC there were instances where the processing of restrictions to telephone access removed all access and the onus was on a woman in custody to lodge a form in order to request restoration. If this access is erroneously processed, it should be rectified without delay and without the need for lodgement of a formal documented request. Staff confirmed that women's access to written contact with family and friends in the community is never compromised. However, a range of factors may mean that letter writing is not a viable means of contact. Children may be too young for women to exchange letters with, and disability and literacy needs may limit the utility of written communication.

Recommendation: CSNSW identify alternatives to disciplinary sanctions that restrict family contact to address correctional centre offences by women in custody.

⁶⁰ Information provided by Corrective Services NSW on 19 November 2019.

⁶¹ Information provided by Corrective Services NSW on 19 November 2019.

Mothers and children

Any period of incarceration presents significant disruption to women and their dependent children, which in turn can produce adverse social and emotional health outcomes for incarcerated women and their families.⁶² Accordingly, Standard 70 of the Inspection standards for adult custodial services in NSW provides that:

Children and infants should be allowed to reside with their mother and primary caregiver in a correctional centre if it is in the best interests of the child to do so.⁶³

CSNSW also acknowledges that ‘the majority of women who come into custody are mothers who may have sole responsibility for the care of their children’ and has identified the best interests of those children as a key standard against which CSNSW family support activities will be measured.⁶⁴

At MWCC there are several cells in the Acacia unit that were purpose built to accommodate mothers and their babies. This feature is a legacy from the previous configuration of the site as Juniperina Juvenile Justice Centre. Despite the available infrastructure, the inspection team heard of no plans to manage women on remand with their children at MWCC.

Currently, children can only reside with their mothers and primary caregivers in a limited program operating at Emu Plains Correctional Centre and at Parramatta Transitional Centre.⁶⁵ The only applications from women on remand that are considered for participation in this program are those in their third trimester of pregnancy who have a security classification of Unsensitized Category 2 or lower.⁶⁶ Women on remand at MWCC and elsewhere are unconvicted and may never be sentenced to a period of imprisonment. Access to a program whereby their children remain in their care has considerable benefits both to the resettlement outcomes for inmates, and to reducing the social and emotional disruption for dependent children where their mother is only remanded into custody for a short period. The ICS has previously made a recommendation that consideration is given to reviewing the eligibility criteria for the Mothers and Children program and expanding access to women on remand.⁶⁷ CSNSW has since announced that Emu Plains Correctional Centre will be repurposed to focus wholly on mothers and children and work readiness. Emu Plains CC will be able to accommodate an additional 15 mothers and children beds.⁶⁸

62 Lord Farmer, ‘The Importance of Strengthening Female Offenders’ Family and other Relationships to Prevent Reoffending and Reduce Intergenerational Crime’ Ministry of Justice (Final Report from The Farmer Review for Women, Ministry of Justice (UK), June 2019) 5, 7.

Simon Quilty et al., ‘Children of inmates: A growing public health problem’ (2004) 28(4) *Australian and New Zealand Journal of Public Health* 339, 343.

63 Inspector of Custodial Services (NSW), *Inspection Standards for Adult Custodial Services in New South Wales* (August 2014) Standard 70.

64 Corrective Services NSW, *2018-2021 Family Matters Strategy* (2018) 7.

65 Placement at Parramatta Transitional Centre is only available to sentenced women.

66 Information provided by Corrective Services NSW on 26 June 2020.

67 Inspector of Custodial Services (NSW), *Women on Remand* (Report, February 2020) 17, 20.

68 Information provided by Corrective Services NSW on 7 September 2020.

Purposeful Activity

The Guiding Principles for Corrections in Australia stipulate that ‘a range of purposeful activities [should be] available to all prisoners that promote and motivate good conduct and order.’⁶⁹ They further suggest that inmates should have:

- access to nationally recognised education programs that are tailored to their education level and learning needs⁷⁰
- opportunities for employment⁷¹
- access to individualised reintegration programs and services.⁷²

Even though these principles apply equally to people remanded in custody and sentenced inmates, we have previously identified that barriers can exist for women on remand to access these activities:

- While most women on remand want to work while they are in custody, they are not required to, which means their employment needs are rarely prioritised over those of sentenced inmates.
- The uncertainty inherent to remand status can deter women from engaging in purposeful activities, especially where there is a structured format because their enrolment could be interrupted at any time if they are sentenced to imprisonment or released.
- Sentenced inmates are prioritised in relation to the delivery of services, programs, and education.⁷³

Education

Education was coordinated by the assessment and planning officer at MWCC and supervised by the education services coordinator from Silverwater Women’s Correctional Centre. Neither distance education nor TAFE NSW programs were available to women in custody at MWCC. Instead education at MWCC comprised mainly of programs delivered by BSI Learning at an allocated weekly rate of 16 hours. The inspection team was advised that an approved increase to this allocation, from 16 hours to 20 hours weekly would soon enable additional program delivery at MWCC. At the time of the inspection BSI Learning was delivering two programs from the Foundation Skills suite – the Certificate II in Skills for Work and Vocational Pathways program (80 hours over 10 weeks) and the Digital Literacy program (40 hours over 10 weeks). A Business Services program (40 hours over 10 weeks) was also underway and a Commercial Hygiene program (20 hours over 5 weeks) was due to commence shortly. This is to be commended. Participation in education is strong but enrolments are regularly interrupted by transfer or release from MWCC and this is reflected in lower completion rates.

69 Corrective Services Administrators’ Council, *Guiding Principles for Corrections in Australia* (2018), 25.

70 Corrective Services Administrators’ Council, *Guiding Principles for Corrections in Australia* (2018), 24.

71 Corrective Services Administrators’ Council, *Guiding Principles for Corrections in Australia* (2018), 24.

72 Corrective Services Administrators’ Council, *Guiding Principles for Corrections in Australia* (2018), 24.

73 Inspector of Custodial Services (NSW), *Women on Remand* (Report, February 2020) 76.

Song writing and arts workshops have been facilitated by the Community Restorative Centre as part of its 'Post-Release Music and Arts' project, which provides continuity of mentoring and support to inmates in custody and after their release.⁷⁴ The role of the arts in improving literacy, strengthening engagement with learning, and enhancing the social and emotional wellbeing of inmates is well documented.⁷⁵ In a remand context, where it can be difficult to offer opportunities to inmates to complete formal educational qualifications, there is extensive value in providing access to regular structured and informal arts education programs.

There were no education programs accessible to women at MWCC who did not speak English. At the time of the inspection almost 10% of women in custody at MWCC required an interpreter and over 25% of women were from a NESB. The assessment and planning officer ordered dual-language dictionaries to assist women but the need for English language tuition was clear for a number of women at MWCC.

Recommendation: CSNSW consider providing English language education at MWCC.

Programs

Mothering at a Distance, Out of the Dark, and Remand Addictions are all run regularly at MWCC. The full-day R Program is facilitated by a facilitator from Enough is Enough⁷⁶ several times a year and the Young Offender Satellite Program had been delivered in August 2019. CSNSW has since advised that participation in the Real Understanding of Self-Help (RUSH) program is strongly encouraged for women on remand because it was designed to specifically respond to the needs of women on remand and incorporates several modules that have been revised by CSNSW to better respond to the needs of Aboriginal women in custody.⁷⁷ While RUSH had not been offered in the 12 months prior to the inspection, the range of programs delivered at MWCC reflects a major improvement on the availability of these programs in other correctional centres that accommodate women on remand.

Offender Services and Programs staff at MWCC are to be commended for their pursuit of additional opportunities to modify existing CSNSW programs in order to increase access for women on remand. Programs delivered to women on remand need to target the needs of women on remand: they should be of shorter duration to ensure that women can realise the value of completion; they should address the disruption and stress associated with coming into custody; and they should be responsive to the needs of Aboriginal women and women from culturally and linguistically diverse backgrounds. Since the inspection CSNSW has developed a new resilience program for women on remand with a focus on emotional regulation, coping skills and building on strengths to deal with adjusting to custody that is planned for delivery in 2021.⁷⁸

Recommendation: CSNSW review the format for delivery of programs at MWCC to ensure that the opportunity for completion of programs is maximised.

74 See the CRC Post-Release Music and Arts project <<https://www.crcnsw.org.au/services/post-release-music-arts/>>.

75 Mary Cohen, 'Choral singing and prison inmates: Influences of performing in a prison choir' (2009) 60(1) *The Journal of Correctional Education* 52-65.

Meade Palidofsky, 'If I cry for you... Turning unspoken trauma into song and musical theatre' (2010) 3(1) *International Journal of Community Music* 121-128.

Lyn Tett et al., 'Learning, rehabilitation and the arts in prisons: a Scottish case study' (2012) 44(2) *Studies in the Education of Adults* 171-185.

76 See the Offender programs delivered by Enough is Enough <<https://www.enoughisenough.org.au/offender-programs/>>.

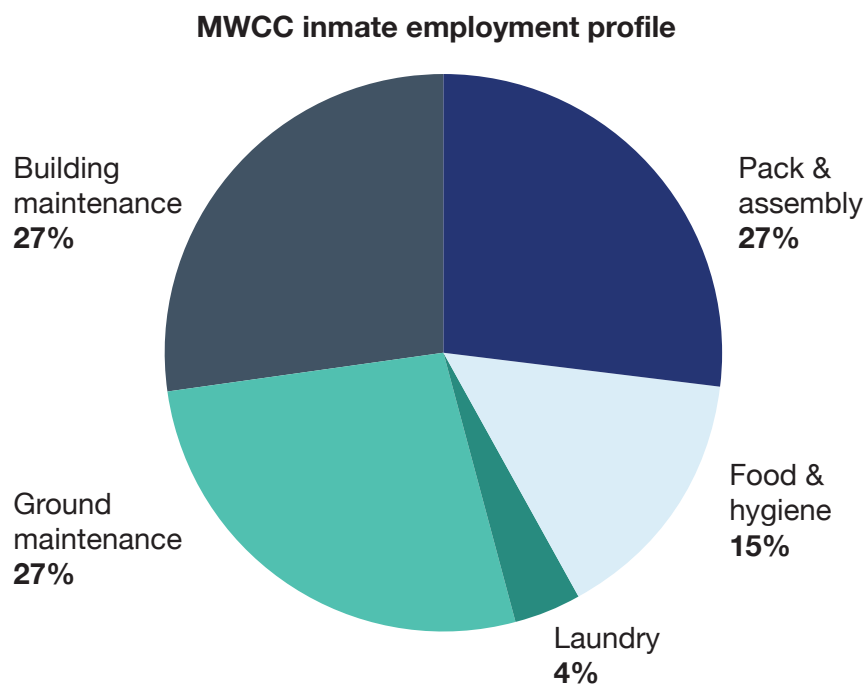
77 Information provided by Corrective Services NSW on 7 September 2020.

78 Information provided by Corrective Services NSW on 7 September 2020.

Employment

MWCC is a small correctional centre that only accommodates women on remand. Notwithstanding this, MWCC has done well to maximise the available employment and there is a waitlist for employment. This dispels an entrenched belief held by many correctional staff that inmates on remand prefer not to work and that work in custody is part of the punishment for sentenced inmates. Employment is both important as a source of purposeful activity and for the additional money it earns women, enabling them to pay for phone contact and other personal items.

The total employment profile at MWCC is 55 positions and these are spread across a number of industries that are set out in the following graph.



The services industries—building maintenance, grounds maintenance, laundry, and food and hygiene—comprise a profile of 40 inmate positions. These industries have work hours in the range of 7.45am–2pm, with a lunch break at 11.30am–12pm. There is an opportunity to provide additional work for grounds maintenance by upgrading security measures in the outdoor garden areas attached to each accommodation unit.

The only industry servicing an external commercial contract is the pack and assembly unit, which operates as a satellite unit to the main unit based at Silverwater Women's Correctional Centre. The unit refurbishes and repacks used in-flight headsets for Qantas Airways. The 15 positions attached to this industry are the highest paid at MWCC and are highly sought after by women.



Pack and Assembly unit



Clean linen received from Long Bay ready for sorting by laundry employees at MWCC

At the time of the inspection there were several women employed in the pack and assembly unit who required an interpreter. However, the workplace induction materials, including position description, work instruction and work health and safety requirements, were not available in languages other than English. Work documentation that is provided to women who require an interpreter should be made available in their preferred language. CSNSW has since advised that steps have been taken to ensure that Arabic, Chinese and Vietnamese work health and safety information booklets are available at MWCC.⁷⁹

The inspection team also observed a number of inmate clerk roles, including in the pack and assembly unit and in the reception area. While women in these positions are employed to oversee administration in these work areas, it is very important that the supervision of these areas is not left to inmate clerks. All areas of the correctional centre require consistent supervision by appropriately qualified staff. Inmate workers need to be supervised carefully to ensure that access to information is monitored and inmate confidentiality is protected at all times.

Recommendation: CSNSW upgrade security measures in the accommodation unit yards at Mary Wade Correctional Centre to create additional employment.

Recommendation: CSNSW provide work instruction and health and safety documentation in languages other than English to those women employed at MWCC who require interpreters.

⁷⁹ Information provided by Corrective Services NSW on 7 September 2020.

Legal services

Women at MWCC are on remand and, therefore, must engage with their ongoing criminal legal processes from a secure custodial setting. There are a number of challenges that can arise in custody that are less relevant to people awaiting the resolution of a criminal legal process in the community. The structure of the physical environment, and restrictions on movement, contact and communication, can operate as barriers to accessing necessary legal representation, legal materials and information and support about the legal process.

Under CSNSW policy, inmates must be provided with access to current legal resources and materials including:

- Australian legislation and sentencing information (via the secure CSNSW Legal Info Portal available on networked 'green' computers)
- CSNSW policies and procedures concerning custodial management
- legal reference books
- legal information guides and pamphlets
- writing materials (remand only).

People held in custody must also be ensured access to their legal representative, Legal Aid NSW, Aboriginal Legal Services (ALS) providers and other court officers.⁸⁰

Access to lawyers and the courts

Women at MWCC communicate with lawyers by telephone, in person and via AVL. Access to telephones has been discussed earlier in this report.

Women at MWCC are permitted to receive a visit from their lawyer on any weekday between 8am and 3pm. Lawyers are required to send a formal request for a visit, however, staff and women in custody consistently reported that in-person legal visits were always accommodated. These meetings are conducted in one of two interview rooms allocated for this purpose in the AVL area.

MWCC has six AVL suites, all of which were sound proof and private for users. Three suites are allocated for lawyer-client meetings, of which there were 1396 held in 2019. This accorded with accounts of ease of access to lawyer-client contact. There are three AVL suites allocated for court appearances, in which 927 were conducted in 2019. The demands for AVL at MWCC are significant due to its remand status, however MWCC appeared to be well serviced by the AVL infrastructure and correctional supervision.

Women waiting for their AVL session are held in a large waiting room with a toilet that is easily accessible and has a TV affixed to the wall. The inspection team observed the correctional officer on duty provide hot water for tea and coffee to those in the waiting area. The AVL unit at MWCC was clean and well maintained.

There are also frequent transfers of women from MWCC to court to appear in person. Women can keep a set of clothing for court in their property that is washed, ironed and stored between uses. There was also a small range of clothing items available for women who do not have appropriate court clothing in their own property. This clothing is made available by Dress for Success and particular sizes can be requested through services and programs officers.⁸¹

80 Corrective Services NSW, *Custodial Operations Policy and Procedures – 20.8 Inmate access to legal resources* (16 December 2017).

81 Dress for Success is a registered charity that improves the employability of women (including women in custody and women who have recently left custody) who are in need in NSW <<https://sydney.dressforsuccess.org/about-us/>>.

Access to legal materials

At MWCC, access to legal resources was generally coordinated by the assessment and planning officer. The library held a number of physical legal reference books and accommodated two green computers. An adjacent computer room held another eight green computers, and Boronia, Banksia and Mimosa accommodation units each accommodated one green computer for use by women on remand. The increased access secured through the availability of green computers inside accommodation units is a relevant and appropriate feature of a remand-focused correctional centre. Unfortunately, there was no access inside Acacia unit because the green computer was located in an office space being used by CSNSW staff. While women in the Acacia unit were permitted to use the green computers in the library, computer room, and Boronia unit, the inspection team had some concerns about their access in practice. Access to the computer room was unreliable because it was often used for group activities or education programs and the library was only open on weekdays, when women in the Acacia unit were at work.

While the content of the Legal Info Portal was not interrogated, the inspection team did notice that the sentencing tables had not been updated since May 2017, some two and a half years earlier. Some delay between updates to the public facing database maintained by the NSW Public Defenders Office and updates to CSNSW's Legal Info Portal is to be expected because security assessments require that particular case details may need to be removed. However, adherence to a schedule of regular updates is essential.

At the time of inspection, there were eight women on remand at MWCC who required interpreters, yet none of the legal reference books, or the Legal Info Portal (and instructions for access) was available in any other languages. Some consideration needs to be given to making legal resources accessible to women from NESBs.

Recommendation: CSNSW ensure Acacia unit is provided with the same level of access to legal resources as the other accommodation units at MWCC.

Bail and release

NSW data from 2017–18 showed that more than a quarter of women on remand (26.2%) are granted bail after a period in custody.⁸² At the time of the inspection, 99% of the women in custody had been refused bail.⁸³ However, access to bail following a further application remained relevant for women.

Despite the relevance of bail to women on remand at MWCC, there were no resources allocated to assist women in completing or lodging bail applications. This is consistent with a previous systemic observation made by the Inspector, and informed a recommendation to create a specific position to assist women to meet their bail conditions or apply for bail.⁸⁴

Such a position may also address the lack of coordination that the inspection team observed around the release of women from MWCC. During the 2019 calendar year, 109 women were released directly from MWCC and 18 were released from court.⁸⁵ On average this amounts to a predictable release of 11 women from MWCC every month. Continuity of health services and access to safe housing are both critical to women's success after leaving custody and any release process needs to be responsive to these challenges.

⁸² Information provided by Corrective Services NSW on 16 January 2019.

⁸³ Information provided by Corrective Services NSW on 17 September 2019.

⁸⁴ Inspector of Custodial Services (NSW), *Women on Remand* (Report, April 2015) 15, 19.

⁸⁵ Information provided by Corrective Services NSW on 16 April 2019.

The responsibility for coordination of this function should be clearly articulated under a management position at MWCC and clear procedures put in place to support the work of various staff across MWCC.

Recommendation: CSNSW develop a Local Operating Procedure at MWCC to address release planning activities and responsibilities.



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