



Overview of Inspector of Custodial Services Report April 2015



The Inspector of Custodial Services and former Assistant Commissioner for New South Wales, J.R Paget, warns of the consequences of the mismanagement he documented through the inspection of three NSW prisons: Parklea CC, MRRC and MSPC.

His Report "Full House: The Growth of the inmate population in NSW," tabled in Parliament 6th May 2015, can be found here: <http://tiny.cc/8hyhvx>. The report outlines the negative implications the growth of the inmate population has had upon issues such as overcrowding, rehabilitation and education services, as well as the health and wellbeing of prisoners.

The inspector warns in the foreword:

"Where the state treats inmates in a way that denies them a modicum of dignity and humanity it should not be surprised if they respond accordingly, with individual acts of non-compliant behaviour escalating into collective disorder, such as riots"

Overcrowding:

a situation where the centre is holding a number of prisoners exceeding the capacity it was designed to accommodate. (p10)

- Inmate population rapidly rose 13% from 9,600 in 2012¹ to 11,300 in February 2015 and still increasing.
- NSW guidelines mandate the minimum size of cells or single use and for multiple-occupancy being 8.2m² and 12.7m² respectively (s2.49-2.51). With 3 prisoners housed in one cell it results in less space per individual.
- Corrective Services received an exemption from breach of clause 46 of the Public Health Regulations 2012² in which overcrowding is now temporarily allowed (s3.31). The Minister for Health gave special dispensation to allow the act of cramming three prisoners in two person cells until September 2015 (s2.53, s4.17).
- There is a "disparity between classification and available beds" (s4.10) with "approximately 54.5% of the inmate population is classified as minimum security but only 36% of the beds are minimum security" (s4.10) resulting in detrimental effect upon their mental health; further inhibiting rehabilitation and increasing chances of recidivism (s5.61, S4.11).

Inspector's recommendations

- Introduce a measure to define a decent accommodation capacity limit (R46)
- Review classification system to reduce complexity (R1)
- Minimise the practice of holding prisoners with different separation requirements at a centre (R4)

'Out of Cell' Hours:

Of all states, NSW has the lowest hours out-of-cell for prisoners

- From 2011-14, average out-of-cell hours reduced from 11.4 to 8.2 hours per day (s4.54).
- 55% of remand prisoners don't get convicted and only granted 5.5 hours out-of-cell (s4.56).
- Statewide average for lock in time was 16 hours in 2013-14 where there is little access to fresh air, programs or outside contact and makes it difficult to access private personal hygiene and relief.

Inspector's recommendations

- Increase hours out-of-cell to match national averages (R9)
- To ensure simultaneous access to cells and yards and enable periods of privacy in-cell. (R21)
- Location of phones do not compromise privacy of users (R23)

Access to rehabilitation programs:

Overcrowding reduces prisoners access to resources that are "already limited" (s6.2), such as rehabilitation programs.

- Lack of completed pre-release programs mandatory for parole, results in increasing waiting lists and delay in rehabilitation, with waiting lists at 300 (s6.28, 6.32).
- Reduces the opportunity for prisoners to be released at the earliest possible time (s6.28).
- Significant drop in the completion rate of the aggression and violence programs which is detrimental to rehabilitation (s6.34).

Education:

Educational programs are vital to positive rehabilitation (S6.1).

- Costs for these courses are rising, for example the 'Smart and Skilled' program. Prisoners are no longer considered 'disadvantaged' for the purpose of funding. (s6.53)
- Only one third of prisoners are able to participate in their chosen course (s6.50),
- Completion rates of education courses at Parklea CC are very low, due to prison transfers and releases and a lack of motivation due to poor prison conditions (s6.51).
- Computers installed at Nowra and Cessnock but are not currently being used (s6.58).
- Internet security should not be a concern with current technology tackling the issue (s6.59)
- Access to computers where available is varied due to staff shortages and lockdown times (s6.57).

Inspector's recommendations

- Meet demand for education and put in place strategies to increase education participation of eligible prisoners (R39)
- In-cell technologies such as computers and phones (R41, s4.63)
- Need a stronger focus on utilising computers in cells (s6.55), to give prisoners the opportunity to learn and be productive within the given restrictions.

¹Bureau of Crime Statistics and Research, Issue paper 95

²Public Health Regulations 2012, Clause 46

Prisoner Health:

Staff increases have not been proportionate to the increase in prisoners (s5.8).

- Ratio of nursing and clinical staff to prisoners has decreased from 4.5:100 in 2011 to only 4 nursing staff per 100 prisoners in 2014 (s5.8, 5.10, 5.11).
- Evidence of major decline in the quality of health services with instances of underqualified staff, with Nurse Practitioners assuming greater responsibility in diagnosing and medicating patients (S5.13).
- High levels of prescription medication used. Over 500 prescriptions apart from opioid substitutes are distributed daily in Parklea CC where the population is 800 (S5.34, s2.9).
- Health care believed to be inadequate by prisoners (s5.57).
- 43% of internal appointments and 50% of specialised appointments were cancelled due to a lack of transport officers and administrative errors (S5.54-55), leading to the lack of treatments of mental health issues and chronic conditions (s5.8).
- Prisoners themselves missed appointments for fears of losing their bed (s5.54, 5.56).

Inspector's recommendations

- Simplify custodial officer staff structure to clarify roles, responsibilities and accountabilities (Recommendation 43)
- Ensure standardised ratio of clinic staff to prisoners across all centres (Recommendation 11)
- Reduce number and extent of lockdowns due to staff shortages (Recommendation 18)
- Develop policies and procedures to improve access to health services (Recommendation 19)

Work:

Employment is vital for prisoners' wellbeing, safety and security by providing basis of employability upon release in areas such as commercial and service jobs (s6.65)

- Enable positive outcomes for prisoners through buy-ups as well as allowing them to develop skills, work ethics and discipline, which can be drawn upon post release (s6.62).
- Employment has been reduced by 10% in the last 3 years (s6.66) due to the decline in available jobs, increase prison population, closure of correctional centres and the reallocation of positions to other centres (s6.66).

Inspector's recommendations

- Ensuring cells in all new facilities have in-cell technology (R41)

Family Contact and Prison Activities:

Family contact is essential to the wellbeing of prisoners and reducing recidivism and can be compromised by inadequate facilities for visitation and telephones (s.6.18, 6.24).

- Equitable access to telephones is vital however some areas found 48 prisoners per phone resulting in high levels of tension (s6.6).
- Visitation facilities in prisons are insufficient to allow different groups of prisoners to have visits at the same time, disadvantaging certain prisoners.
- None of the centres inspected utilised family video conferencing as a means of increasing access to families (s6.24).
- Shared amenities created strain among the prisoners with inadequate access to space, shade and seating in the yard and communal indoor areas (s6.11-14).
- In outdoor areas there are 60 prisoners with only 11 seats, there is only one bubbler and no separate hand washing facilities (s6.12).
- Some individuals also have to choose between attending buy-ups or using the oval (s6.15)

Inspector's Recommendations

- Provide alternative space for legal visits (R28)
- Review and Implement family video conferencing policy be readily available on visitors' private computers (R29)

Recommendations for Consideration by Forum

1. Accountability:

the facts exposed by the Report demand a structural change for accountability.

- Media and community access allows public scrutiny subject to privacy objections.

2. Earning Early Release:

a structured incentive system to encourage self-improvement and cooperative behaviour earning early release.

- Solve overcrowding in prison and break down the cycle of recidivism for long-term good.³
- Rehabilitative effect that aims to reduce recidivism and improving prison management.⁴
- Central objective of the correctional system is to reduce recidivism by 5% by 2016. (s6.25)

3. Privatisation:

no expansion of privatisation should occur

³Justice Action, "Earning Early Release: Punishment for the Past, Training for the Future" (2012) <<http://www.justiceaction.org.au/images/JusticeReformPapers/remissions.pdf>> p 6

⁴Ibid.