

## Additional Questions

- 1. In your evidence, you referred to the recruitment of an additional permanent staff member (p3). Please update the Committee on the progress of the recruitment.**

The recruitment of an additional permanent staff member has progressed. Interviews with shortlisted candidates have been scheduled for the week commencing 6 June.

- 2. Have any issues arisen in the course of inspections during 2014-15 and the current reporting year that are of particular concern to the Inspectorate?**

The risks identified in the *Full House* report remain as offender numbers have reached over 12 600 with a record high in May 2016. The age of infrastructure, the number of offenders sharing cells and access to out of cell hours remains of particular concern.

The increase in remand numbers and the pressure on access to legal and health services is of particular concern to the Inspectorate and will inform future inspection work.

The over representation of Aboriginal youth and absence of Aboriginal official visitors in juvenile justice is of particular concern. A recommendation has been made to appoint Aboriginal official visitors to juvenile justice centres.

- 3. The 2014-15 annual report states that the office is developing a monitoring and reporting cycle to monitor agencies' progress in relation to your recommendations (p10). Can you update the Committee on how the Inspectorate monitors the implementation of its recommendations?**

The Inspector is committed to accounting for outcomes and improvements made by the agencies in pursuing the recommendations of the office.

This currently occurs through seeking progress reports from the relevant agencies in respect of implementation of recommendations. Liaison visits also provide an opportunity to check implementation at the centre level.

The Inspector aims to monitor the progress on a regular basis through the development and implementation of a monitoring and reporting framework and plan which includes:

- Requesting relevant agencies to provide six monthly progress reports on the delivery of objectives and outcomes of recommendations that were supported or partially supported by the agency.

- Briefings with agencies to gather targeted information for monitoring progress made on specific recommendations.
- Follow up inspections allowing for onsite verification at correctional and juvenile justice centres to verify data and information. This process will complement agency-level information provided to the office.

Progress made against the recommendations will be reported in the annual reports of the Inspector of Custodial Services.

**4. The annual report notes that the office's current staffing and budget will limit your ability to measure the implementation of recommendations (p14). Will the recruitment of an additional staff member assist with overcoming this issue, or are further resources required?**

Further resources are required to measure the implementation of recommendations. The office is creating 2 x 6 month temporary positions, one of which will develop and implement a monitoring and reporting framework and plan, to gather and verify information on progress against immediate, intermediate and long term recommendations.

Thereafter on site follow up inspections will be incorporated into the forward inspection timetable. Additional resources may be required to conduct these inspections.

**5. Your office is responsible for overseeing the NSW official visitor program.**

**o How does your office perform this role?**

The Juvenile Justice Official Visitor program is established under Section 8a of the *Children (Detention Centres) Act 1987* and the Corrective Services Official Visitor program is established under Section 228 and Schedule 4 of the *Crimes (Administration of Sentences) Act 1999* and *Inspector of Custodial Services Act 2012 (Section 6)*.

There are 58 Official Visitors assigned to 34 correctional centres and police/court cells and there are 7 Official Visitors assigned to seven juvenile justice centres (soon to be 6). The Official Visitor program enables staff, offenders and detainees to raise concerns at the local level with a person who is independent of correctional administration (Corrective Services NSW, the GEO Group Australia and Juvenile Justice NSW).

The position of Official Visitor Coordinator within the office of the Inspector of Custodial Services coordinates the recruitment, appointment, induction, training, payment and reporting of official visitors.

The program provides the Minister for Corrections with an independent view of conditions within correctional facilities and juvenile justice centres and the types of issues that are of concern to offenders, detainees and staff through six monthly reports to the Inspector and the Minister.

The issues raised by official visitors inform liaison visits to individual centres, identification of systemic issues and development of inspection plans.

**o Is this a significant workload for the office?**

Official Visitors attend their allocated centres on a fortnightly basis, except for court and police cells which are visited monthly.

The Official Visitor Coordinator administers the program with oversight by the Inspector of Custodial Services.

This is a significant workload, particularly when Official Visitor reports are received for the two reporting periods, 1 January – 30 June and 1 July – 31 December. The Official Visitor Coordinator analyses the individual reports for systemic trends and issues to assist in briefing the Inspector and the Minister for Corrections.

**6. At the Committee's last hearing with the previous Inspector, Dr Paget spoke of integrating official visitors in the office's inspection process. He also raised a proposal to amend the Crimes (Administration of Sentences) Act, to enable official visitors to conduct audits and inspections under the Inspector's direction. What are your views on this proposal?**

Official Visitors' reports are used to gather information for an inspection. Official Visitors provide advice on the relevance of inspection topics and provide advice on operational considerations at centres being inspected.

I support the former Inspector's proposal to enable Official Visitors to assist with the conduct of inspections under the Inspector's direction. The Official Visitors' handbook already states that 'Periodically Official Visitors may be required to assist with or facilitate inspections carried out by the Inspector of Custodial Services'.

For some inspections, Official Visitors have supported the administration of offender surveys and acted as a resource person for offender focus group discussions to respond to offender enquiries that arise after such sessions.

**7. The Committee is interested in the Inspectorate's key performance indicators (2014-15, p15).**

**o How were the performance indicators developed?**

The former Inspector of Custodial Services considered these performance indicators as relevant and appropriate for assessing the office's performance. The key effectiveness indicator relates to the extent to which Corrective Services NSW, Juvenile Justice NSW or other agencies, such as Justice Health & Forensic Mental Health Network, accept recommendations contained in the reports. Additional indicators correspond to the key

services provided by the office, that is, liaison visits and inspections of correctional facilities and services.

**o Do similar agencies in other jurisdictions have any additional indicators or measures of their performance?**

The Western Australia Inspector of Custodial Services has a comparable performance management framework. Similarly, the office in Western Australia measures the extent to which the relevant departments and agencies accept recommendations contained in its reports. In addition, it has a key efficiency indicator which captures average costs per report and per independent visitor report.

**8. Are there any legislative changes that would assist you to perform your functions more effectively?**

I have not encountered any legislative barriers to the work of the office as yet. I support the proposal of the former Inspector of Custodial services to provide clarity in the legislation that Official Visitors are able to conduct inspections under the direction of the Inspector.

**9. Smoking was banned in prisons during 2015. Do you have any comments on the implementation of the smoking ban?**

The transition to non-smoking from 10 August 2015 appears to have been handled satisfactorily at many centres. Inmates were kept informed of the change and advised about additional items which would be included on the buy-ups list when tobacco and papers were taken off. Activities Officers outlined initiatives to keep inmates busy, including physical exercise competitions, more gym equipment and additional board games. Nicotine Replacement Therapy (NRT) patches were distributed to all offenders and staff who required them, initially for four weeks with an additional four weeks supply if needed.

Since the implementation of the ban, three concerns have been reported by Official Visitors. Firstly, offenders are being 'stood over' for NRT patches. Secondly, NRT patches are being mixed with tea leaves and smoked. As a result, tea bags are no longer provided in correctional centres.

The third concern is that offenders are misusing electrical outlets in cells to manufacture ignition points. This inappropriate use of electrical outlets by offenders has given rise to a number of electrical outages at some correctional centres. This is a safety risk to offenders and staff.

## Questions on Notice

**At p.3 “ Can you tell us, from your perception, why there has been the underspend of the budget? There was an underspend in the previous year and it looks as though there will be an underspend in the current year. Does the office not employ enough people, or is there some structural reason for the underspend, and what is it?”**

The budget for the year 2014-2015 was \$1.9 million with actual costs of \$1.55 million. There was a \$350 000 underspend.

The 2014-15 financial year was the first full year of operations of the office of the Inspector of Custodial Services. The office and its staff were new, and in the 2014-15 financial year only two reports were published.

These reports were relatively inexpensive as there was no regional travel required and there was minimal engagement of external consultants or inspectors from other jurisdictions.

The build-up of the office infrastructure, such a reference resources and ICT, was also limited.

There will also be a significant underspend for the office in the 2015-2016 year. A submission has been made seeking a rollover of unspent funds to the 2016-2017 financial year.

This will enable additional temporary staff and consultants to be employed, in addition to the establishment of 6 staff, to conduct inspections during the next financial year.

The office has created 2 x 6 month temporary positions from within existing budget. One position will develop and implement a reporting and monitoring framework. The other position will conduct inspections.

**At p.9 “Can you tell us how long people are staying in that Surry Hills facility?”**

Information has been provided from Corrective Services New South Wales that during the month of April 2016 the shortest stay at the Surry Hills facility was 1hr and the longest stay was 355hrs (14 days 19 hrs). During April 2016 the average daily state at Surry Hills was 55; the daily average who had been in the cells for less than 72 hrs was 39; the daily average who had been in the cells over 72 hrs was 15; and the average who had been in the cells for over 144hrs (7 days) was 1.

**At p.9. “Is there a document we can see at some point?”**

The Official Visitors review is published on the website of the Inspector of Custodial Services and can be accessed at:

<http://www.custodialinspector.justice.nsw.gov.au/Documents/Official%20Visitor%20Program%20Review%20Report.pdf>