

**FOLLOW UP OF THE AUDITOR-GENERAL'S
PERFORMANCE AUDITS SEPTEMBER 2010 - FEBRUARY
2011**

Organisation: Corrective Services NSW
Name: Mr Ron Woodham
Position: Commissioner
Telephone:
Date Received: 16/04/2012

Theme:

Summary



MLU12/06557; MLU12/06561
Your ref: LAC12/112

Mr Jonathan O'Dea MP
Chair
Legislative Assembly Public Accounts Committee
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr O'Dea

I refer to your correspondence dated 28 February 2012 regarding the Auditor General's Report on Home Detention which was tabled in September 2010.

I have enclosed the response of Corrective Services NSW (CSNSW) to the recommendations of the Report in the format you requested. The response also contains comments from CSNSW on the audit process.

Should you require further information you may contact the Director, Community Compliance Monitoring Group, Ms Viviane Fahs, on telephone number (02) 4629 7600 or at email address Viviane.Fahs@dcs.nsw.gov.au

Yours sincerely

RON WOODHAM
Commissioner

13 April 2012

Encl

PERFORMANCE AUDIT – HOME DETENTION

IMPLEMENTATION OF RECOMMENDATIONS

RECOMMENDATION	ACCEPTED OR REJECTED	ACTION TAKEN	DUE DATE	STATUS (completed, on track, delayed) and COMMENT	RESPONSIBILITY (Section of agency responsible for implementation)
1 Corrective Services NSW should improve access to home detention by:					
1(a)	ACCEPTED	<p>In June 2010 the Commissioner met with the Chief Magistrate and gave a commitment that home detention (HD) would be immediately expanded to include the regional areas of: Bathurst, Grafton, Wagga Wagga, and Dubbo.</p> <p><u>A commitment was also given to expand the program to: Goulburn, Tamworth, and Broken Hill, from November 2010.</u></p>	<p>June 2010</p> <hr/> <p>November 2010</p>	<p>Completed</p> <hr/> <p>Completed</p>	Director Community Compliance Monitoring Group (CCMG)
1(b)	ACCEPTED	Senior Compliance and Monitoring Officers (SCMO) have been actively promoting the program in all metropolitan and regional areas through attendance at court users meetings and meetings with magistrates.	Ongoing	<p>There is ongoing promotion eg</p> <ul style="list-style-type: none"> * SCMOs assess the need to re-visit courts when a new magistrate commences; * through liaison with courts by the HD Coordinator (HDC) or the Court Liaison Officer (CLO). 	HDC and SCMOs
2 Corrective Services NSW should improve the administration of home detention by:					
2(a)	ACCEPTED	<p>In 2010 the position of Home Detention Coordinator (HDC) was created.</p> <p>This has resulted in a central point of contact for the courts for the sending and receiving of all Home Detention Assessment (HDA) requests, completed HDAs, and Home Detention Orders (HDO) and parole orders.</p>	June 2010	<p>Completed</p> <hr/> <p>Ongoing action</p> <p>The HDC communicates with courts regarding missing documentation including sentencing details, depositions, and copies of HDOs and parole orders.</p> <p>All assessments are faxed to court by the HDC. Courts contact the HDC regarding missing reports.</p> <p>In addition the CLO attends the State Parole Authority</p>	CCMG Director and HDC

					(SPA) to represent the CCMG in HDO and Intensive Correction Order (ICO) matters.	
2(b)	Reviewing reasons for offenders being assessed as unsuitable to identify and if possible remove common barriers by July 2011	ACCEPTED	Ongoing reviews identify common reasons for assessment of offenders as unsuitable, including ongoing Alcohol and Other Drug issues; unresolved mental health issues and failure to maintain contact with the CCMG. In some cases offenders who are referred from courts are ineligible for an HDO.	July 2011	Completed Regular reviews have identified that since October 2011 on average, 10-12% of referrals from courts are ineligible for HDO. Of the eligible requests, it has been identified that since October 2011 the number of offenders assessed as suitable has been steadily increasing to between 50-78% per month.	HDC
2(c)	Establishing minimum standards in line with offender risk rating by December 2010 for: * field visits * drug and/or alcohol testing	ACCEPTED	A review of minimum standards identified areas for consideration in regard to contact visits for low/medium/high risk offenders. Home visits now reflect identified case plan strategies. In addition, offenders are randomly urine tested every four to six weeks depending on risk rating and case plan objectives.	December 2010	Completed Minimum standards have been reviewed in line with offender risk rating. The amended policy reflects offender needs as per Level Service Inventory-Revised (LSIR) rating and identified case management strategies.	CCMG Director in consultation with CSNSW's Policy Unit
2(d)	Monitoring and ensuring compliance with minimum standards by December 2010	ACCEPTED	Monthly statistical data for face-to-face home and field visit contacts for each location by team is collated by the SCMO and forwarded to the Director and all SCMOs Statewide.	December 2010	Completed Data collation is ongoing and provided on a monthly basis.	HDC and SCMOs
2(e)	Reviewing learnings from assessments, breaches, and revocations to improve consistency in the delivery of home detention by July 2011	ACCEPTED	Since June 2010 all HDAs and breach reports have been reviewed by the HDC prior to sending to court. Officers are complying with case management principles to ensure that if a breach report is necessary, it is supported by evidence regarding non-	July 2011	Completed Records are maintained for each month outlining assessments and results, new HDOs and notification of breaches submitted to the SPA, and subsequent results. This database reveals ongoing trends and statistics regarding	HDC

			<p>compliance.</p> <p>This has resulted in * more consistent assessment submissions regarding suitability for home detention; and * more consistent adjournment requests.</p> <p>As all breaches are documented and breach reports have been standardised to a large extent, breach issues are now being more clearly identified for the SPA.</p> <p>Ongoing review indicates that assessing officers are increasingly giving consideration to the ability of offenders to <i>become</i> abstinent (as per policy) rather than being found abstinent prior to assessment for home detention.</p>		<p>increases/decreases in numbers for assessments and breaches.</p> <p>The review process has revealed an ongoing decrease in assessment requests from courts, particularly since the introduction of ICOs, although the suitable HDAs have increased to approximately 70% since October 2011.</p> <p>The restrictive nature of the HD legislation and policy is an ongoing impediment to HD eligibility and suitability numbers. It is hoped that these issues can be reviewed in the near future. It is considered that a review of the HD policy in particular may result in increased HD numbers and the subsequent reduction of full-time custodial sentences for low-risk offenders.</p>	
2(f)	Undertaking regular quality assurance reviews of offender management by December 2010	ACCEPTED	<p>Statistical data is maintained regarding completion of case plans and LSIRs at time of commencement on HDO and for the duration of an offender's order.</p> <p>Monthly SCMO meetings are held and an update of the current HD trends is provided.</p> <p>A 'Frequently Asked Q&A' document has been created with updates of relevant issues.</p> <p>Records which identify unsuitability and/or ineligibility, as well as reasons for breaches are maintained.</p>	December 2010	<p>Completed</p> <p>The HDC role provides a central point for SCMOs and CMOs to make inquiries about the case management of detainees, and the appropriateness of breach action in instances where AOD and/or mental health issues exist.</p>	HDC and SCMOs

2(g)	<p>Reviewing learnings from home detention sentence completions to improve participation and completion rates by December 2010</p>	ACCEPTED	<p>Ongoing reviews are undertaken to monitor completion and breach statistics of home detainees. These statistics assist SCMOs to focus case management strategies on offenders most in need of support/ intervention/assistance in accordance with the offender's case plan.</p>	December 2010	<p><u>Completed</u></p> <p>The completion rate for home detainees remains high at above 90% and is indicative of successful case management appropriate for low to medium risk offenders</p>	SCMOs and HDC
2(h)	<p>Including in all offender case plans by December 2010, rehabilitation, program and activity objectives and assist offender to meet them</p>	ACCEPTED	<p>Offenders subject to HDOs are case managed in accordance with their case plans and LSIR risk rating. Appropriate action is taken to address issues linked to their offending behaviour. If assessed as a low risk of re-offending they are not required to complete programs. Case plans are regularly updated as per policy and any new issues are identified in the case plan and followed up through referral to appropriate programs/counselling.</p> <p>In addition, all new CMOs are required to complete a case management course at Brush Farm Corrective Services Academy and all CCMG field staff must attend annual refresher training in case management as per Community Offender Services policy</p>	December 2010	<p><u>Completed</u></p> <p>Mental health and AOD issues are particularly scrutinised by CCMG.</p> <p>CCMG psychologists regularly assist in the appropriate case management of detainees to ensure offenders' rehabilitation and wellbeing.</p>	SCMOs, CMOs and HDC
2(i)	<p>Reviewing compliance with case plan objectives in monthly CCMG office meetings by December 2010</p>	ACCEPTED	<p>Monthly team meetings are held and strategies formulated to address any issues of concern.</p> <p>These issues are also discussed with the HDC and consensus regarding appropriate action is obtained through joint consultation.</p>	December 2010	<p><u>Completed</u></p> <p>While case management remains predominantly the role of the CMO and SCMO, following the creation of the position of HDC, CMOs and SCMOs are now able to utilise this position to gain overall consensus on appropriate action to take, including breach action if case</p>	SCMOs, CMOs and HDC

					management strategies fail.	
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COMMENT

The audit process has identified ongoing trends in home detention requests and breach numbers, as well as the need to continue to review the standard of home detention assessments and breach reports being submitted to the courts and the NSW State Parole Authority.

Since 2010 home detention numbers have continued to fall particularly since the commencement of Intensive Correction Orders (ICOs). While this down-turn in home detention numbers was expected, it is noted that since February 2012 offenders who have been found unsuitable for ICOs due to being unable to complete the work component are being referred for home detention assessments. This appears to accurately reflect the progression of sentence severity and it is envisaged that numbers will increase accordingly.

The audit has resulted in an acknowledgement of the need to address the identified impediments to home detention as a sentencing option. These impediments include the strict eligibility criteria, the need for more referrals to residential rehabilitation programs, and the identification of external stake-holders willing to assist in this process.

The ability to utilise CSNSW's Community Offender Support Program centres in instances where offender accommodation is an issue because of domestic violence has enabled consideration being given for a Home Detention Order.

The role of the Home Detention Co-ordinator includes the facilitation of liaison with relevant CSNSW and external stake-holders and identification of agencies willing to co-operate and include home detainees as part of their target group, thereby increasing the number of offenders who could be considered for a Home Detention Order.