

NLAF Prisoners Forum

Report to NLAF - June 2014

The NLAF Prisoners Forum met on 8 May 2014. At that meeting, items on the agenda included:

- **2014 Planning: Review of Objectives**

The working group reviewed the Forum's terms of reference and discussed issues that could be on the forum's agenda. The Forum agreed to the following additional issues:

1. Lack of contact between children and mothers in custody
2. AVL issues

- **Lawyer /Client Communication**

Biometric system

Members received the following update:

- The biometric identification system controls the entry/exit of visitors to gaols, especially in times of emergency when it allows prison guards to verify the entry/exit status of visitors.
- The recording of personal information, such as date of birth, is required as an alternative method of identifying a visitor should there be a system failure.
- Iris scans are stored as an algorithm on an in-house server and cannot be reconstituted as an iris scan. Government departments do not have access to the scan or any other personal information.
- Iris scans are destroyed if not used within a 6-month, although visitor's personal information is retained.
- CSNSW health experts explained there is no health risk in undergoing an iris scan and clarified that an iris scan is a black and white photograph of the iris, which does not use ultraviolet light.
- Some practitioners requested that biometric data be retained beyond the 6-month non-use period. This issue is still under consideration and an update will be provided at a later date.

- **Reports on work of other groups addressing prisoners**

The Forum received reports from the Fines and Traffic Law Working Group and CSNSW Legal Practitioners Group. Highlights from these groups include:

- The WDO program continues to grow; as at February 2014, the program has 1060 sponsors, 16,760 WDOs have been issued, fine debt under management is \$50.8m and total fine debt cleared is \$19.5m.
- A pilot program has referred 1000 Restitution Orders to State Debt Recovery for enforcement as debts. The working group is concerned that the overall integrity of the WDO scheme may be jeopardised if participants selected for the pilot scheme are not appropriate to undertake WDO activities in community organisations. The working group is working toward clarifying this issue.
- CSNSW are working on Governance Standards that apply uniformly across private and public prisons. Some concern was raised regarding client/practitioner confidentiality.

- **Calls from Prisoners to Legal Services / Report of Prisoners Legal Information Team**

Law Access and Legal Aid reported on the high volume of calls received from prisoners. Legal Aid tabled a report detailed calls to Legal Aid from prisoners have grown from 34,963 in 2009 to 96,435 in 2013 and for Jan-April 2014, the average number of calls per month is 8,500. If this rate is maintained for the year, Legal Aid will receive 102,000 calls from prisoners in 2014. Legal Aid

currently have three staff on reception taking approximately 100-120 calls per day per person. These numbers are unsustainable and Legal Aid is investigating actions to reduce and streamline the number of calls from prisoners.

In addition, the Prisoners Legal Information Team provided an email update on the categories of inmate telephone calls:

1. **Calls on the CADL system** are free and limited to 10 minutes each. Calls are limited to the following 17 service providers: LawAccess, Legal Aid NSW, ALS, State Debt Recovery Office, Child Support Agency, Housing NSW, Oral Health, Health care complains line, Mental Health, Quitline, Hepatitis Helpline, CNSP (a Health Care Navigation Support hotline), Crime stoppers, ICAC, Ombudsman, Commonwealth Ombudsman, and CCSL (inmate complaints line).
2. **Calls to legal representatives:**
 - a. *Prisoners on Remand* are permitted to free calls to 3 telephone numbers per week, limited to 10 minutes each. There is no limit to the number of 'local' legal calls per week. CSNSW does not cover the cost of mobile or long distance calls to legal representatives.
 - b. *Convicted Prisoners* do not receive a separate entitlement to free legal calls. Convicted inmates receive one free local call per week. Additional calls can be made at the expense of inmates.

The next meeting of the Prisoners Forum is 14 August 2014.

Richard Funston

Chair NLAF Prisoners Forum

29 May 2014