

Prisoners Forum Report Quarter 4 | October to December 2021

1. Meeting of members of the Prisoners Forum

The Prisoners Forum met on 28 October 2021. Members of the following organisations participated in the meeting: the Aboriginal Legal Service, Corrective Services NSW, Inspector of Custodial Services, Just Reinvest, Just Connect, Public Interest Advocacy Centre, Justice Health & Forensic Mental Health Network, Legal Aid NSW, NSW Ombudsman, and Department of Communities and Justice.

2. Presentation by Mandy Loundar, Youth Justice NSW

The speaker noted the overrepresentation of Aboriginal population in youth justice system. 40% of the population; in some parts of the state this is higher. 4 years ago, this figure was higher at 53%. The Youth Justice system comprises:

- early intervention (“youth on track”)- NGOs are funded across 7 sites across NSW.
- diversion youth justice conferencing (using restorative justice principles)- this includes victims, families, community representatives. 250 conveners with a substantial increase in Aboriginal staff.
- a bail assistance line – it is an after-hours service to source safe accommodation when courts are closed to avoid s28 conditional bail orders.
- “A place to go” program – emanating out of Penrith Police station and Paramatta Children’s court it is a multidisciplinary court support team, which includes wraparound services including an accommodation service;
- Community based orders and community supervision. There are 34 youth justice community officers across the state. There are 1100 young people sentenced by the court daily on average – with the typical sentences being good behaviour bonds, probation, community service parole, suspended sentences.
- Casework and supervision have moved from general monitoring to targeting offending behaviours – this is considered best practice.
- There is a multi-faceted clinical supervision framework which includes group supervision and reflective practice, live supervision in work, and individual level clinical supervision.
- There are 6 custodial centres across NSW – 3 in metro area, 3 in regional areas.
- Youth Justice works closely with Justice Health and Forensic Mental Health — local schools operate and clinics operate in each centre
- Youth officers in centres – direct supervision and managers- supported by case workers, psychologists and support staff to assist with rehabilitative needs.
- The funded services include: \$17m to NGOs to provide evidence-based services to support post-release needs such as:
 - residential and rural rehabilitation (Coffs Harbour and Dubbo);
 - an Aboriginal reintegration program by AMS in Shoalhaven;
 - funded mentoring out of Frank Baxter Centre.

There has been a significant reduction in numbers of young people interacting with the system, in particular, Aboriginal young people in custody. In 2009, 450 young people were in custody at any one day; today that number averages 174. This reflects the falling rates in youth crime. The kids that remain in custody are now higher risk and have higher needs.

There was significant discussion around the Young People in Custody Health Survey (YPIC). The next one is due in 2022 and there were concerns raised that the format is changing. The data shows prevalence of communication problems, a history of abuse and/or neglect; an incarcerated parent, etc. The average 'initial' offence at 12 is graffiti.

The strategic priorities for Youth Justice are: reducing reoffending; addressing Aboriginal overrepresentation via a co-design model e.g. 'my journey my life program' has been rolled out with Aboriginal men, and now extended to women/girls; working with vulnerable community groups such as people with a disability, young women, young people with DFV offences; early intervention and diversion with a focus on addressing short term remand. About 50% of the population detained is on remand.

Following the Frank Baxter riots in 2019 they have introduced a new child and employee safety framework – which relate to focused interventions for high-risk young people and an enhanced support unit to offer therapeutic support.

There was discussion about the enhanced support unit and whether there will be a review. The speaker noted that an evaluation plan is in place but the program has been changed so it has been re-set which means the evaluation will re-set also. The high-risk unit has undergone a review – about 23 recommendations. 20 recommendations have been responded to, 3 outstanding. It was completed in April 2021. A request was made for public access for the review; the speaker committed to reporting back on the Forum about this.

3. Covid-19 Update from Corrective Services

Corrective Services noted they have commenced a recovery process to take corrective services out of its Covid-19 response phase. District Court practice note 23 for jury trials requires the accused's lawyer to make an undertaking regarding the client's vaccine status. This is presenting a number of complications; it's difficult for the lawyer to sight the certificate. It hasn't been resolved yet.

An update was offered on the mobile phone rollout for people in isolation in remand. 40 phones have been rolled out, and another 200 to be rolled out. There has been a significant decrease in complaints from prisoners with phones.

4. Update on Prisoners Legal Service

The service noted it is working remotely. It is also helping with checking-in with inmates with phones in isolation to see if they have a lawyer etc. and noting that prisoners are quite adversely affected by Covid isolation

The service noted with respect to early release applications under emergency powers there has been no success with the Commissioner to date. The parole board has not released anyone under s.160. The difficulty raised at legal practitioners forum is that the parole authority isn't dealing with matters with urgency.

5. Births Deaths and Marriages Scheme

It was noted that the Births, Deaths, and Marriages pilot offering free birth certificates for detainees has been extended until August 2022. However, it was noted the program didn't meet it's quota, and there is a need for promotion of the program for better take up.

6. S78a Crimes (Administration of Sentences) Act 1999

There was discussion around an issue in detention about confusion with detainees who believed they were in segregations, but were instead under s78a detention which means they don't have a statutory right of review.

7. Advocacy Priorities for 2021

The Forum discussed its advocacy priorities for 2021 and agreed it would include health conditions for detainees, as well as implementation for the Optional Protocol for the Convention Against Torture.

8. Meeting dates for 2021

The meeting dates for 2022 were agreed to be 9:30am to 11am on 10 February 2022, 19 May 2022, 4 August 2022, and 27 October 2022.

Nadine Miles | **Chair, Prisoners Forum** | November 2021