Department of Justice
Corrective Services New South Wales

Response to Audit Office of NSW Performance Audit Report:
Therapeutic Programs in Prisons

May 2017
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EXECUTIVE SUMMARY

On 3 May 2017, the NSW Government tabled in Parliament a report by the Audit Office of NSW entitled Therapeutic Programs in Prisons. The report examined whether prison programs aimed at reducing reoffending delivered by Corrective Services NSW (CSNSW) are available, accessible and effective. The full report can be found on the website of the Audit Office of NSW at http://www.audit.nsw.gov.au.

The audit sought to answer the following questions:

- Are relevant programs to address reoffending available?
- Are programs accessible to prisoners?
- Are programs effective in reducing reoffending behavior?

In exploring these questions, the Audit Office chose to focus on CSNSW’s Violent Offender Treatment Program (VOTP), Custody Based Intensive Treatment (CUBIT), Intensive Drug and Alcohol Treatment Program (IDATP) and the EQUIPS suite of programs (foundation, aggression, addiction and domestic abuse).

These therapeutic group work programs are only one component of a comprehensive strategy aimed at reducing reoffending and making the community safer. In omitting reference to other aspects of this strategy, readers of the report may conclude in error that limited attention is given to supporting prisoners to lead law-abiding lives upon release from custody. Some of the other elements of CSNSW’s strategy include employment programs, vocational training, adult basic education, case management, pre- and post-release preparation, health interventions and one-on-one counselling. None of these activities were reported on in detail in the Audit Office report.

The report also gave little weight to the reforms already under way that are part of CSNSW’s Better Prisons initiative. These include strategies for driving improved performance across all correctional centres through the application of consistent standards and Key Performance Indicators (KPIs), including KPIs specifically related to program delivery.

The NSW Government has recognised the need for additional resources to target reoffending by allocating $237 million over four years for a range of new initiatives. The funding supplementation will enable CSNSW to increase supports to inmates with identified needs, and in particular target higher-risk offenders serving short sentences and domestic violence offenders. A new case management system to be rolled out in correctional centres from 2017 will also improve the quality of case planning, addressing a number of the shortcomings highlighted in the Report. Ten High Intensity Program Units will be established in NSW correctional centres in 2017, adding to CSNSW’s efforts to reduce reoffending.

Notwithstanding this, the report’s recommendations are of value and are aligned with NSW Government priorities and targets, as well as the Department of Justice’s core objectives. These recommendations include that CSNSW implement a systematic approach to identify and address program gaps, establish staff resourcing benchmarks along with quality and performance indicators at the correctional centre level, and develop and implement a program of independent evaluations of its offence-related programs. Aspects of these recommendations are already well progressed as part of major CSNSW reforms.
RESPONSE TO SPECIFIC CLAIMS MADE IN THE REPORT

CSNSW does not agree with some statements within the report. These statements are outlined below and are all referred to on the conclusions section of the audit report on Page 2.

The report asserts that:

Corrective Services NSW does not ensure that eligible prisoners receive timely programs to reduce the risk they will reoffend on release. Most prisoners who need programs do not receive one before their earliest release date.

CSNSW considers that it is reaching the majority of inmates who are subject to discretionary release by the State Parole Authority (SPA), with a large proportion completing programs prior to their earliest possible release dates. The EQUIPS suite of programs is also available to offenders supervised by CSNSW in the community, so those who are released to parole can complete programs in the community while still under this supervision.

A significant number of offenders are resistant to treatment and they must be willing to participate for therapeutic programs to be effective. Increased efforts are being made to motivate them to participate in and complete these programs. Significant enhancements to case management in correctional centres that will be implemented from 2017 and the establishment of High Intensity Program Units in 2017 are expected to achieve even better program participation rates.

Similarly, the report states:

In 2015-16, 75 per cent of prisoners who needed programs reached their earliest release date without receiving one. These prisoners are often released with incomplete or no intervention in prison, or are refused parole and held in custody for longer than their minimum term.

Corrective Services NSW notes that in 2015/16, 1194 inmates were released from custody to parole by the State Parole Authority (SPA).

- Of these, 1194 inmates, 808 (67.7 per cent) had an identified program need;
- Of these 808 inmates, 599 (74.1 per cent) participated in a relevant program and 531 (66 per cent) completed a relevant program (89 percent of inmates released by SPA who commenced a program completed the program);
- Of the 808 inmates with an identified need, 262 (32 per cent) were released after their earliest possible release date (EPRD). The majority of these inmates, 226 (86.2 per cent), participated in a program after their EPRD.

The proportion of inmates released by the SPA who have completed a program has increased considerably over the past five years, from 38 per cent in 2011/12 to 66 per cent in 2015/16. CSNSW continues to work on increasing that proportion.
CSNSW therefore considers that it is reaching the majority of inmates who are subject to discretionary release by the SPA, with a large proportion completing programs prior to their EPRDs.

The report notes that 302 prisoners were not released by the SPA, at least in part because of non-completion of programs. This is a relatively small proportion of the 7,385 sentenced prisoners released from custody during this period.

**Corrective Services NSW prioritises prisoners for programs based on their risk of reoffending. However, the 20 per cent increase in the prison population between 2011-12 and 2015-16 has put a significant strain on program resources. While program staffing has increased by 20 per cent over the past two years, the overall proportion of prisoners receiving programs before release has not.**

CSNSW records show that over the past five years, even accounting for unprecedented inmate population growth, there has been a significant increase in the number of eligible inmates participating in and completing programs.

The number of inmates with an identified programs need exiting custody has increased by 24 per cent in 2011/12 to the 2015/16 (from 3689 to 4562). Over this same period, there was 37 per cent increase of eligible inmates exiting custody who completed a program.

The number of inmates participating in and completing programs annually also increased. In 2015/16, 3295 inmates participated in a program and 73 per cent (2363) completed a program. In 2011/12, 2470 inmates participated in a program and 71 per cent (1761) completed a program. This represents a 33 per cent increase in the number of inmates participating in programs and a 34 per cent increase in the number of inmates completing programs.

**Additionally, programs have not been systematically evaluated to confirm they are helping to reduce reoffending in NSW.**

AND

**Corrective Services NSW bases its programs on international evidence and has worked in partnership with independent evaluators to evaluate some programs. However, these evaluations have mostly been inconclusive due to small sample sizes and data quality issues.**

Prior to 2012, CSNSW undertook a number of reviews of the therapeutic programs it delivers. This occurred through partnerships with the University of New South Wales, University of Western Sydney and the Bureau of Crime Statistics and Research (BOCSAR).

As a result of these studies, positive findings were made about inmates who completed the Domestic Abuse Program and Violence Prevention Program regarding the length of time to reconviction, and the number of reconvictions. Studies in 2010 on the delivery of Think First (a generic program for all offenders), as well as research in 2012 on the CALM program (for violent offenders), found minimal effects and these programs are no longer being delivered.
In 2012, the NSW Attorney General determined that independent evaluations of CSNSW were to be undertaken BOCSAR. The evaluations completed by BOCSAR since this time (including studies in 2016 on the Intensive Drug and Alcohol Treatment Program and the CUBIT program) have concluded that greater sample sizes are needed for statistical power to identify effects along with sufficient time for an analysis of effects on reoffending. This does not mean that the programs being delivered are ineffective. CSNSW is also already improving the quality of the data that is being used to assist with evaluations into the future.

The EQUIPS (Domestic Abuse) program which commenced in 2015, will have its effect explored through BOCSAR as part of the funded reducing reoffending initiatives, once sufficient inmates have participated and comparisons can be made. Comparisons will occur across EQUIPS (Domestic Abuse), the former Domestic Abuse Program, and other programs that are not referred to in the audit report. The length of time to reoffending and reoffending rates following six and 12 months in the community will be explored.

CSNSW’ Corrections Research, Evaluation and Statistics (CRES) team will also review the implementation and performance and outcome targets associated improved custodial case management and the High Intensity Program Units. The proportion of eligible inmates with a case plan, numbers entering the High Intensity Program Units, number of eligible inmates commencing EQUIPS programs, proportion of inmates completing programs and program hours being delivered will be monitored and reported. Outcome indicators of success to be monitored will include the proportion of eligible inmates who complete case plan goals, and who complete interventions related to identified need and prior to exiting case management.

The information collected through BOCSAR and CRES will complement information already collected in quality performance reports (number of programs delivered, number of participants, number of completions) across custody and the community by each offence-related program.

System improvements are already under way to capture detailed information on the reasons for an offender dropping out of or failing to complete a program. This is consistent with the audit report’s comments regarding the need for improved information collection and will enable more robust studies to be completed. The current benchmarking being undertaken through the CSNSW Better Prisons program will set transparent staff resourcing for effective and efficient service delivery, including program delivery, aligned with operational standards. This will enable clear monitoring of performance and opportunities for service development. Staff within correctional centres will have a direct influence and ability to monitor both performance indicators and quality assurance frameworks.

Since 2015, there has been increased roll out of moderate-intensity EQUIPS programs, which reach greater numbers of prisoners. However, over the same period, the number of programs to meet the higher-intensity needs of sex offenders and serious violent offenders has decreased or remained the same despite increased numbers of prisoners entering custody that may benefit from them.

AND
Corrective Services NSW does not collect and act on information to ensure that coverage of specific program needs among sex offenders and serious violent offenders is sufficient given the increases in these prisoner types.

The EQUIPS programs were developed in 2014 following a review of the model for delivering Offender Services and Programs. As might be expected with the roll out of new initiative, the uptake has been incremental. The increase in EQUIPS program delivery was expected by CSNSW, as more staff have been trained to deliver this program suite. In addition, new program staffing commensurate with the increase in inmate numbers will ensure that program availability increases to meet anticipated increase in demand.

CSNSW considers the size of the increase in EQUIPS program delivery by staff to be significant, particularly as this is a program that is longer in duration than previously offered programs and is delivered to offenders assessed as at least moderate risk of reoffending. Between October to December 2016, compared with the same quarter of 2015, outcomes for the EQUIPS suite were as follows:

- EQUIPS (foundation): 116 per cent increase in program delivery, and 99 per cent increase in participation (76 per cent of those participating completed the program);
- EQUIPS (aggression): 34 per cent increase in program delivery and 80 percent increase in participation (80 per cent of those participating completed the program);
- EQUIPS (domestic abuse): 27 per cent increase in program delivery and 9 percent increase in participation (85 per cent of those participating completed the program);
- EQUIPS (addiction): 28 per cent decrease in delivery and 42 per cent decrease in participation (71 per cent of those participating completed the program).

Steady or declining numbers of programs delivered to high-risk violent offenders and sex offenders has been temporarily experienced, largely as a consequence of adjustments that have been necessary to accommodate increasing inmate numbers. This has necessitated the relocation of intensive programs.

As the NSW Government has invested around $3.8 billion for commissioning new correctional centres and correctional centres expansions, there will be a greater ability to place inmates in correctional centres to best address their program delivery needs into the future. In addition, two of the new High Intensity Program Units to commence operation in mid 2017 will target higher-risk violent offenders with therapeutic interventions and significantly increase program completions for these inmates.

Notwithstanding this, completion rates for offenders participating in these programs remain high, as detailed within the Department of Justice Annual Report 2015/16:

- the completion rate for offenders participating in the Violent Offenders Therapeutic Program (VOTP) was 90 per cent.
- the completion rate for the Custody-based Intensive Treatment (CUBIT) program, was 88 per cent.
- the completion rate for offenders participating in the CUBIT OutReach (CORE Moderate) program was 100 per cent;
- the completion rate for offenders participating in the Self-Regulation Program for sexual offenders (SRPSO), an 18-month, custody-based, high-intensity program for cognitively impaired offenders, was 88 per cent.

BACKGROUND

Program Delivery by Corrective Services New South Wales

The role of CSNSW

CSNSW is responsible for the administration of sentences, including the appropriate management of people on remand, offenders serving custodial sentences or those subject to community-based supervision. Government allocates funding to ensure this main expectation is achieved. CSNSW provides a range of services and programs to minimise harm, including to other offenders, staff, the good order of correctional centres and the community.

Literature on what works

Since the 1980s the literature on what works to reduce reoffending has been well researched and the principles of risk, need and responsivity (RNR) that CSNSW follows is documented. In summary, this body of evidence has demonstrated that programs are most effective in reducing reoffending when they are offered at a level of intensity that matches risk (higher-risk offenders receive more intensive programs), targets the criminogenic needs or factors associated with offending behaviour (such as antisocial attitudes and behaviour), and are offered in way that individuals are able to engage and participate (for example, appropriate for an individual's learning style).

Andrews and Dowden (2006)\(^1\) have demonstrated that strongly focused offence-related programs, social learning and behavioural interventions all have a benefit when offered at a level commensurate with risk, even in crime prevention. The greater the adherence to RNR principles, the greater effect (regardless of gender or program setting), and there were no reductions in reoffending where these principles are not applied\(^2\).

Within offender rehabilitation literature the term ‘program integrity’ refers to the way a program is delivered; to maintain its original theory and design. Under this definition, when applied to programs adhering to RNR principles, program integrity (a specific program model, appropriate staff attributes, training, supervision, monitoring) further increases the positive effects on reducing reoffending.

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An integrated approach

Prisoner rehabilitation through CSNSW is in line with best-practice principles and occurs through an integrated approach that also targets education and employability skills, health and welfare needs. Through Corrective Services Industries, over 80 per cent of eligible inmates are engaged in prison work, improving their employability skills. A new model of inmate education is also being implemented to ensure learning opportunities in line with individual needs. This will further ensure inmates can read and write, as well as engage in vocational training in line with skill shortages in the community (largely across the hospitality, construction and engineering sectors).

While CSNSW has an integrated approach from diverse staffing groups in meeting the needs of inmates, greater demands on diverse service delivery occur at particular points in time (for instance, following reception into a correctional centre and just prior to release). It is also well-recognised that some services are more expensive to deliver as they need to be provided on an individual basis (such as for crisis intervention). Resources across offender management, service and program delivery are therefore constantly reviewed and balanced with funding allocations.

Rising inmate numbers

Between 2010 and 2012, the number of people in correctional centres across NSW fell to under 10,000. As a result some correctional centres were closed, and the scope of service delivery was reviewed. However, the decline in inmate numbers was short-lived.

From 2012, there was a steady increase in numbers, with the current number of people in custody being around 13100, and there is no suggestion that this rise will cease. These significant fluctuations are a result of a number of factors.

Advances in policing are resulting in priority and prolific offenders being more closely monitored, charged and brought into custody on remand. Those serious offenders that are also arrested are more likely to receive a prison term if convicted.

Review of program delivery

In 2012, CSNSW’ Offender Services and Programs provided a range of programs targeting self-development, preparation for participation in other programs, alcohol/drugs/addictions, aggression, violence, sex offending and community engagement.

In February 2013, Offender Services and Programs was reviewed to improve efficiency and effectiveness. Realignments to staffing structures, changes to role locations and increases in the number of Service and Program officer roles in front-line service delivery subsequently occurred. The scope and priority of services and programs to be delivered into the future was re-determined, and staff were allocated to regional clusters to best meet offender needs within allocated resources across custodial and community corrections.

The number of preparatory programs along with low-intensity programs was consolidated. Greater efforts also commenced to consider the timing of programs.
from reception to discharge to enable appropriate release plans and reintegration opportunities for suitable offenders.

Programs targeting violent offenders (including domestic violence), sexual offenders and offenders engaging in crime as a result of substance abuse, and those assessed as being of moderate or high risk of reoffending, were increased and prioritised.

Psychologists maintained group-based interventions to high-risk offenders and also supported staff supervising offenders who have been assessed as having a high risk of reoffending. Assessments to explore risk of reoffending and the presence of any mental illness that may be associated with offending, or difficulties in managing/completing an order (including self-harm behaviour) were also maintained.

In the period between July 2013 and the present, the number of program sessions targeting the reintegration needs of inmates increased by 144 per cent, the number of sessions aimed at minimising the harms of illicit drug use increased by 373 per cent, and there has been an increase in psychology services to offenders across custody and the community from 6068 to 15396 session (154 percent).

In 2015/16 offender services staff delivered over 165,000 occasions of service. Fourteen per cent of these related directly to program support, 17 per cent supported family and community engagement, 14 per cent focused on finance and debt management, and eight per cent related directly to addiction services. All of these have the potential to positively influence the success of reintegration after release.

Over 80 per cent of eligible inmates in NSW prisons are engaged in work where they have the opportunity to gain employability skills. In 2015/16 there were 8,576 units of educational competency awarded to inmates focusing on literacy, language and numeracy. In addition to this, 2,978 inmates participated in vocational training courses delivered by TAFE NSW. A new model of inmate education currently being implemented is expected increase participation in education.

In July 2014, the Commissioner approved Offender Program and Facilitation Standards and in 2016 processes were established to require staff at the local level to provide evidence of adherence. The domains covered include program resourcing and support, program scheduling, participant enrolment, accreditation of facilitators, supervision, and reporting and file management.

New initiatives to reduce adult re-offending

The NSW Government has approved funding over four years to target a number of areas of service improvement (or gaps in service delivery) that contribute to the State Priority of reducing adult re-offending. The specific funded improvements for inmates include:

1. Establishing new roles across correctional centres for improved custodial case management

Over 150 new case management roles are to be established and ensure inmates serving custodial periods over three months receive a sentence plan. Inmates with higher risks and needs will be case managed by these new roles to ensure they receive the appropriate programs and services to meet their needs. Lower risk and
need offenders will have their plans reviewed and maintained at a lower frequency through custodial corrections staff. All case planning information will integrate with intelligence and security classification information through a Senior Assistant Superintendent reporting to the Governor of each Correctional Centre. The new process will incorporate motivational techniques to promote engagement, ownership and achievement of case plans that will continue across custody and community settings.

2. Ten High Intensity Program Units that will target offenders with short sentences

Over 80 new roles are to be established to target a gap in current service delivery; inmates serving short sentences. The ten new units will be established within 7 correctional centres, and have dedicated staff to ensure program needs are addressed. Particular units will focus on the program needs of Aboriginal offenders, female offenders, violent offenders and the needs of domestically violent offenders. After these become operational in July 2017 around 1,200 inmates are expected to participate in these units per year.

A new approach will also be adopted to make participation at the High Intensity Program Unit mandatory for offenders who meet the eligibility criteria.

3. Expanding programs in the community targeting the needs of domestically violent offenders through engaging individual external facilitators and partnerships with the non-government sector for just program delivery

Over $1.5 million will be available to engage with individual external facilitators and individuals of non-government organisations to deliver the EQUIPS program to domestic violent offenders in the community. This will particularly enable the targeting of program needs in regional and remote locations where it is difficult for CSNSW to attract and retain staff.

4. Improving reintegration outcomes

Prisoners reintegration needs will be assessed upon their entry to prison and planning for exit will commence early through the NEXUS program.

Intensive transitional support services that provide offenders exiting custody on parole with practical assistance with housing and employment, case management and mentoring will be expanded.

The case management and program initiatives outlined above will be evaluated, and extend the reviews and evaluations to date that have often shown promising findings but have been limited by small sample sizes and insufficient time in the community to fully explore effects on reoffending.

CONCLUSIONS

CSNSW supports the recommendations of the audit report calling for a systematic approach to identifying and addressing gaps in service delivery. Maintaining a focus on program quality and performance indicators at the correctional centre level coupled with independent evaluations of programs will ensure that program outcomes continue to be optimised.
CSNSW believes that it reviews and uses its allocated resources effectively to ensure programs are available, accessible and are in line with the best practices in reducing reoffending.

Programs are being provided at a greater level than in previous years, and most eligible inmates participate and complete programs prior to their earliest possible release date.

Against a background of increasing inmate numbers, CSNSW has observed an increase of over 30 per cent in the number of inmates participating and completing programs.

Ongoing and independent evaluations of programs are planned and will be undertaken by BOCSAR or external organisations. A number of programs have been evaluated to date, and agreements are in place for all initiatives implemented under the State Priority to reduce adult reoffending to be evaluated. CSNSW believes that until suitable sample sizes are achieved, and sufficient time has elapsed to monitor offenders in the community, no conclusions should be made about program effectiveness. However, as all of these programs are aligned with best practice principles, CSNSW anticipates positive outcomes.

Funded expansions to prisons and the commissioning of new correctional centres will allow greater opportunities to accommodate and meet the needs of inmates in a more flexible manner. Benchmarking will also give transparency to staff resourcing, service outputs and monitoring at the correctional centre level. Finally, the significant enhancements funded through the Government’s Strategy for Reducing Reoffending will support improvements to program delivery and increase program availability across NSW.

CSNSW has finite staffing resources and an increasing demand for services. Despite the challenges of working with high-risk offenders and having diverse responsibilities, CSNSW staff continue to make a significant contribution to the administration of sentences, ensuring the good order of correctional centres and ultimately contributing to increasing community safety through high-quality program interventions.