CORRECTIVE SERVICES OF NEW SOUTH WALES

PERIODIC DETENTION REVIEW AND RECOMMENDATIONS

AUTHOR: MR W. L. WESTON, CONSULTANT
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REVIEW OF THE PERIODIC DETENTION PROGRAMME
WITHIN THE NSW CORRECTIVE SERVICES

Mr W Weston, Consultant to the NSW Corrective Services, is to conduct a review of the Periodic Detention Centres (PDCs) programmes with a view to identifying inefficiencies and making recommendations to improve the Periodic Detention Programme. The terms of reference are as follows:

1. Review the present legislation in conjunction with the Principal Legal Officer, Corrective Services, as it relates to Periodic Detention.

2. Make recommendations for amendments to this Act, if necessary.

3. Examine the existing staff roster which now includes sleepover shifts and advise on the practicability of replacing this roster with one that provides for continuous monitoring, while Periodic Detainees are at the Centre.

4. Make recommendations for the minimum or maximum time a custodial officer should serve in PDCs.

5. Report on the feasibility of employing retired officers, Community Services Order Supervisors or other persons on a sessional basis to supervise work parties of Periodic Detainees.
6. Review the manner in which PDC supervisors make work arrangements and subsequent work programmes for PDC Detainees.

7. Report on the manner charges could be made for PDC services. Make recommendations as to the class and type of work which should be carried out by Periodic Detainee Programmes, i.e. schools, hospitals etc.

8. Examine the feasibility of Superintendents of the nearest gaol being made responsible for the management, general maintenance, cleanliness, staffing and operation of nominated PDCs.

9. Review current plans to extend present Periodic Detention Centres to ensure any expansion is cost-effective in terms of providing alternatives to full-time imprisonment.

10. Examine the system whereby Periodic Detainees who fail to attend PDCs are brought before the courts and identify any deficiencies in this system, and make recommendations for increased efficiency and effectiveness.

11. Report on where PDCs should be established in the future.

12. Make recommendations to improve the overall efficiency and effectiveness of Period Detention Centres.

Assistant to Consultant

The Chief Administrative Officer is to make an officer available to assist Mr Weston with his inquiries. This would not be on a full-time basis.

Submission of Report

An interim report is to be submitted on the 14 November 1989.
The final report is to be in the hands of the Deputy Director-General by the 14 December 1989.

E R NIXON
Deputy Director-General

Distribution List

The Hon. Michael Yabsley, MP
Minister for Corrective Services

Mr A Graham
Director-General

Mr W Weston
Consultant
Department of Corrective Services

Mr P Crossley
Chief Administrative Officer

Ms J Hemphill
A/Superintendent
Policy and Planning Officer

To be placed on Agenda of October Corrections Corporate Council Meeting.

Mr J Horton
Director
Custodial Services Division

Suggested Support.

1. Kevin Finerty
2. Tom Power
3. David Andrews
4. David Swartz
5. Russell Heller.
RECOMMENDATIONS

1. A policy should be adopted which recognises the changes in types of persons being sentenced to PDCs and the need for suitable accommodation and program facilities to meet the predicted increase in Periodic Detention population.

2. A Joint Advisory Committee consisting of representatives from the Department and the Courts should be established to monitor the operation and needs of PDCs particularly available accommodation.

3. Detainees should be classified and located at centres most appropriate to handle their security and program needs.

4. Centres should be graded according to their security and other facilities so that the "staging-down" process has practical and consistent application in a variety of settings.

5. All centres should have a perimeter fence and a secure segregation area where "troublesome" prisoners can be housed.

6a. Work programs must be available at all centres and provision made for programs for those in need of counselling and other therapy.

b. Industrial Services must take a more active role by providing suitable work projects and facilities.

7. Work programs should conform to the Department's priority list.

8. The standard of Centres should be improved to provide accommodation which conforms to recognised health and fire safety regulations.

9a. The Department should discontinue using land and buildings which are acquired solely because of their low cost.

b. Future centres should be located on sites selected in accordance with the Department's policy guidelines for PDCs.

10. A basic design for Periodic Detention Centres should be produced which embodies the necessary security features and program facilities.

11. The staffing of centres should be planned to ensure the training and development of officers interested and competent to work in this special area of imprisonment.

12. The present position of State Co-Ordinator should be upgraded to Regional Director, PDCs with clearly defined authority and responsibilities.

13a. The Regional Director PDCs should be responsible to the Director, Custodial Services for planning, budget estimates, administration and the training/development of officers in Periodic Detention Centres.
b. The Regional Director's duties should include the inspection of centres on a regular basis to ensure that standards of cleanliness, hygiene and house keeping are being observed.

14. A staffing proposal for Periodic Detention Centres has been prepared by the Day review team. This should be the basis for developing the future staffing of centres.

15. Centres should not be under the control of local gaol superintendents as the special nature of their operations requires a different approach and special staffing arrangements.

16. The proposal to introduce mid-week Periodic Detention should be investigated, in conjunction with the Courts, to determine possible future demand.

17. Mid-week programs should be commenced immediately at selected centres as an interim measure to relieve overcrowding.

18. The mid-week sessions should operate Tuesday to Thursday and the weekend Friday to Sunday.

19. A higher rank should be created for an Officer-in-Charge supervising the combined mid-week and weekend sessions.

20. Each session would have its own staff under the control of the Officer-in-Charge (see Rec. 19).

21. The feasibility of employing part-time supervisors should be explored in conjunction with the Probation and Parole Service.

22. As a matter of urgency, to relieve the serious overcrowding in Periodic Detention centres, a special grant of funds should be sought to implement the necessary increases to accommodation.

23. The Department, in consultation with the Courts, should consider using Periodic Detention and Community Service Orders as a staging-down process as well as pre-prison options.
Currently there are 667 persons serving periodic detention sentences in New South Wales. This is an increase of 30% since November 1988.

Since the introduction of periodic detention in 1971 there have been some important changes in the nature and types of detainees and the original principles governing their eligibility.

Originally recidivists were not eligible but now some ex-maximum security prisoners are serving periodic detention sentences. Also the term has been increased from 12 to 18 months (as from 1990 3 years) and the original 7.00 pm Friday to 4.00 pm Sunday attendance requisite has been relaxed to a 16 hours total for Stage 2 status detainees (146 at present).

These relaxations plus the high proportion of detainees sentenced for drug and alcohol related offences has created an entirely different environment in periodic detention centres in latter years.

The introduction of remissions further reduced the detainees' sentences as an incentive for good behaviour and performance while at the Centre.

It is not surprising that some officers feel that much of the original philosophy and expectations for periodic detention has been replaced by expedient measures to combat overcrowding and court imposed conditions.

1. PERIODIC DETENTION OF PRISONERS ACT

There have been significant amendments to the Act as recently as November 1989. These include an increase to a 3 year maximum period, deletion of the original court of sentence requirements for Section 25 cancellations and cumulative sentences.

There is a need to regularly monitor the Act to ensure that detainees meet the Department's criteria for an effective and efficient service.

The Courts must be made aware of the problems of imposing on the Department detainees who have little hope of fitting into the scheme.

Many detainees see the weekend programs as a "good cop" and to some it is a new social experience. There is little evidence that the original rationale works that is depriving a person of their traditional weekend pleasures and substituting a planned routine of community service brings about a change in their attitudes and performance without the trauma of going to gaol.

Currently there is no restriction on numbers sentenced to periodic detention. The Act states that if the Court is satisfied that accommodation is available at a prison then it may direct a person to serve their sentence at that prison.

The current problem is that some centres are overcrowded but persons are still being sent to these centres. Accommodation is assumed to be unlimited and the Courts do not see it as their problem if the Department has a serious accommodation shortage.
The population of periodic detention centres in August 1986 was 273. The current figure is 667, an increase of 140% in a little over three years.

The number of centres has increased to eight (8) but the accommodation is still inadequate for the present numbers. There is severe overcrowding in most centres but even if this was not the case, the sleeping arrangements are well below acceptable basic health and fire protection standards.

To facilitate the operation of centres, a Joint Committee of the Department and the Courts should be established. This Committee should also recommend changes to the Act to meet the needs of the Courts and the Department.

The Committee would advise and plan in regard to future needs, monitor operation of centres, inform all concerned of impending charges and encourage two-way communication at both the formal and informal levels.

2. PHYSICAL FEATURES OF CENTRES

Location:

Ideally, centres should be in a catchment area, serviced by public transport and in close proximity to a prison or other Departmental property.

The present siting of some centres requires detainees to be picked up by bus at a convenient place and returned there after the centre closes.

Although this adds to operational costs, it has made it possible to use sites and facilities at a much lower capital cost. Also, it enables the Centre to be designed for the Department's specific needs rather than using house or makeshift accommodation.

Careful consideration should be given in the future to the choice of sites. Low cost sites and existing buildings are not necessarily the most economical in the long run.

Size:

The ideal size would accommodate 70 to 80 inmates to each centre with approximately 60 requiring sleeping accommodation.

If the present growth pattern continues, the number of periodic detainees by 1992 will be above 1000, and at least 12 centres will be required to house them.

Accommodation:

A planning committee consisting of officers from Building Services, Periodic Detention Centres, and Industries should be given the task of designing a model basic periodic detention centre. Standards should
be set for sleeping accommodation, ablutions, dining and kitchen needs, work area and "recreational" activities.

The current accommodation is well below an acceptable level both in terms of health and fire safety standards.

Sleeping accommodation should be large enough to house people in accordance with hospital or other institutional standards with a built-in reserve capacity of 10%-15% to meet emergencies.

All sleeping areas should be fitted with smoke detectors and other safety devices recommended by the Department's Fire Officer.

In view of the Department's commitment to Unit Management the Planning Committee should keep the principles of unit living in mind when making its recommendations.

Security:

The changes in the type of detainees now eligible for Periodic Detention have created special security problems for the Centres.

The high proportion of detainees with a drug or alcohol problem are causing behavioural and trafficking incidents in all centres.

Each centre should have a secured segregation unit and also a perimeter fence as a basic obstacle for those seeking to move in or out of a centre. At present detainees can make a drop before entering the centre and as no physical barrier is there they simply pick up the stuff during the night or day.

Also the introduction of monitoring devices to assist officers supervising detainees in "remote" areas would greatly increase control and security within centres.

The present practices of searching and using drug detection methods are effective and supported, but are less effective if the physical conditions help detainees to circumvent these methods.

3 ADMINISTRATION/STAFFING

Staffing

The staffing of periodic detention centres must be a balance between effectiveness and minimum costs.

I believe the present system with minor adjustments is the most suitable. Continuity of management is necessary in order to get the best results from part time prisoners.

The settling-in period is critical and should not be made more difficult by constant staff changes. It is imperative that officers get to know the prisoners' habits, attitudes and skills if the scheme is to work.
The Department must be prepared to make special concessions regarding staffing and working conditions when fostering special corrective programs. This principle has been applied in relation to the Special Care Unit with success.

Staff should be selected from interested officers with special skills applicable to Periodic Detention.

Ideally officers should be appointed for a minimum of 2 years at their commencing rank. A further 2-3 years minimum should be served when an officer is promoted within the periodic detention system.

Staff rotation should be adopted as policy so that as many officers as possible can be exposed to a broader training and experience.

Staff development advantages would result for both the Department and the officers similar to those experienced through staff rotation in the Special Care Unit.

Over 400 officers have been through the Special Care Unit and this has been the only successful staff development operation in the Department for the past decade.

Similarly because of the special nature of periodic detention the effectiveness of the operation should not be subordinate to a minimum cost staffing formulae.

The quality of staff therefore is of great importance. Currently, the majority of officers working in the Centres are doing an excellent job.

The matter of officer/prisoner ratio is the subject of further examination, but a realistic figure is 25 to 1. As the operation expands the need to be selective and to train suitable officers becomes greater.

Also the range of officers should be increased to include psychologists, Drug and Alcohol workers and other specialists.

This latter area has been badly neglected in spite of the expectations of the Courts that detainees would be given exposure to counselling and treatment whilst in custody.

The Day staff review team has produced a plan to staff centres using a range of options covering mid-week and new staffing systems. Provided the main principles stated above are observed it should be possible to staff the centres economically without diminishing their effectiveness.

Administration

Currently a State Co-Ordinator co-ordinates and monitors the operation of Periodic Detention Centres.
The Co-Ordinator position has evolved from the former Field Supervisor's position which was created when the number of centres increased and there was a need to ensure that uniform standards were maintained.

The State Co-Ordinator's main role at present appears to be ensuring that each centre operates smoothly and that transfers of detainees conforms to the statutory conditions.

It is now opportune to restructure the Co-Ordinator position to one which has clearly defined responsibilities and authority in relation to the control and direction of the Periodic Detention system.

At present the O.I.C.s have statutory responsibilities in terms of the Act and Regulations neither of which recognises the existence of the Co-Ordinator and the Co-Ordinator has functioned by having the Commission's general delegations to carry out certain duties.

More recently the Co-Ordinator has been made responsible to the Director, Custodial Services.

The Co-Ordinator position should be upgraded and the Statement of Duties revised to identify the duties and responsibilities of the Co-Ordinator.

The new role should be less concerned with day-to-day operational matters and concentrated more on:

- Planning for expansion of system;
- Siting and design of PDCs;
- Preparation of estimates of expenditure, ie Capital and Operational;
- Selection and training of staff;
- Liaison with Courts and other agencies;
- Selection of appropriate programs.

The Co-Ordinator should have a much more dominant role in the future. More centres will be operating and a more flexible approach to centre management will be needed.

For example, at Muswellbrook where the PDC is an integral part of the prison the Superintendent will have different responsibilities to an OIC at a centre remote from a prison. The rationale and standards for Periodic Detention will be uniform but operational needs will differ.

One of the main functions therefore of the Co-Ordinator will be to ensure that uniformity of standards and performance are observed at all centres.

The proposal to place each centre under the control of a "local" Superintendent would simply be a more cumbersome management process. Also it could hinder the OIC in developing the entrepreneurial approach used so successfully at present. For these reasons the proposal is not supported.
What is needed is a more co-operative and flexible system where Regional Directors, Superintendents and the State Co-Ordinator, work together in the Department’s common interest, ie the successful operation of all levels of Corrective Services. The importance of the Co-Ordinator’s role in achieving this co-operative climate cannot be over emphasised.

4. FUNDING

A more liberal approach to funding is needed if P.D.C.'s are to expand and cope with future needs.

At least 6 new centres will be needed by 1992 if the current rate of increased demand continues.

The practice of acquiring disused buildings and adapting them to the Department's needs is not always the most efficient and effective use of funds.

As mentioned earlier if a basic plan and design is adopted for future centres the capital outlay will be uniform for new centres.

Assuming a cost of $1 million per centre the savings by having 70 in PDC instead of maximum security is $1,208,515 each year. Thus the capital cost is recouped in the first year and operational costs reduced considerably by comparison with full time imprisonment.

The State Co-Ordinator should be given an allocation of funds to operate P.D.C.s. The budget should be flexible and funds applied at the Co-Ordinator’s discretion.

At present each centre works as a separate entity but if funding was under the control of the Co-Ordinator the most effective application of funds could be achieved for the system as a whole.

5. PROGRAMS

The concept of community service has been one of the central factors when Courts sentence people to periodic detention.

The other important consideration is removing offenders from their environment on the "problem nights" viz Fridays and Saturdays.

Anti-social behaviour needs more than removal from the community and it is expected that the Department will provide therapy and other programs to change anti-social behaviour and attitudes. The importance of well-designed programs cannot be over looked if the Department is to achieve results in this critical area.

Work Planning:

A priority scale should be formalised for work and other programs, for example, the following list shows the order of preference for work performed at Centres.
1. Maintenance/domestic duties at Centre
2. Maintenance/repairs to Prisons, other Department's property
3. Work at other Government agencies eg Forestry, Police Stations, Hospitals, etc.
4. Industry Division Project work - labour intensive process operations, eg. similar to St. Vincents De Paul Projects,
5. Other charitable organisations, pensioners associations, etc.

Industrial Services should investigate using the potential labour available in Periodic Detention. With nearly 700 in Periodic Detention half that number provide at least 5,000 man/hours per week.

For a small capital outlay a small work area could be built at centres particularly if mid week detention is to be introduced.

Alternatively, there are workshops in prisons not being used at weekends which could be suitable for this purpose.

Other Programs:

The Programs Division, Psychology Unit and Drug and Alcohol Workers should have access to those people who are in need of counselling or other help.

This should be done outside the normal work band times. In the case of educational programs exercises could be set for study and completion while the prisoner is not attending the Centre. This would allow for tutorials or advisory sessions to operate at the Centres.

6. COST EFFECTIVENESS

One measure of cost effectiveness is a global comparison of the maximum, medium and other minimum security operations. Periodic Detention ($24.30 prisoner/day) costs less than half the medium and minimum institutions ($56.88 and $52.05) and 34% of maximum security ($71.60).

Another dimension of cost effectiveness is the efficiency of each centre and the best possible return for funds invested in Periodic Detention projects.

To obtain a realistic figure is complicated because the Centres undertake building projects, carry out maintenance of prisons and provide a range of community services.

These cost offsets have been taken for granted and in fact it appears that the Centres are disadvantaged because of their self-help capability.

If these activities were given a monetary value or recognised as enhancing the Department's community relations image and offset against the Department's investment in Periodic Detention the returns from this service are even more impressive.
It is important to note that Periodic Detention Centres do not enjoy the same Industries Division "subsidy" available to other prisons.

7. FUTURE DEVELOPMENTS

Staging: Pre and Post Full Time Imprisonment

For too long periodic detention has been ignored as an important phase in the cycle of correctional/services.

The tendency in the Department has been to treat Periodic Detention as a separate entity. In recent times, with the PDCs coming under the control of the Director, Custodial Services this has improved. It is now opportune to make periodic detention an integral part of the correctional cycle.

At present pre-prison alternatives are C.S.O.s and P.D. and Work Release is a post-prison staging down alternative.

Consideration should be given to using all these alternatives as pre and post prison options.

In addition to substantial cost savings if this approach is adopted there is a strong incentive for prisoners or potential prisoners to behave and co-operate whilst under the Department's supervision.

Part-time Supervisors

Part-time supervisors could be used to assist officers on a range of work and other programs.

This method is used successfully for offenders on Community Service Orders.

The Department should recruit persons with the necessary background and skills and set up a pilot scheme in order to assess the effectiveness of part-time supervision.

A number of retired officers have expressed interest in part-time involvement and with the numbers and types of offenders changing constantly part-time supervisors would allow for a more flexible and economic approach to managing the centres.

Also the transfer of certain Stage 2 offenders to Community Service Orders would enable the current part-time supervisors in that area to be used and vice versa i.e. Periodic Detention supervisors could oversee some on Community Service Orders.

Mid-Week Detention

Mid-week detention should be introduced as soon as possible to reduce the critical overcrowding at weekend centres. However because of the sub-standard accommodation at most centres this should be an interim measure only.
New centres are needed urgently to meet the expanding demand and midweek operation at this stage is simply deploying the current population.

There are enough unemployed and casual weekend workers in the system now to warrant midweek centres. This would give immediate relief to overcrowded centres and could absorb some new detainees.

Midweek should be separated from weekend detention by providing a break between sessions. Midweek should operate Tuesday to Thursday and the weekend session remain as is i.e. Friday to Sunday.

This would enable each group to arrive and leave with ample time in between for cleaning, maintenance, changing bed linen and other procedures.

Each session would have its own permanent officers under the control and direction of one Officer-in-Charge.

This Officer-in-Charge position should be at higher rank to compensate for the added duties and responsibilities of running the combined midweek and weekend centre.

This decision to continue midweek detention should be reviewed after one year to determine if it should be adopted as part of the Periodic Detention program.

In conclusion, the evidence clearly demonstrates the effectiveness of Periodic Detention as an economical and socially acceptable alternative to full-time imprisonment.

The advantages of Periodic Detention are:

1. Low cost capital and operational features
2. Low officer/prisoner ratio
3. Low cost labour force
4. Relieves prison overcrowding
5. Increases courts sentencing options
6. Generates community goodwill/support
7. Provides broader experience for officers
8. Gives offenders better rehabilitation opportunity.

For these reasons the Department should be seeking a special allocation of funds to immediately enable an expansionary program to be undertaken.

W. L. Weston
Consultant
14.12.89

Mr. A. Graham
Director-General