



“A Safer Northern Territory through Correctional Interventions”



**Report of the Review of the Northern Territory Department of
Correctional Services**

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Disclaimer

This Review Report document has been prepared in good faith, exercising due care and attention and is based on:

- Information derived from interviews of Northern Territory Department of Corrective Services (NTDCS) senior staff,
- Inspection of NTDCS facilities,
- Review of documents and other information provided by NTDCS,
- Interviews of external stakeholders of NTDCS as listed in Appendix 1, and
- The professional knowledge, training and experience of the Review Team.

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"It is said that no one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones."

— Nelson Mandela

"We could choose to be a nation that extends care, compassion, and concern to those who are locked up and locked out or headed for prison before they are old enough to vote. We could seek for them the same opportunities we seek for our own children; we could treat them like one of 'us.' We could do that. Or we can choose to be a nation that shames and blames its most vulnerable, affixes badges of dishonor upon them at young ages, and then relegates them to a permanent second-class status for life. That is the path we have chosen, and it leads to a familiar place."

— Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*

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Union officials together with staff representatives met with the Review Team and presented important insights into issues relevant to officers working in this important and challenging area of public administration.

We also acknowledge and thank the many external stakeholders of NTDCS who made valuable contributions to the review either by personal interview or by submission. A list of contributing stakeholders is contained in Appendix 1.

The Review Team's work was greatly assisted by the highly efficient and effective support services provided by Ms Vanessa Bates, Executive Officer to the Commissioner. Her superb organisational skills ensured that the numerous interviews, meetings and inspections conducted by the six consultants of the Review Team across a number of locations were conducted in a timely and effective manner.

Review Team

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EXECUTIVE SUMMARY

A number of incidents involving escapes and incidents within youth detention, and public criticisms regarding prisoners with open ratings having access to the community, resulted in the appointment of a new Commissioner for Correctional Services and the subsequent establishment of this review to assess the efficiency and effectiveness of correctional services currently provided.

The Northern Territory imprisonment rate is by far the worst in Australia and ranks with the world's worst, with the Territory accounting for about 1% of the Australian population but about 5% of all prisoners. Even worse, in our view, is the fact that 85% of the adult prisoner population and 95% of youth detainees are Indigenous people with a very high recidivism rate. These tragic outcomes are largely driven by extreme social dysfunction and economic disadvantage in the Territory's Indigenous communities.

Clearly the Northern Territory's imprisonment rate indicates a social, economic, and law and order crisis of devastating proportions for the Territory as a whole and for Indigenous people in particular. It has been a longstanding crisis.

It is clear that the excessive number of prisoners, the high recidivism rate and the gross over-representation of Indigenous people in contact with the criminal justice and correctional systems are the greatest drivers of inefficient and ineffective outcomes in NTDCS, and in the Territory's criminal justice system and human service delivery agencies generally, incurring huge costs to the taxpayer.

The new Commissioner inherited an agency without a Strategic Plan with no defined connectivity between divisional business plans and the Strategic Intent document with regard to defined strategic action plans and inputs, activity, or performance measures. He identified this as a significant risk for NTDCS.

The new Commissioner also identified a number of critical high risk areas across NTDCS, including not fit for purpose youth detention facilities and inadequate Youth Justice services; [REDACTED] gaps in the capacity of Primary Health Care to meet demand; ineffective commissioning of the Darwin Correctional Precinct; service effectiveness degraded by a siloed approach to organisational management; absence of defined Strategic Accountability Frameworks; poorly defined Performance Management Systems and an Information Management System that is not meeting business needs.

The leadership skills demonstrated by the new Commissioner and the approach he is taking to deal with the range of inherited problematic and complex issues across NTDCS is impressive. He is providing strong and informed leadership to create a Strategic Plan and enhance operational performance while oversighting the myriad of critical and controversial issues that arise on a day to day basis in corrections.

The review draws attention to the uniqueness of the offender population where Indigenous people represent the great majority of people under the control and supervision of NTDCS in adult and youth corrections. This over representation of Indigenous people is not reflected in either the staffing of Head Office or in correctional centres or community corrections, or even in NTDCS' policies, publications or procedures.

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A paradigm shift is required in NTDCS to recognise that the services NTDCS delivers in its correctional centres, community corrections and in youth justice are essentially for a majority of Indigenous people and a non-Indigenous minority population, rather than the opposite. To support this paradigm shift, Indigenous considerations must be mainstreamed within NTDCS including the need for culturally appropriate services across the agency.

There is a need for NTDCS to be part of a holistic whole-of-government and community approach that empowers Indigenous people to be part of the solution to their gross over- representation within the Territory's criminal justice system. The review recommends that options for this continue to be explored under the Northern Territory Aboriginal Affairs Strategy.

For NTDCS to contribute effectively to this its organisational structure must provide for senior roles for Indigenous people and to facilitate engagement of respected Elders and community members to contribute to decision making processes in addressing issues that contribute to the criminality of Indigenous people. The review explored options to achieve this and found that to effectively address the over-representation of Indigenous people in the criminal justice system a *new way*, driven by Indigenous people to empower and engage them to provide culturally appropriate responses and services to their people is necessary. We are of the view that this cannot be achieved through the current NTDCS and public sector organisational arrangements.

Following interviews with external Indigenous stakeholder organisations and individuals, we are of the view that there is strong desire on the part of many Indigenous leaders in the Northern Territory to be part of the solution to the challenges faced by their communities and people. NTDCS' organisation structure and approach should facilitate greater opportunity for these leaders to contribute to policy, programs and services.

In proposing new organisational arrangements we believe there is a need for a 'circuit breaker' to demonstrate to the Northern Territory community that change is indeed coming and this change will address the two critical issues of *community engagement* and *community empowerment* as dealt with in this report. It must create the paradigm shift referred to above. Within the new arrangements it is essential that the most appropriate structure to best support Youth Detention and Youth Justice Services is achieved.

In the light of the foregoing we recommend that the Northern Territory Government legislate for the creation of a Statutory Authority responsible to a relevant Minister to deliver Adult Corrections and Youth Justice Services. This Statutory Authority to be called the *Northern Territory Adult Corrections and Youth Justice Services Commission*. The legislation should have a *sunset clause* subject to review of effectiveness of the agency.

In making this recommendation we propose that the legislation includes provision for a Board responsible for the governance and oversight of the Commission. This Board should:

- Be chaired by an eminent Indigenous person
- Consist of at least three members who are Indigenous, as well as people drawn from disciplines such as law, youth and child protection, health, education and business. Remote communities must have a voice on the Board. One Board

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position should also be reserved for a staff member representing officers' industrial unions.

The recommended organisational arrangements provide for a Commissioner for Adult Corrections and Youth Justice Services, who is the CEO of the Commission, accountable to the Board for the effective and efficient operations of the Commission.

Two discrete divisions are proposed within the Commission, one for Adult Corrections and the other for Youth Justice and Indigenous Services with each Division led by a Deputy Commissioner responsible to the Commissioner (CEO) of the Commission. It is recommended that the Deputy Commissioner for Youth Justice and Indigenous Services is an Indigenous person.

While this model maintains Youth Justice under a correctional agency it will function as a discrete entity from adult corrections and in a manner that reflects the recommendations relating to Youth Justice Services contained in this Report. A potential benefit of this approach is the opportunity for a holistic response by the Commission in providing family strengthening initiatives where both children and adults from the same family are under the supervision of the Commission.

The recommendation covering the establishment of a Commission includes a number of organisational and resourcing changes to the existing NTDCS arrangements.

This review confirmed the new Commissioner's assessment of the high risk areas that he had identified and we have made recommendations to assist in dealing with these issues. Early in the review we confirmed the Commissioner's serious concerns relating to the accommodation and supervision of young people in detention at the Don Dale and Alice Springs Youth Detention Centres and suggested a strategy to identify risk reduction measures. This strategy was enacted by the Commissioner and NTDCS is working urgently to develop and implement solutions.

However, the Review Team considers that an effective solution will require a willingness on the part of government to urgently develop, implement and support alternatives to the imprisonment of youth, and an injection of funds for the design, construction and staffing of purpose built facilities at Darwin and Alice Springs for the youth who cannot be diverted from custody.

We recommend that the practice of rostering Correctional Officers at Don Dale and Alice Springs Youth Detention Centres is discontinued as soon as practicable and that Youth Justice Officer vacancies at DDYDC are filled as a matter of urgency. We have also recommended that NTDCS strive to recruit female Youth Justice Officers as it is our view that a mixed gender staff will contribute to the creation of a more normalised environment in the youth detention centres, and provide detainees with positive male and female role models.

The review identified the need for the Elders Visiting Programs in the youth sector to be better supported by NTDCS.

There is a lack of involvement of Youth Justice Officers in the case management of detainees, and case management processes and outcomes within Youth Detention Centres are not joined up with case management systems in the Department of Children and Families. There is a need for a joined up case-management approach when a young person is in receipt of forensic mental health services, or is managed under an at-risk regime.

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It appears Youth Justice Officers are not paid at a level commensurate with the responsibility of the position and that salaries should be increased to ensure recruitment and retention of staff. We recommend that a work value assessment is conducted of the salary levels of Youth Justice Officer positions to ensure that salaries are appropriate for the level of responsibility carried.

In adult custodial corrections we have found that in the absence of a Strategic Plan, the lack of a shared understanding of what works, and the primacy of Custodial Operations has led to a loss of focus on the importance of criminogenic programs, not only in contributing to community safety, but also in contributing to the security of the correctional centres. We have found that education and programs critical to supporting rehabilitation of offenders is given low priority at the Darwin Correctional Precinct (DCP).

Concerning offender programs there have been difficulties in resourcing and delivering sex offender treatment programs, and the violent offender treatment programs require external evaluation as to their effectiveness. There is also a concern that NTDCS substance abuse programs may not be meeting the treatment needs of prisoners. There are also significant gaps in basic health care delivery, however NTDCS and NT Department of Health working together are making progress in addressing the issues surrounding the provision of primary health care to prisoners.

In the context of offender programs, the review found that the Ministerial imperative to implement Sentenced to a Job (STAJ) has overshadowed the importance of programs and interventions to address criminogenic risks and needs. Employment is one of these but ought not replace the others. Throughcare support for offenders to gain and maintain employment in their local areas is considered to be an important aspect of employment as a rehabilitative factor.

The current over-emphasis on STAJ has led, at least anecdotally, to the perverse consequence of prisoners wishing to decline parole and remain in prison to continue their paid employment, and to offenders wanting to come back to prison to gain paid employment. If the anecdotal evidence is correct, that is, some prisoners in STAJ can't get a job on release, then the gains made in custody will not translate into success in the community without support (throughcare) and social change.

We have identified a need for NTDCS to change to an objective prisoner classification system, based on reliable and valid individualised assessments of the risks posed by prisoners to address what appears to be the over classification of many prisoners, as high and medium security, reducing their opportunities to participate in programs.

We have recommended enhancements to Correctional Officer training and implementation of a case management system that requires Correctional Officers to have more structured input to case management of prisoners.

There is potential for the restructuring of senior correctional operational positions and some units within the Darwin Correctional Precinct (DCP) and Alice Springs Correctional Centre to achieve more effective and efficient outcomes.

Our report finds it unacceptable that 18 months after the opening of the DCP, 50% of the prisoners are not engaged in programs or work. We have found that there were inadequacies in commissioning of the DCP that reflect deficiencies in NTDCS' approach to project planning. We also believe it is an unsatisfactory design outcome for female

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correctional units to be located within the perimeter of male correctional centres at DCP and Alice Springs.

There is evidence that prison industries at DCP are operating at a considerable loss and the viability of prisoner work and industries programs at Alice Spring is tenuous. This situation should be reviewed as a matter of some urgency given NTDCS' funding position.

NTDCS removed Aboriginal Liaison Officers from DCP and in doing so lost some of the goodwill of the community and of respected Elders. This report recommends that these positions are reinstated in recognition of their expertise and value in providing throughcare and other support to Indigenous prisoners who make up the majority of the prisoner population.

Alice Springs Correctional Centre is operating at over capacity and prisoner accommodation is unsuitable and overcrowded. In spite of these circumstances there appeared to be much greater interaction between staff and prisoners at Alice Springs Correctional Centre than at DCP, which contributed to a better mood and a healthier atmosphere within the centre.

Programs and employment opportunities for female prisoners at DCP and Alice Springs Correctional Centres is inadequate.

In responding to the needs of Indigenous offenders it must be recognised that they often come from disadvantaged families and socially dysfunctional communities and will generally return to those families and communities when released from prison. The best efforts of Corrections to provide training and rehabilitative programs for prisoners, and the best efforts of prisoners to address their offending behaviour, can be thwarted when the offender returns home.

We believe that work with offenders must be supported by work with offenders' families and communities to address disadvantage and the causes of offending, and to build social capital to support offenders to make pro-social choices and maintain a crime-free lifestyle.

Working with communities means empowering communities to help themselves. It means bringing everyone to the table – not just the policy makers or service providers but representatives of all sections of the community. It means working within an appreciative framework, recognising that there is something (or many things) that work well in every community, helping the community to identify and build on those strengths. It also means working with the community and providers of services and programs to achieve a joined up approach to service delivery in, and with, the community.

The approach must be evidence-based, with emphasis on the training and skills staff need to increase the effectiveness of correctional programs. The review is mindful however, that offender responsivity is a critical factor in the success of any correctional program, and this challenges the agency to ensure its programs and services are culturally appropriate.

Before many Indigenous offenders can really begin to work on their offending behaviour, they need healing - time *on-country*, re-connection with the land, traditional culture and spirituality; recognition of the effects of rejection, loss and grief, with time

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for reflection and healing supported by others who understand, and who have had similar life experiences and yet have come out the other side stronger.

Establishment of Work Camps by NTDCS has been a positive initiative which has been favourably commented on by stakeholders interviewed during this review. [REDACTED]

[REDACTED] The work camp concept has potential to be developed into a *cultural healing and rehabilitation* model that could be utilised as a diversionary program to reduce reliance on secure custody and provide a vehicle for Indigenous people to provide rehabilitation services.

However, the foregoing cannot be achieved through the current structures of the criminal justice and human service delivery systems. It requires a new way that is Indigenous owned and led that empowers and rewards them to provide the above culturally appropriate responses and services to their people. This is an issue that will need to be given priority by the recommended *Northern Territory Adult Corrections and Youth Justice Services Commission*.

Concerning Northern Territory Community Corrections (NTCC), this service is considered unique in Australia in that it supervises both adults and youth in the community. Also, unlike most Australian community corrections agencies, NTCC supervises offenders who are subject to Bail conditions, and offenders granted a Suspended Sentence of Imprisonment. NTCC includes the Electronic Monitoring Unit, staffed by officers responsible for the management of those offenders directed by the courts to wear electronic ankle bracelets.

Of all offenders under community corrections supervision on 31 May 2016, 79% (912) were Indigenous. A distinctive feature of this jurisdiction's community correctional service is the supervision of individuals in their remote home communities which involves extensive travel for Community Corrections Officers. This approach demonstrates the agency's focus on crime prevention through individualised case management.

One of the major challenges faced by the NTCC is the retention of its operational staff. To assist, it is recommended that NTDCS explores options for implementing an incentive-based system for the achievement of salary increments for NTCC operational staff.

NTCC's Business Plan is clear and focused on the management of identified and relevant challenges, such as staff recruitment and training, community engagement and meeting the needs of key stakeholders. However, changes are required to the Integrated Offender Management System data collection systems to fully capture the Key Performance Indicators and capitalise on the value such a plan provides.

There is a lack of rehabilitative or criminogenic programs offered in community corrections. This report recommends the development and facilitation of programs for sexual and violent offenders under Community Corrections supervision on court orders and the establishment of Community Corrections psychologists in Alice Springs, Palmerston and Casuarina offices.

It is recommended that NTDCS develops a sexual offender maintenance program and a violent offender maintenance program to be implemented by NTCC for parolees, to ensure treatment gains made in custody transfer with them upon release and are reinforced when on parole. It is also recommended that the Family Violence Program is

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only delivered where, and when, two facilitators are available. In some instances local Elders or Respected Persons based in the communities could be appointed as the second facilitator.

The review has found that NTCC is well positioned to lead the development of supervisory strategies for Indigenous offenders in Australia by utilising local knowledge and expertise within, so as to introduce operational initiatives purposely designed to meet the needs of its offender population. The stand-out ingredient identified in NTCC is its capacity and willingness to tailor services to the individual offender.

The appointment of Probation and Parole Officers to remote communities who are from the community is recommended - where the community is amenable - to provide local supervision and support to offenders, and work with community members to develop Yolŋu Community Authorities, where appropriate.

In terms of organisational head office functions, we have found that there is a need for a dedicated "Finance Committee" to strengthen the accountability for financial management within NTDCS, and that NTDCS planning and operational practice is at significant risk due to "business intelligence" data being stored in 86 different data bases that are not readily accessible or supported. NTDCS business units do not have well defined and documented business processes.

To strengthen overall governance and accountability of the NTDCS and to assist in building public confidence in the agency we have recommended the Northern Territory Government consider creation of an independent Office of Inspector of Correctional Services.

The review was tasked to provide guidance as to a potential *future state* for NTDCS. The Report demonstrates how the *future state of current operations* will be enhanced and driven by the new Strategic Plan. We have suggested that the current work in progress on each of the Strategic Priorities in the NTDCS Strategic Plan for 2016–2020 takes account of the Findings and Recommendations contained in this Review Report.

We have provided guidance as to outcomes that will characterise high performance future operations.

This report provides guidance as to a change and implementation strategy for the recommendations made. Given the recommendation to establish a *Northern Territory Adult Corrections and Youth Justice Services Commission* and the need for legislation, issues involving the Royal Commission and the upcoming Northern Territory election, there could be a significant time delay in forming a Commission if this is ultimately the approved approach.

Therefore, planning will need to take account of the need for urgency in responding to a number of the recommendations, particularly in relation to Youth Justice, including the need for a Deputy Commissioner for Youth Justice and Indigenous Services. The Review Team strongly encourages the Northern Territory government to proceed with the operational recommendations contained in this report at the earliest opportunity, without waiting for the organizational changes to be implemented.

Further, in light of the effects of this report and the events leading to the establishment of the Royal Commission on all staff working in NTDCS, the Review Team strongly encourages provision of funding to conduct the workshop recommended in this report as soon as can be practically arranged. This will enable recognition of NTDCS' strengths

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to be used as a positive foundation for the future. This workshop should be attended by a cross section of staff at all levels from all areas of NTDCS; service provider representatives; external stakeholders, Indigenous organisations, and Indigenous Elders with cultural authority.

It is recommended that this workshop be planned and conducted as an *appreciative inquiry* intervention, to ensure that the future is built upon the best of the past, and staff do not feel that all of their previous work has been devalued.

This workshop will signify to all stakeholders that the recommended *Northern Territory Adult Corrections and Youth Justice Services Commission* is set on a new path, and will inspire them and NTDCS staff alike with the opportunity to contribute to a new vision for NTDCS, and set the course to achieve it. Of course, the workshop must be followed by ongoing, consistent and concerted, collaborative work with the Indigenous people and organisations, and government and non-government agencies.

We are of the view that the *Northern Territory Adult Corrections and Youth Justice Services Commission* can contribute to lasting societal change through facilitating partnerships with Indigenous leaders, other government agencies, and NGOs to influence the development of public policy and empowerment of Indigenous people and communities.

In this future state the *Northern Territory Adult Corrections and Youth Justice Services Commission* will not only contribute to the safety of the community by reducing risks of re-offending, it will also be playing a part in addressing the underlying causes of crime.

To take itself to this future, it is our view that the *Northern Territory Adult Corrections and Youth Justice Services Commission* should embrace and rigorously implement evidence based practice throughout the organisation; actively engage with unions and staff; enlist the support of universities and academics with demonstrated expertise in corrections and working with Indigenous people; consult widely with stakeholders; and engage and work closely with other government and non-government agencies and Indigenous organisations, such as NAAJA and CAALAS.

In the time available for this review it has not been possible to cost the changes recommended in this report. There will be both additional costs and savings arising from the report's recommendations. The Review Team has been advised by NTDCS that Head Office costs are very lean. Currently Head Office costs represent only 4% of the NTDCS budget compared to an average 6% cost for other Territory government departments. It is clear that NTDCS does not have the financial capacity to fund any net increase in cost due to changes recommended in this Report.

Many of the changes recommended in this report are essential to position the *Northern Territory Adult Corrections and Youth Justice Services Commission* to better contribute to the task of reducing the imprisonment rate which in turn will result in significant savings. The cost of recommended changes should be considered as an investment to achieve future savings. There is potential for significant savings in expenditure in NTDCS and across the Territory's budget as a whole through a reduction in the imprisonment rate; this should be a focus not only by NTDCS but across government.

We have pointed to international experience where a business planning method that takes a whole of community approach and is founded in objective data on the cost of crime, and expected savings and benefits to be achieved over the life of the plan is an

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effective way to reduce imprisonment rates. This approach has applicability to the Northern Territory and we recommend it is adopted.

We believe there is a need to achieve community understanding and support for the appropriate balance between good social policy and the role and outcomes of the criminal justice system as reflected in the business planning approach. This is achieved through factual information being disseminated by governments, elements of the criminal justice system, social/community support agencies and academia concerning the underlying causes of crime. Social breakdown statistics showing what is occurring where, trends and information concerning world's best practice in addressing these issues, including what works and what does not work assists with community understanding.

We recommend that NTDCS develops a budget submission for government consideration that identifies the total cost of the report's recommendations. This submission would ideally prioritise the need for additional funding having regard to criteria of enhanced governance within the proposed *Northern Territory Adult Corrections and Youth Justice Services Commission*, public safety and the overarching goal to reduce Indigenous contact with the criminal justice system. As discussed above a reduction in the Territory's imprisonment rate would have the potential to achieve significant savings in the future.

The report suggests the key elements in an implementation strategy for our report's recommendations.

In conclusion, in the current climate the staff of NTDCS are under significant pressure and the agency as a whole is experiencing considerable national and international criticism with severe loss of agency reputation. In this context it is unfortunate that this report also is critical of a range of systems and outcomes across NTDCS. On the other hand we have endeavoured to provide recommendations and guidance aimed at assisting NTDCS in evolving to become a highly effective provider of correctional services.

The Review Team wishes to place on record that in our quite intense dealings with NTDCS leaders and staff over the past few months we have found that overwhelmingly people at all levels of the organisation are committed to their work in corrections; in many cases they are working above and beyond the normal call of duty in difficult and at times dangerous circumstances.

They have embraced this review as an opportunity to stabilise the organisation and move to a higher level of performance. We have every confidence that under the current leadership NTDCS will recover from its current circumstances and become a high performance agency and as we have said in this report - become a leader in correctional services in this country.

We have appreciated the opportunity to conduct this review and we wish the Commissioner and his staff the very best, in what we believe will be a challenging, but productive future.

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SUMMARY OF FINDINGS

Overview of Current State of NTDCS

1. *That the Northern Territory imprisonment rate is by far the worst in Australia and ranks with the world's worst.*
2. *That the unacceptable imprisonment rate, coupled with 85% of the prisoner population being Indigenous people and the high recidivism rate, has a major impact on the current operational state of custodial and community corrections both for adults and juveniles.*

Strategic plan

3. *That the new Commissioner inherited an agency without a Strategic Plan; there was no defined connectivity between the Business Plans of directorates/service areas and the Strategic Intent document with regard to defined strategic action plans and inputs, activity, or performance measures. He identified this as a significant risk for NTDCS.*
4. *That steps taken by the new Commissioner to create a Strategic Plan for NTDCS and associated Policy Framework and Policy Development Process conforms to good planning practice.*

Structure

5. *That a paradigm shift is required in NTDCS to recognise that the services NTDCS delivers in its correctional centres, community corrections and in youth justice are essentially for a majority of Indigenous people and a non-Indigenous minority population, rather than the opposite.*
6. *That there is a need for NTDCS to be part of a holistic whole-of-government and community approach that empowers and rewards Indigenous people to be part of the solution to their gross over representation within the Territory's criminal justice system.*

Project Management Framework

7. *That NTDCS does not have a formal project management framework in place.*

Accountability and Reporting Framework

8. *That there is a need for a dedicated "Finance Committee" to strengthen the accountability for financial management within NTDCS.*
9. *That NTDCS planning and operational practice is at significant risk due to "business intelligence" data being stored in 86 different data bases that are not readily accessible or supported.*
10. *That NTDCS business units do not have well defined and documented business processes.*

Professional Standards Unit

11. *That NTDCS does not make the best use of the Professional Standards Unit (PSU). Its role should be focused on operational audits and investigations.*

Performance Monitoring

12. That with the partial exception of Community Corrections the Review Team found no evidence that Key Performance Indicators (KPI's) are used to monitor the performance of NTDCS offender-related operations.

Criminogenic Programs

13. That in the absence of a Strategic Plan, the lack of a shared understanding of what works and the primacy of Custodial Operations has led to a disregard for the importance of criminogenic programs, not only in contributing to community safety, but also in contributing to the security of the correctional centres.

Custodial Policy and Procedures

14. That the Review Team found the NTDCS Custodial Operations directives to be less than comprehensive and sometimes inaccurate.

Classification of Prisoners

15. That many Indigenous prisoners appear to be 'over-classified' as high and medium security prisoners, reducing their opportunities to participate in programs, particularly given the short sentences that many of them receive.

16. That the default prisoner classification structure based on sentence length is not an effective system and is inconsistent with the Standard Guidelines for Corrections in Australia (revised 2012).

17. That the introduction of individualised case management would enhance the effectiveness of the sentence management and classification system.

18. That Correctional Officers need to have more structured input to case management of prisoners.

19. That the prisoner classification process requires oversight that is external to Correctional Centres.

Throughcare of Prisoners

20. That NTDCS does not have a fully developed Throughcare Framework, nor has it implemented Throughcare in any real sense.

Correctional Officer Training

21. That the Review Team has a number of concerns regarding the NTDCS syllabus for trainee Correctional Officers and the outcomes the department is seeking to achieve in relation to the management of its prisons and prisoners, the duty of care owed to prisoners and reduction in re-offending. The Review Team believes that Mental Health First Aid should be included in the basic training provided to Correctional Officers.

Drug Detector Dog Unit (DDDU)

22. That the purchase, assessment, training, accreditation and disposal of correctional services dogs should be managed centrally.

Prisoner Health Services

23. *That there are significant gaps in basic health care delivery; however, NTDCS and NT Department of Health working together have made considerable progress in addressing the issues surrounding the provision of primary healthcare to prisoners.*

Clinical Support and Counselling Services

24. *That as NTDCS clinical staff do not carry responsibility for the day to day counselling or support of prisoners with ad hoc needs, given their focus on the delivery of programs, both the FMHS and the correctional service have identified a gap in the provision of general counselling and support for prisoners with such presentations as:*

- *Grief and loss problems*
- *Adjustment to custody difficulties*
- *Relationship or family breakdown, and*
- *Presentations involving anxiety and depression*

Work Camps

25. *That Datjala and Barkly Work Camps appear to be successful initiatives that warrant consideration for expansion to other regions of the Northern Territory.*

26. *That there may be some risk to NTDCS due to the lack of policy around industry skills placements and community work.*

Sexual Offender Programs

27. *That there have been difficulties in resourcing and delivering sex offender treatment programs.*

Violent Offender Programs

28. *That violent offender treatment programs require external evaluation as to their effectiveness.*

Substance Abuse Programs

29. *That NTDCS substance abuse programs may not be meeting the treatment needs of prisoners.*

General/Offence-related Programs

30. *The Safe Sober Strong Program is a sound core program suitable for most prisoners.*

Darwin Correctional Precinct (DCP)

31. *That the Review Team has significant concerns around the DCP not being fit for purpose and what was a seemingly flawed approach to commissioning of the Correctional Centre.*

32. *That commissioning of the DCP reflects the inadequacies in project planning in NTDCS covered previously in this report.*

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33. *That the Commissioner has advised the Review Team that his assessment is the DCP requires 're-commissioning in accordance with its true capabilities'. The Review Team strongly supports this assessment.*

34. *That it is an unacceptable situation that some 18 months after the opening of a new Correctional Centre 50% of the prisoner population is not engaged in programs or work.*

DCP Female Prisoners

35. *That it is an unsatisfactory design outcome for a female correctional centre to be located within the perimeter of a male correctional centre.*

36. *That NTDCS has not yet been able to address the particular needs of female inmates to the extent achieved by other jurisdictions.*

DCP Chief Correctional Officers

37. *That there is potential for restructuring of senior correctional operational positions and some units within DCP to achieve more effective and efficient outcomes.*

DCP Education & Programs Centre

38. *That education and programs critical to supporting rehabilitation of offenders are given low priority at DCP.*

DCP Prisoner Support Officers

39. *That removal of the Aboriginal Liaison Officers from DCP has lost NTDCS some of the goodwill of the community and of respected Elders.*

DCP Prison Industries

40. *That industries at DCP are operating at a considerable loss.*

Alice Springs Correctional Centre (ASCC)

41. *That Alice Springs Correctional Centre is operating at over capacity.*

42. *That there appeared to be much greater interaction between staff and prisoners at Alice Springs Correctional Centre than at DCP which contributed to a better mood within the centre.*

ASCC Prisoner Accommodation

43. *That prisoner accommodation at Alice Springs Correctional Centre is unsuitable and overcrowded.*

44. *That the double bunks for prisoners at Alice Springs Correctional Centre may have safety issues.*

ASCC Female Section

45. *That accommodation and facilities for female prisoners at Alice Springs Correctional Centre is unsatisfactory.*

46. *That programs and employment opportunities for female prisoners at Alice Springs Correctional Centre is inadequate.*

47. *That as for DCP, in Alice Springs Correctional Centre it is an unsatisfactory design outcome for a female correctional centre to be located within the perimeter of a male correctional centre.*



ASCC Staffing Model

49. *That similar to DCP there is potential for restructuring of senior correctional operational positions and some units within Alice Springs Correctional Centre to achieve more effective and efficient outcomes.*

ASCC Prison Industries

50. *That the viability of prisoner work and industries programs at Alice Springs is problematic and should be reviewed as a matter of some urgency, given NTDCS' funding position.*

NT Community Corrections (NTCC)

51. *That the NTCC is considered unique, in that it supervises both adults and youth in the community. Also, unlike most Australian community corrections agencies, NTCC supervises offenders who are subject to Bail conditions, and offenders granted a Suspended Sentence of Imprisonment. NTCC includes the Electronic Monitoring Unit, staffed by officers responsible for the management of those offenders directed by the courts to wear electronic ankle bracelets.*

52. *That 79% (912) of all offenders under community corrections supervision on 31 May 2016 were Indigenous.*

53. *That a distinctive feature of this jurisdiction's community correctional service is the supervision of individuals in their remote home communities which involves extensive travel for Community Corrections Officers; this approach demonstrates the agency's focus on crime prevention through individualised case management.*

NTCC Staffing

54. *That one of the major challenges faced by the NTCC is the retention of its operational staff.*

NTCC Performance

55. *That NTCC's staff-to-offenders supervised ratio is the lowest in Australia, yet in terms of data relating to completion of Community Corrections Orders, NTCC is not performing as well as other jurisdictions. However, completion rates need to be viewed with caution because it may be that some jurisdictions are "tougher" than others at enforcing order*

conditions (breaches) which will result in fewer completions. Unfortunately there is no national comparative data on breach rates.

NTCC Business Plan

56. That NTCC's Business Plan is clear and focussed on the management of identified and relevant challenges, such as staff recruitment and training, community engagement and meeting the needs of key stakeholders. However, changes are required to IOMS data collection systems to fully capture the Key Performance Indicators and capitalise on the value such a plan provides.

NTCC Service Delivery Enhancements

57. That there is a level of frustration by Operational Managers that the delegated authority for standard HR and financial functions is held at too high a level in NTCC.

58. That there is a lack of rehabilitative or criminogenic programs offered in community corrections.

59. That NTCC is well positioned to lead the development of supervisory strategies for Indigenous offenders across Australia by utilising local knowledge and expertise within, so as to introduce operational initiatives purposely designed to meet the needs of its offender population.

60. That the stand-out ingredient identified in Northern Territory's Community Corrections is its capacity and willingness to tailor services to the individual offender.

Youth under Community Corrections Supervision

61. That the rate of successful completion of youth orders has varied between 31% and 61% over the past 12 months. Comparative data from other Australian jurisdictions is not available to test the relative effectiveness of the above youth order completion rates.

62. That the approach to supervision of youth in the community under court orders is an issue that could benefit from review by NTDCS in consultation with other human service delivery agencies.

Youth Detention (YD)

63. That the Northern Territory is the only Australian jurisdiction that manages the detention and supervision of youth from within an adult custodial corrections division; due to differing operational imperatives and philosophical underpinnings between youth justice and adult corrections, ideally, youth justice services would not be associated with adult corrective services.

Don Dale Youth Detention Centre (DDYDC)

64. That the new Commissioner placed youth detention services under custodial operations as an interim measure to mitigate serious risks associated with systems, processes and discipline. He also directed that Correctional Officers were to be placed in youth detention centres to address the deficit in experienced Youth Justice Officers which was appropriate in the circumstances.

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65. *That it appears Youth Justice Officers are not paid at a level commensurate with the responsibility of the position and that salaries should be increased to ensure recruitment and retention of staff.*

66. *That the current Don Dale Youth Detention Centre (DDYDC) is totally unacceptable accommodation for young people in detention.*

67. *That the process for medical assessment for youth detainees on reception is unsatisfactory and presents a serious risk.*

68. *That the rostering of Correctional Officers to the DDYDC is unacceptable.*

69. *That the rostering of Correctional Officers to the Alice Springs YDC is unacceptable.*

70. *That female Youth Justice Officers would contribute to normalising the youth detention centre environment and provide positive female role models for both male and female youth detainees.*

71. *That the incidents that occurred in Youth Detention at that time reveal flaws in the NTDCS approach to the management and rehabilitation of youth offenders; [REDACTED] a lack of leadership and supervision of staff; complacency and/or lack of staff training and understanding in the management of youth offenders.*

72. *That following the Review Team alerting the Commissioner to a number of serious concerns relating to the accommodation and supervision of young people in detention at DDYDC he initiated a workshop of experienced staff to identify the risks associated with the continued use of the Youth Detention facilities and identify risk reduction measures for the detention and management of Youth Offenders remanded or sentenced to custody. Outcomes from this workshop are being actioned by NTDCS.*

73. *The use of spit hoods on youth detainees is unacceptable.*

74. *That the post structure at Don Dale does not provide sufficient flexibility to enable a prompt response to serious incidents.*

Alice Springs Youth Detention Centre (ASYDC)

75. *That Alice Springs Youth Detention Centre accommodation is also unsuitable accommodation for young people in detention.*

76. *That the acting manager and staff are proactively addressing issues arising from the first visit to Alice Springs Youth Detention Centre by the Review Team.*

77. *That the Don Dale Youth Detention Centre adopt the approach of the Alice Springs Youth Detention Centre in managing detainees who require placement in “de-escalation” cells, and in maintaining youth in the least restrictive environment possible.*

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78. That the “Alice Springs approach” should be further developed and documented as a good practice guide for all staff working in youth detention.

79. The clinic space at Alice Springs Youth Detention Centre is inadequate, and not fit for purpose.

80. That the proposal for Alice Springs Youth Detention Centre to become self catering, and re-establish the vegetable gardens as a program for detainees is a positive initiative.

Youth Detention Centre Emergency Response Procedures

81. That Don Dale Youth Detention Centre and Alice Springs Youth Detention Centre emergency procedures have some inadequacies.

Youth Justice Officer Training

82. That there are matters pertaining to Youth Justice Officer Training that require attention, particularly in relation to managing detainees with challenging behaviour.

YD Case Management Assessment and Throughcare Services

83. That there is a lack of involvement of Youth Justice Officers in the case management of detainees and that case management processes and outcomes within Youth Detention Centres are not joined up with case management systems in the Department of Children and Families.

YD Coordination of Forensic Mental Health Services

84. That there is a need for a joined-up case-management approach when a young person is in receipt of forensic mental health services, or is managed under an at-risk regime.

YD Education of Young People in Detention

85. That education services provided to young people in detention should mirror community based schooling approaches with opportunity for detainees to be grouped and educated according to their educational level.

YD Elders Visiting Program

86. That the Elders Visiting Programs in the youth sector were not as well supported organisationally, as they were in the adult sector.

YD Alternatives to Detention

87. That there is an urgent need to address the issue of alternatives to the current youth detention model within the Northern Territory.

NTDCS Management of Leave

88. That the reporting of annual recreation leave is appropriate and that the NTDCS management is actively monitoring and managing the leave.

NTDCS Overtime

89. That the reporting of overtime in NTDCS is appropriate and that management is actively monitoring and managing this expense.

NTDCS Services Provided that no Longer Offer a Public Value

90. That while the review has not identified any services that no longer offer a public value the Commissioner as part of the current process of developing the new 2016-2020 Strategic Plan is requiring all Business Units to take a zero based analysis approach to questioning the need for all services in the light of the Strategic Priorities in the new Strategic Plan. It is likely that this process will require some hard decisions to be taken in relation to some services.

Potential Future State for NTDCS

91. That the current confluence of circumstances places the NTDCS in a position from which it could become the leader in Australia in the management of Indigenous offenders, and in the development and implementation of evidence based programs, designed by and for Indigenous people, to address offending in Indigenous people.

92. That the work camp concept has potential to be developed into a cultural healing and rehabilitation model that could be utilised as a diversionary program to reduce reliance on secure custody and provide a vehicle for Indigenous people to provide rehabilitation services.

93. That work with offenders must be supported by work with offenders' families and communities to address disadvantage and the causes of offending and to build social capital to support offenders to make pro-social choices and maintain a crime-free lifestyle.

Other or Alternative Services that should be Provided to Meet the Public Value Expectation

94. That Empowered Communities: Empowered Peoples Design Report has valuable insights to inform the conference and workshop proposed in Recommendation No. 162 to envisage a future state for NTDCS, Indigenous and other government and non-government stakeholders where Indigenous people are empowered and working as part of the solution to this challenge. The outcomes of this workshop will contribute significantly to NTDCS efforts to meet the public value expectation.

95. That NTDCS' proposed Strategic Plan for 2016-2020 addresses the need to meet the public value expectation.

The Cost of Recommended Changes and or Services Required to Improve the Effectiveness, Efficiency or Resource Utilisation to Deliver Services

96. That NTDCS does not have the capacity within existing budget to fund the changes recommended in this report.

97. That there is potential for significant savings in expenditure in NTDCS and across the Territory's budget as a whole through a reduction in the imprisonment rate; this should be a focus not only by NTDCS but across government.

98. *That experience in Northern European countries that have the lowest imprisonment rates in the world is that a business planning approach driven by government that takes a whole-of-community approach founded in objective data on the cost of crime and expected savings and benefits to be achieved over the life of the plan is an effective way to reduce imprisonment rates. This approach has applicability to the Northern Territory.*

99. *That there is a need to achieve community understanding and support for the appropriate balance between good social policy and the role and outcomes of the criminal justice system as reflected in the business plan. This should be done through factual information being disseminated by governments, elements of the criminal justice system, social/community support agencies and academia concerning the underlying causes of crime and social breakdown statistics showing what is occurring where, trends and information concerning world's best practice in addressing these issues, including what works and what does not work.*

SUMMARY OF RECOMMENDATIONS

Leadership

1. *That a contract is entered into between the Northern Territory Government and the current Commissioner NTDCS covering performance expectations over an agreed planning cycle taking account of the:*

- *State of the organisation that he inherited and issues for remediation identified in this review*
- *The approach proposed in the NTDCS new Strategic Plan*
- *Current risks to the organisation*
- *An agreed policy and operational road map for NTDS from current organisational state to a high performance organisation, informed as is seen fit by government of the findings of this review and the NTDCS new Strategic Plan and*
- *The recommendation contained in Section 2.2.1 below for establishment of a Northern Territory Adult Corrections and Youth Justice Services Commission.*

Structure

2. *That the Northern Territory Government continues to explore initiatives in accordance with the objectives of the Aboriginal Affairs Strategy for a holistic whole-of-government and community approach that empowers Indigenous people to be part of the solution to their gross over representation within the Territory's criminal justice system.*

3. *That a Statutory Authority to be known as the Northern Territory Adult Corrections and Youth Justice Services Commission is established by legislation to carry out the functions of NTDCS and funds are appropriated for the required organisational arrangements as outlined in this report.*

Accountability

4. That the delegation manual is reviewed to take account of any changes arising from the matrix management structure and promulgated to relevant managers.

Risk Management and Audit

5. That the Strategic and Operational Risk Registers are updated.

6. That both the Strategic and Operational Risk Registers are reviewed once the new Strategic Plan for NTDCS is completed.

7. That NTDCS consider the training needs for staff in relation to risk identification and mitigation.

8. That the Audit Schedule is reviewed following the review and updating of the Strategic and Operational Risk Registers.

Project Management Framework

9. That NTDCS adopt and implement a project management framework and approach to all projects undertaken by NTDCS.

10. That the new strategic plan should identify the key projects and or the type of projects for which a project plan is required to be completed.

11. That a report for all projects is produced and monitored through NTDCS' Executive Leadership Group.

Accountability and Reporting Framework

12. That a dedicated "Finance Committee" is established to strengthen the accountability for financial management by ensuring that appropriate oversight is being provided and that actions are being implemented through this committee.

13. That the business processes of NTDCS operational units are reviewed and properly documented in accordance with the comments in the Kernick Review of IOMS (2015). This should be done in consultation with the NTDCS Chief Information Officer.

14. That the business processes of other business units are also mapped and documented.

15. That where there is a real need for data/information stored on ad hoc databases that cannot be currently met by IOMS, the business units work with the Chief Information Officer to migrate to IOMS (or its replacement). If that is not feasible, sound business rules must be developed for any stand-alone system that is required. (Note: It would be helpful if the CIO had the imprimatur of the Commissioner to resolve this issue as a matter of urgency and to quality-manage any remaining (necessary) non-IOMS data bases.)

Professional Standards Unit (PSU)

16. That the PSU's role in staff misconduct investigations is limited to arranging for, and monitoring, local area investigations and providing "quality" control of processes and

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reporting. Exceptions to this rule would be allegations of misconduct which could, in the opinion of the Commissioner, have dire consequences for the NTDCS. Further training of field staff may be necessary to implement this recommendation.

17. That given the Ombudsman is an important NTDCS external stakeholder, and the conduit for a large proportion of complaints received by NTDCS, the complaints' function be transferred to the relevant Deputy Commissioner on the basis that he/she has authority over the operational business units (custodial, youth, community corrections, court cells, etc.) and that there standing within NTDCS would facilitate a closer working relationship with the Ombudsman.

18. That the staff drug testing program be taken over by Executive Director, Corporate and Strategic Services or outsourced to an appropriate private sector service provider.

19. That the PSU be tasked with investigating/reviewing all serious (major) operational incidents including, but not limited to:

- Deaths in custody, not limited to "unnatural deaths"*
- Escapes and attempted escapes from custody*
- Excessive use of force*
- Riots and disturbances by prisoners/detainees*
- Use of chemical agents on prisoners/detainees*
- Drug overdoses*
- Significant contraband finds*
- Security system failures*
- Fires causing damage*
- Lost or missing firearms or other controlled equipment*

20. That if considered necessary, the PSU is provided with external support, training and/or mentoring to enable it to conduct major incident investigations and to prepare reports on such incidents comparable to those produced in other jurisdictions.

21. That sufficient staff resources should be provided for the PSU to ensure it has the capacity to undertake an expanded investigations/reviews function together with its intelligence and other core responsibilities.

22. That consideration is given to renaming the PSU to better reflect its role within NTDCS as the current title suggests that it is only concerned with matters to do with staff misconduct, commonly associated with police "ethical standards commands".

23. That government provides additional funding to enable outsourcing of the drug testing of staff and appropriately staff the PSU.

An Inspector of Correctional Services

24. That the government consider creation of an Office of Inspector of Correctional Services in the Northern Territory to strengthen overall governance and accountability of

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the NTDCS, and that if agreed, the Inspector be independent of the Minister responsible for Correctional Services.

Performance Monitoring

25. That NTDCS to establish a "Performance Monitoring Unit", as a direct report to the Deputy Commissioner, with responsibility for the development and management of a Key Performance Indicators (KPI) reporting system.

26. That NTDCS consider adopting some or all of Corrections Victoria Service Delivery Outcomes ("KPIs"), modified as necessary to the NT environment (e.g. Indigenous prisoners). (Note: The Review Team has informally approached Corrections Victoria who have indicated that they would consider making their KPI's available at no cost to NTDCS under arrangements agreed via a "Commissioner to Commissioner" approach.)

27. That NT Community Corrections KPIs (draft 2014) be progressed as a matter of importance and that process should take account of Corrections Victoria's community corrections SDOs where helpful.

28. That in order to avoid past problems with project management in NTDCS, the Chief Information Officer and the Director, Criminal Justice Research and Statistics Unit should be involved in the KPI development and implementation process from the outset and the project should be managed by the Deputy Commissioner.

Criminogenic Programs

29. That rehabilitation and reintegration of offenders are included as objectives in the Correctional Services Act 2014 to provide a meaningful context to legislation that appears to focus primarily on the administration of correctional facilities.

Custodial Policy and Procedures

30. That Custodial Operations Directives are reviewed to ensure they are accurate, assess and address organisational risk, and provide sufficient detail for consistent interpretation and implementation and to be seen as the NTDCS standard.

31. That terms used in all NTDCS documents/publications to describe persons managed or supervised by NTDCS comply with the definitions provided for in the Correctional Services Act 2014 and the Youth Justice Act 2016 i.e. terms such as 'inmate' and 'client' must not be used.

32. That Custodial Operations Directives are reviewed and updated on a regular basis to ensure currency and accuracy.

Classification of Prisoners

33. That a review is undertaken of the NTDCS prisoner classification system, including but not limited to, the use of a default classification structure and the definitions of each of the security ratings.

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34. That case management involving Correctional Officers is introduced to increase their involvement in the management of prisoners and sentence management decisions.

35. That consideration is given to the creation of a unit, reporting to the Executive Director Programs and Services to oversight case management, sentence management and to ratify the assignment of security ratings to prisoners to ensure consistency of practice and procedure within and between correctional centres.

Throughcare of Prisoners

36. That a Throughcare Framework is produced to guide the implementation of throughcare in NTDCS.

37. That a Project Plan is developed for the implementation of throughcare.

38. That NTDCS is funded to implement Throughcare, including any changes required to IOMS.

Correctional Officer Training

39. That the Executive Leadership Group decide on the manner in which Correctional Officers and Youth Justice Officers should interact with and manage inmates, and the manner in which operational staff should resolve incidents.

40. That the RTO review all current approved units in the Certificates III and IV in Correctional Practice in light of these decisions and the following recommendations to determine which units best meet the needs of the organisation, and then determine the course content based on national standards and best practice.

41. That the NTDCS Certificate III in Correctional Practice (Trainee Correctional Officer Training) is reviewed to ensure that the 6 elective units included in the syllabus will equip trainee Correctional Officers with skills that will assist the department to achieve its objectives in relation to the management of prisoners and reductions in re-offending.

42. That the content of all sessions in the NTDCS Trainee Correctional Officer course is reviewed to ensure that they address each of the elements and each of the performance criteria of each of the units included in the NTDCS Certificate 3 in Correctional Practice (Custodial).

43. That sessions that don't comply with the Industry specified elements and performance criteria are amended, and additional sessions included if necessary, to achieve compliance with the requirements for Certificate III in Correctional Administration.

44. That CSCSA009 Control Incidents Using Defensive Tactics is replaced with CSCSAS015 Manage Threatening Behaviour which provides skills more relevant to trainee Correctional Officers.

45. That practices and terms such as bull-ring and kill house are removed from the training syllabus.

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46. *That sessions on the management and supervision of offenders are prioritised in the syllabus over sessions such as use of force.*

47. *That NTDCS consider adding Mental Health First Aid and training in motivational interaction to the trainee Correctional Officer syllabus.*

48. *That the number of team building and similar sessions be reviewed to make the best use of available time for the recommended training in Mental Health First Aid and motivational interaction.*

49. *That NTDCS be funded for any increase in costs associated with the implementation of these recommendations.*

Drug Detector Dog Unit (DDDU)

50. *That the selection, assessment, procurement, training and accreditation of dogs for use in correctional centres is managed centrally.*

51. *That training of dog handlers is managed centrally.*

52. *That the DDDUs are monitored centrally to ensure compliance with standards and requirements.*

53. *That if not already the case, the units in the national Correctional Services Training Package relating to the selection, care and management of dogs are required for the accreditation of dog handlers.*

Complex Behaviour Unit

54. *That NTDCS make representations to government for the transfer of responsibility of the Complex Behaviour Unit to the Health Department, and for the Health Department to be allocated the funding to staff and operate the unit according to the commitment made in the response to the Senate Inquiry.*

Remote Community Health Care Model

55. *That the comments by the Commissioner of the Health Care and Community Services Complaints Commission are given consideration by the Commissioner, NTDCS and the NT Health Correctional Services Working Group*

56. *That the Commissioner, NTDCS and the NT Health Correctional Services Working Group give consideration to the comments by the Review Team that:*

- *In relation to the provision of primary healthcare to prisoners, the cooperation and progress at the correctional centre level should be monitored on an ongoing basis to ensure that gains made at the strategic level, are not lost at the operational level; and*

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- *The remote community model does not give sufficient weight to the restrictions imposed on prisoners as they lose freedom of choice in relation to health care providers, and are unable to access an alternate provider if they experience significant delays in obtaining treatment.*

Clinical Support and Counselling Services

57. *That NTDCS and the Operations Manager, FMHS, Department of Health develop a service delivery model to manage the day-to-day ad hoc needs of prisoners accommodated at the Darwin and Alice Springs Correctional Centres.*

Peer Listener Scheme

58. *That the Peer Listener Scheme be reviewed to ensure:*

- *NTDCS takes full responsibility for the identification and support of prisoners with a mental illness, or those experiencing problems associated with adjustment to custody or personal relationships*
- *That correctional staff who become aware of prisoners experiencing difficulties maintain the confidentiality of that information and do not disclose that information to other prisoners and*
- *That no prisoners within the centre are expected or encouraged to assist in the management of other prisoners mental health needs.*

59. *That the support provided by prisoners to other prisoners via the Peer Listener Scheme be confined to:*

- *Assisting new prisoners settle in and adjust to prison*
- *Providing general information about prison routines and processes and*
- *Assisting other prisoners identify staff contacts as needed.*

Work Camps

60. *That NTDCS engage an external practitioner or academic institution to undertake an evaluation of the work camp program and its effectiveness in reducing re-offending.*

61. *That if evaluated as effective in reducing re-offending, NTDCS expand the work camp program, exploring other models, to provide an appropriate custodial response for Indigenous prisoners.*

62. *That NTDCS review policy and procedures around industry placements for prisoners to ensure they are not exploited.*

Sexual Offender Programs

63. *That training to deliver the Sexual Offender Treatment Program and the Sex Offender Treatment Program/Responsibility Safety Victims and Plans Program is extended to include P2 psychologists to deliver the program alongside P3 senior psychologists as needed.*

64. *That the Sexual Offender Treatment Program and the Sex Offender Treatment Program/Responsibility Safety Victims and Plans Program are reinstated immediately at Darwin Correctional Centre and that prisoners who are assessed as suitable to undertake a sexual offender program, are made available to attend as required.*

65. *That the Sexual Offender Treatment Program and the Sex Offender Treatment Program/Responsibility Safety Victims and Plans Program be delivered as rolling group programs, rather than as a closed group programs, on an on-going basis.*

66. *That one sexual offender program to be reinstated at Alice Springs Correctional Centre by the end of 2016.*

67. *That the Sexual Offender Treatment Program and the Sex Offender Treatment Program/Responsibility Safety Victims and Plans Program be evaluated by an external practitioner or academic institution within the next 12 months, to assure the Northern Territory community that each program represents a valid and integrated treatment for Indigenous and non-Indigenous sexual offenders, in terms of program content and processes, staff training and supervision, and program intensity and dosage.*

Violent Offender Programs

68. *That both Violent Offender Treatment Program (VOTP) and the Violent Offender Treatment Program – Moderate (VOTP-Mod) be evaluated by an external practitioner or academic institution within the next 12 months, to assure the Northern Territory community that each program represents a valid and integrated treatment for both Indigenous and non-Indigenous violent offenders, in terms of program content and processes, staff training and supervision, and program intensity and dosage.*

69. *That NTDCS review: (1) the treatment needs of current prisoners sentenced for sexual or violent offences; (2) the scheduling of, and demand for, programs addressing low, moderate and high intensity treatment needs of prisoners sentenced for sexual and violent offences, and (3) strategies to maximise the retention of prisoners in programs designed to reduce risk of further violent or sexual offending.*

Substance Abuse Programs

70. *That the substance use treatment needs of all prisoners be assessed within two months of their reception into custody, to inform the scheduling of both educational and intensive treatment programs.*

71. *That as the Intensive Alcohol and Drug Program (IADP) and the Alcohol and Other Drugs Program (AOD) have not been evaluated it is recommended that both programs be evaluated by an external practitioner or academic institution within the next 12 months, to assure the Northern Territory community that each program represents a valid and integrated treatment for both Indigenous and non-Indigenous offenders with substance use treatment needs, in terms of program content and processes, staff training and supervision, and program intensity and dosage.*

General/Offence-related Programs

72. That all sentenced prisoners serving more than three months imprisonment complete the Safe Sober Strong program prior to completing an offence-specific program such as a sexual offender program, violent offender program or substance abuse program.

73. That NTDCS conduct a review of all programs and services delivered or provided by external agencies in the custodial environment, with a view to identifying those representing the greatest benefit to NTDCS in terms of contributing to a reduction in reoffending.

74. That NTDCS review its criteria for funding external agencies to deliver programs and services in the custodial environment, to ensure the following:

- All programs and services delivered by external agencies are evidence-based and have been developed to target criminogenic needs and factors associated with offending*
- Any external non-Indigenous staff facilitating programs and services have completed accredited cultural competency training and*
- All programs and services delivered by external agencies are reviewed bi-annually for pre and post program impact and effectiveness, best practice content and delivery processes, and cost effectiveness.*

Darwin Correctional Precinct (DCP)

76. That the DCP is 're-commissioned in accordance with its true capabilities' as proposed by the Commissioner.

77. That concerted efforts are made as a matter of urgency to provide additional work, education and programs on a consistent basis to substantially increase the number of prisoners engaged in meaningful activities each day at DCP.

78. That DCP management reports the number of prisoners engaged in meaningful activity on a weekly basis so that progress can be monitored – on the principle that 'What gets measured gets done'.

79. That if the DCP is 're-commissioned in accordance with its true capabilities' as recommended elsewhere in this report, the issue of staff culture and commitment to modern therapeutic correctional practice within a secure environment is addressed in the re-commissioning plan.

DCP Elders Visiting Program

80. That NTDCS actively support and expand the Elders Visiting Program to meet the needs of the 85% Indigenous prison population.

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81. *That NTDCS recruits Elders with cultural authority who can support Indigenous prisoners, their rehabilitation and return to their community, as well advise correctional staff on the preparation of culturally appropriate post release support plans so that Indigenous prisoners are better able to succeed on release from prison.*

82. *That NTDCS supports and appropriately remunerates Elders to undertake community capacity building, and post release support of prisoners.*

DCP Female Prisoners

83. *That suitable accommodation is found for female prisoners, separate from a male correctional centre.*

84. *That additional accommodation for female inmates is provided to address overcrowding. Consideration should be given to establishing Work Camps or other suitable accommodation for female prisoners who are classified at low or open levels.*

85. *That suitable accommodation is provided for children residing with their prisoner mothers. If possible this should be as domestic in style as can be achieved, and should provide a safe, grassed area for mothers to play with their children. (Guidance regarding the accommodation of children with their mothers in prison can be found in paragraphs 2.58-2.62 of the Standards Guidelines for Corrections in Australia (revised 2012).*

86. *That facilities suitable for babies' visits with their mothers are provided that include hygienic and comfortable spaces to breastfeed.*

87. *That female prisoners are provided with work that will provide them with marketable work skills, not just in service areas such as refurbishing headsets, cleaning and laundry which will limit their job opportunities and their futures.*

88. *That additional criminogenic programs, education, creative and cultural activities are provided so that all female prisoners can be actively engaged.*

DCP High Security Prisoners

89. *That the need for high security prisoners to be escorted within the DCP in handcuffs and/or by the IAT is reviewed.*

90. *That DCP take steps to engage high security prisoners in suitable activities, programs, education or work (as required to address their assessed needs).*

DCP Non-custodial Staff

91. *That the requirement for programs and services staff to be escorted while inside the correctional centre is removed so that they can perform their duties unhindered.*

92. *That if lack of security training is the reason for this requirement, a suitable short security induction program should be developed and delivered as a matter of urgency to all current, and future, non-custodial staff working in correctional centres.*

DCP Visits

93. *That the practice of making women who set off the metal detector at the DCP remove their bras or the underwire in their bras is discontinued immediately.*

94. *That Prisoner visits are extended by the length of the delays experienced by visitors being processed into the DCP.*

DCP Chief Correctional Officers

95. *That the Security Group as described in the DCP Procedures Manual, should report to the Deputy Superintendent Security. (Note: This is the logical chain of command for a group which is considered to be so essential to the security and good order of the correctional centre.)*

96. *That the Chief Correctional Officer Operations should be made responsible for the Operations Sector expanded to include the Gatehouse Sector.*

97. *That the post of Chief Correctional Officer Security should be deleted (Note: interviews with stakeholders have provided no compelling reason for both the Chief Correctional Officer Security and the Chief Correctional Officer Operations positions to remain.)*

98. *That the Security Office as described in the DCP procedures manual, should be disbanded as it is not considered to add value to the security and good order of the correctional centre, and may distract senior Correctional Officers from their essential duties and responsibilities in the gatehouse, visits, sally port and central control room.*

99. *That the post of Senior Correctional Officer Security should remain if, and only if, the Immediate Action Team is maintained. In this case the Senior Correctional Officer Security should remain as the officer in charge of the Immediate Action Team, reporting to and receiving instructions from the Deputy Superintendent Security*

100. *That consideration should be given to deleting the post of Chief Correctional Officer Audits and Compliance as it appears to cut across the responsibilities of the Sector Managers, removing from them the responsibility to ensure that procedures are complied with, and duties performed correctly. Further, in the absence of key performance indicators for the operation and performance of the correctional centre, this position appears irrelevant.*

101. *That consideration should be given to deleting the post of Chief Correctional Officer Prisoner Reception Centre.*

(Note: It was explained to the Review Team that an officer of this rank is required in the Reception Centre to authorise the discharge of prisoners to escort, parole, sentence served etc. However, the DCP operations manual section on Prisoner Reception states that the Chief Correctional Officer Sector 5 has day-to-day responsibility for the Reception Area, and the Deputy Superintendent

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Accommodation has overall responsibility for the Reception Area. There is no other mention within the procedures of a Chief Correctional Officer performing any duty in relation to the reception or discharge of prisoners).

102. *That the position of Chief Correctional Officer Misconduct should be deleted as it removes the responsibility of Sector Managers for maintaining discipline amongst the prisoners in their sector by 'outsourcing' the misconduct function to another officer who is not involved in the day to day management of the prisoner or of the officer reporting the misconduct.*

(Note: Removing this function from accommodation Sector Managers is again contrary to the premise of devolving authority and responsibility to the officers responsible for an area. It is also contrary to the premise of individualised management of prisoners. It is the view of the Review Team that this position is unnecessary and that this function should be assigned to the accommodation Sector Managers).

DCP Immediate Action Team

103. *That the need for an Immediate Action Team should be reviewed, and other options for providing a security response are explored.*

DCP Intelligence Unit

104. *That the operations of the Intelligence Unit and its staffing are reviewed to identify possible efficiencies as covered above.*

DCP Visits Centre

105. *That the requirement for the Visits Officers to be redeployed to accommodation areas after 1600 hours is reviewed to identify if any efficiencies can be achieved.*

DCP Accommodation Sector 5

106. *That the Senior Correctional Officer Post (8 hours per day, 5 days per week) is deleted, and the associated funding put to better use within DCP or elsewhere within NTDCS.*

DCP Prisoner Support Officers

107. *That Aboriginal (Indigenous) Liaison Officer positions are reinstated at Darwin Correctional Centre, in recognition of their expertise and value in providing throughcare and other support to Indigenous prisoners who make up the majority of the prisoner population. Once reinstated, the Indigenous Liaison Officers must be strongly supported within DCP and at the departmental level to provide the support and connection to community so necessary for Indigenous prisoners.*

DCP Sentence Management Team

108. *That in order to assess the appropriateness of the Sentence Management Team staffing an analysis of the number of new receptions the Sentence Management Team have reviewed over the past 18 months, and the number of sentence management reviews they have completed, be conducted.*

CP Prison Industries

109. That the viability of prisoner work and industries programs as currently operated at DCP is reviewed as a matter of urgency.

110. That alternate methods of providing meaningful work, vocational training and employability skills are explored as a matter of urgency.

Darwin Court Security & Escorts

111. That a needs analysis is conducted of the court security and court escort functions and Prisoner Reception and Escorts at DCP to achieve the most efficient staffing model without adversely affecting the operation of either area.

ASCC Prisoner Accommodation

112. That new prisoner accommodation is provided at Alice Springs to address overcrowding, and/or existing prisoner accommodation is refurbished.

113. That all prisoner accommodation areas are provided with the number of toilets and showers sufficient for the number of prisoners.

114. That NTDCS is funded by Government to implement these recommendations.

ASCC Female Section

115. That suitable accommodation is found for female prisoners, separate from a male correctional centre.

116. That sufficient numbers of beds are provided to address overcrowding, and shower and toilet facilities are commensurate with the number of prisoners.

117. That suitable accommodation is provided for children residing with their prisoner mothers. If possible this should be as domestic in style as can be achieved, and should provide a safe, grassed area for mothers to play with their children.

118. That in the interim, the suitability of the accommodation for prisoner mothers and their infants/children at Alice Springs is reviewed.

119. That female prisoners are provided with work that will provide them with marketable work skills, not just in service areas such as cleaning and laundry which will limit their job opportunities and their futures.

120. That additional programs, education, creative and cultural activities are provided so that all female prisoners can be actively engaged.

121. That Directive 2.4.6 Inmate Mothers and their Children are reviewed to ensure that all risks are addressed in relation to approval for an infant/child to reside in prison with its mother, particularly risk assessments of the mother and other prisoners residing in the same accommodation area, and the prisoner carers nominated by the mother.

122. That a child advocate/expert is involved in the decision making around what is in the best interest of the child when requests for a child to be accommodated in prison with its mother are considered.

123. That additional funding is provided to NTDCS to implement these recommendations.

ASCC Specialist Chief Correctional Officer Posts

125. That the need for Chief Correctional Officer posts at Alice Springs Correctional Centre is reviewed on a similar basis to that recommended for DCP.

126. That in a review of staffing at Alice Springs Correctional Centre consideration is given to the following:

- The post of Chief Correctional Officer, Administration is a misuse of an experienced and trained Correctional Officer and should be deleted*
- The three self-relieving Chief Correctional Officer positions should be deleted. They are considered to be unnecessary, as any relief component required is calculated within the FTE for the Chief Correctional Officer posts. Included as three separate posts of 8 hours per day, five days per week, these posts would be rostered as supernumerary every day that all other Chief Correctional Officers posts are filled. The inclusion of these posts will prevent Senior Correctional Officers from obtaining developmental opportunities to act in a higher capacity at Chief Correctional Officer rank, and Correctional Officers from obtaining experience as Senior Correctional Officers*
- The Chief Correctional Officer Security post should be deleted*
- The Operations Security/Gate Sector could be amalgamated with the Employment/Education Sector under the Chief Correctional Officer Operations*
- The Intelligence Officers and the IAT should report to the Deputy Superintendent Security*
- The posts of Senior Correctional Officer Security and Senior Correctional Officer Operations should be reviewed for deletion*
- The need for an IAT should be reviewed, and alternate options for security response explored.*

ASCC Prison Industries

127. That the viability of prisoner work and industries programs at Alice Springs Correctional Centre is reviewed as a matter of urgency.

128. That alternate methods of providing meaningful work, vocational training and employability skills are explored as a matter of urgency.

NT Community Corrections (NTCC)

129. That NTCC explores options for implementing an incentive-based system for the achievement of salary increments for operational staff.

NTCC Business Plan

130. That NTCC consider development of qualitative measures of success when supervising Indigenous offenders including outcomes such as increasing offenders' connection to community through partnerships with community agencies and groups, enhancing well-being and developing internal motivation to change their behaviour.

NTCC Service Delivery Enhancements

131. That the Community Corrections leadership team, in conjunction with Regional Managers, review the delegations, with a view to delegating greater HR and budget management authority to regional managers.

132. That NTDCS introduces a sexual offender maintenance program and a violent offender maintenance program to be implemented by Community Corrections for parolees, to ensure treatment gains made in custody transfer with them upon release. Additional funding should be provided to NTDCS for this purpose.

133. That the following Community Corrections service enhancements are implemented:

- facilitation of programs (developed or purchased by NTDCS) for sexual and violent offenders under Community Corrections supervision on court orders or on parole*
- establishment of the role of Community Corrections Psychologist in Alice Springs, Palmerston and Casuarina offices and*
- the appointment of Probation and Parole Officers to remote communities who are from the community - where the community is amenable - to provide local supervision and support to offenders, and work with community members to develop Yolŋu Community Authorities, where appropriate.*

Youth under Community Corrections Supervision

134. That the Northern Territory Adult Corrections and Youth Justice Services Commission include relevant NT Government and non- Government agencies in its consultation with Indigenous stakeholders to ensure a holistic approach to working with youth subject to court orders under its proposed Community Based Youth Supervision model.

135. That Community Corrections in Alice Springs, Darwin and Katherine be funded to provide youth under supervision in those areas with access to the Step-Up program (for youth) and the Safe Sober Strong program (for youth).

Family Violence Program

136. That the Family Violence Program is only delivered where, and when, two facilitators are available. In some instances local Elders or Respected Persons based in the communities could be appointed as the second facilitator.

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137. That where the Family Violence Program includes people who are not subject to supervision orders NTCC should ensure that appropriate protocols are in place relating to their inclusion.

138. That the Family Violence Team is jointly supervised by the Indigenous Services and Community Engagement Unit and the Offender Services and Programs Unit, so as to enable targeted clinical supervision and training to be provided to program facilitators.

139. That consideration be give to licensing and accrediting community organisations to deliver the Family Violence Program in the community, with ongoing quality assurance by NTDCS.

Youth Detention (YD)

140. That a work value assessment is conducted of the salary levels of Youth Justice Officer positions to ensure that salaries are appropriate for the level of responsibility carried.

141. That NTDCS cease rostering Correctional Officers in youth detention centres and recruit sufficient numbers of female Youth Justice Officers to make a difference to the environment in the centres.

Don Dale Youth Detention Centre (DDYDC)

142. That NTDCS explore alternatives to the detention of youth offenders at the DDYDC as a matter of urgency, so that the facility can be closed as soon as practicable.

143. That the practice of rostering Correctional Officers at DDYDC is discontinued as soon as practicable.

144. That Youth Justice Officer vacancies at DDYDC are filled as a matter of urgency.

145. That the process for medical assessment for youth detainees on reception is addressed as a matter of urgency to mitigate the serious risk that currently exists. Additional funding may be required.

146. That the post structure at Don Dale on the day and afternoon shifts is reviewed to ensure that it provides an adequate response capacity.

Alice Springs Youth Detention Centre (ASYDC)

147. That the approach taken at Alice Springs Youth Detention Centre to maintain at risk youth, and youth requiring placement in a “de-escalation” cell in the least restrictive environment possible should be developed and documented as a practice guide for staff working in youth detention centres, and be included in the Youth Justice Officer training.

148. That the proposal for Alice Springs Youth Detention Centre to become self catering, as a program for youth be considered for approval and implementation.

149. That consideration be given to providing a suitable clinic at the centre to better meet the needs of Health staff and detainees.

150. *That infrastructure inadequacies at the Alice Springs Youth Detention Centre be addressed as soon as practicable*

151. *That future planning for youth justice in the NTDCS takes into consideration the following extracts from a paper from the Centre on Early Adolescence:*

Research indicates that an effective juvenile justice system richly reinforces desirable behaviour. It clearly communicates expectations and rules and minimizes opportunities for youth to engage in problematic behaviour. Adults in an effective juvenile justice system consistently and fairly give negative consequences for rule infractions. However, an effective system also provides numerous opportunities for youth to engage in positive activities and creates meaningful roles for youth to build skills and motivation.

An effective juvenile justice system actively provides empirically titrated supervision to all youth in the system based on their risk for criminal behavior and their need - those diverted, those incarcerated, and those released.

An effective system works to build positive relationships between troubled youth and positive, caring, well-trained adults. It minimizes the congregation of juvenile offenders and separates high-risk youth from lower-risk youth.

It ensures that juvenile offenders, including lower-risk and first-time offenders, have appropriate levels of contact with well-trained adults rather than with other problematic peers. For example, lower-risk and a large majority of first-time offenders have better outcomes with lower levels of contact with the system, whereas higher-risk youth have better outcomes with a higher density of appropriate supervision and treatment. Finally, an effective juvenile justice system provides evidence-based services in mental health and substance abuse treatment, as well as effective academic and social skills development.

Action steps needed

Ensure that effective interventions are available for multi-problem youth and their families before they encounter the juvenile justice system. This includes providing evidence-based treatments for those whose primary problem is a mental health or substance abuse problem.

- Reduce reliance on incarceration and other strategies that congregate juvenile offenders together. Instead, provide a full continuum of research-based, effective juvenile diversion options in the community as alternatives to incarceration.*
- Focus juvenile justice responses and interventions on individuals' actual risk factors for criminal behaviour and their need, rather than the traditional approach of focusing simply on the crime committed.*
- Implement evidence-based rehabilitation and treatment practices for incarcerated youth, making sure that all youth involved in the juvenile justice system have access to evidence-based mental health and substance abuse*

treatment as needed, as well as to an appropriate public education. Support better and more effective family involvement by keeping incarcerated youth as close to home as possible.

Youth Detention Centre Emergency Response Procedures

152. That Youth Detention Centre emergency procedures are reviewed to ensure that they are clear enough for even the most inexperienced of Youth Justice Officers to understand, and clearly delineate operational responsibilities without hindering a swift response.

Youth Justice Officer Training

153. That the NTDCS Certificate III in Correctional Practice (Trainee Youth Justice Officer) is reviewed to ensure that the six elective units included in the syllabus are the most appropriate, given the issues that have confronted NTDCS.

154. That the content of each of the sessions included in the Trainee Youth Justice Officer course is reviewed to ensure that they address each of the elements and each of the performance criteria for units in the NTDCS Certificate III in Correctional Practice (Trainee Youth Justice Officer Training).

155. That sessions that that don't comply with the Industry specified elements and performance criteria are amended, and new sessions included if necessary, to achieve compliance with the requirements for Certificate III in Correctional Administration (Youth Justice).

156. That CSCSA009 Control incidents using defensive tactics is replaced with CSCSAS015 Manage Threatening Behaviour which provides skills more relevant to trainee Youth Justice Officers.

157. That Sessions on motivational interaction are included in the Trainee Youth Justice Officer course.

158. That NTDCS expedite the delivery of the eight week classroom component of the Certificate III in Correctional Practice (Trainee Youth Justice Officer) so that the remainder of staff employed in the youth detention centres are appropriately trained.

159. That Youth Justice Officers are trained, and participate in the case management of detainees.

YD Case Management Assessment and Throughcare Services

160. That NTDCS and the Department of Children and Families consider an integrated approach to case management of young people in detention.

YD Coordination of Forensic Mental Health Services

161. That the Forensic Mental Health Service (Department of Health) as lead agent, develop a process of regular consultation with NTDCS case management officers and Department of Education teaching staff, to share diagnostic and treatment information, including any at-risk assessment and management information, to ensure the mental

health needs of young people in detention are recognised and prioritised in all educational and programmatic interventions.

YD Education of Young People in Detention

162. That NTDCS, in conjunction with the Department of Education, restructure the delivery of educational classes at the Don Dale Youth Detention Centre according to age and educational level, to better meet the needs of detainees, and design security systems and procedures accordingly, around the new structure.

YD Rehabilitation Programs

163. That the Youth Justice Division (creation of which is recommended in this report) develop a 12-month plan for the delivery of rehabilitation programs across both youth detention centres and monitor detainee commencements and completions to ensure rehabilitation programs form a central plank in the delivery of services to youth in detention.

YD Elders Visiting Program

164. That following establishment of the recommended Youth Justice Division, the funding available, and organisational support, for the Elders Visiting Program is reviewed to ensure its continued priority at the Don Dale Youth Detention Centre and the Alice Springs Youth Detention Centre.

YD Alternatives to Detention

165. That NTDCS establish a working group to explore and assess the utility of alternative options to the detention of young people, for implementation in (1) the greater Darwin area, (2) Alice Springs area, and (3) in remote communities across the Northern Territory.

NTDCS Financial Management

166. That NTDCS establish a dedicated Finance Committee to effectively monitor the financial position of NTDCS and provide appropriate strategic financial advice to the Commissioner.

167. That the finance training needs for staff be identified and a training plan established to improve the skills of all staff with financial management responsibility.

Potential Future State for NTDCS

168. That as a first step for the Northern Territory Government to explore options for a holistic whole-of-government and community approach to the gross over representation of Indigenous people in the criminal justice system, NTDCS is funded to conduct a conference and workshop to envisage a future state for NTDCS, Indigenous and other government and non-government stakeholders where Indigenous people are empowered and working as part of the solution to this challenge.

The Cost of Recommended Changes and or Services Required to Improve the Effectiveness, Efficiency or Resource Utilisation to Deliver Services

169. That the Northern Territory Government agrees in principle to adopt a business planning approach for a whole-of-government and community approach to reduce Indigenous contact with the criminal justice system and the Territory's imprisonment rate and establish an Inter Departmental Committee (IDC) of relevant agencies.

170. That the Business Planning IDC's considerations are informed by outcomes of the conference and workshop recommended in this Report to envisage a future state for the Northern Territory Adult Corrections and Youth Justice Services Commission, Indigenous and other government and non-government stakeholders where Indigenous people are empowered and working as part of the solution to the challenge of Indigenous contact with the criminal justice system and the Territory's imprisonment rate.

171. That subject to the recommendations in this report being adopted, NTDCS develops a budget submission for government consideration that identifies the total cost of recommendations, and prioritises the need for additional funding having regard to criteria of enhanced governance within NTDCS, public safety, duty of care to all people subject to NTDCS services and an overarching goal to reduce Indigenous contact with the criminal justice system and the Territory's imprisonment rate.

A Suggested Implementation/Change Strategy

172. That the key elements covered in this section of the report are taken into account in development of an implementation/change strategy.

BACKGROUND TO THE REVIEW

The Northern Territory Department of Correctional Services (NTDCS) was formed in 2012, having previously provided the portfolio responsibilities as a division within the then Department of Justice. The Minister for Correctional Services directs the priorities of government in relation to, and has overarching responsibility for, NTDCS.

On 12 November 2015 Mr Mark Payne was appointed as the new Commissioner of NTDCS on secondment from his substantive position of Deputy Commissioner, Northern Territory Police Force. The catalyst for Mr Payne's appointment was a number of incidents involving escapes and incidents within the youth detention centre and a number of public criticisms regarding prisoners with open ratings having access to the community.

Mr Payne's secondment is until November 2016. It is understood that there may be an option for Mr Payne to continue in the Commissioner's role beyond November 2016. However, this is a matter for decision by the Northern Territory Government in consultation with Mr Payne at the appropriate time. Following appointment of Mr Payne the Minister announced that a *'root and branch'* review of NTDCS would be undertaken.

In addition to the operational issues that were the catalyst for the review, the government has concerns regarding substantial recent increases in costs within NTDCS and is seeking an assessment of the efficiency and effectiveness of services currently provided. This is to include a review of the current corporate governance and financial management structures and systems in managing NTDCS services. The government is also seeking opportunities for alternative service delivery methods that will reduce the financial pressures on the Budget.

In essence, in commissioning the review the Northern Territory Government is seeking to determine *"how NTDCS could improve the public value proposition in the delivery of correctional supervision and services for adults and youth in the Northern Territory in an environment of fiscal restraint. These services include those delivered within correctional or detention facilities and those delivered to supervised/monitored persons in the community. The review will also be required to consider and report on the resource impost and the utilisation of those resources by the department"*.¹

SCOPE OF THE REVIEW

The Scope requires the Review Team to provide an interim written report by 30 June 2016 and a final report by 31 July 2016. The Scope of the Review is at Appendix 2.

This report deals with the *Scope for the Review* under the following structure which has been reordered to match the logic of the review approach that has involved examining

¹ Northern Territory Government, Request for Quotation - RFQ No 16-0350

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the current state of NTDCS through to a potential future state for NTDCS and a suggested implementation/change strategy covering outcomes from the review:

The current state of NTDCS:

- The current services provided by NTDCS and how those services are provided and to whom
- The current structures and systems to provide those services:
 - Governance and effective management:
 - ✓ strategic plan
 - ✓ does the NTDCS organisational structure and accountabilities support good governance and effective management and oversight of the operations of the department
 - ✓ monitoring and oversight of the operations of NTDCS
 - ✓ an appropriate accountability and reporting framework including capacity to interrogate data
 - ✓ Whether systems and processes in use are effective in delivering the service
- Outcomes or outputs delivered
- Whether resources, financial and personnel, are appropriately directed and sufficient for the efficient delivery of current services and achievement of the outcomes required
- Services provided that no longer offer a public value;

A potential future state for NTDCS:

- Other or alternative services that should be provided to meet the public value expectation
- The cost of recommended changes and or services required to improve the effectiveness, efficiency or resource utilisation to deliver services

A suggested implementation/change strategy

.....

In conducting the review consultation occurred with the stakeholders identified in Appendix 1.

This is an all-encompassing review that NTDCS and the Northern Territory Government wish to use as a springboard to move NTDCS to a future state where it delivers high quality correctional services within the context of the Northern Territory Government's *'Framing the Future'* and *'Pillars of Justice'* strategies. Accordingly it has been decided to adopt the NTDCS' Vision *'A safer Northern Territory through correctional interventions'* as the title for this review report.

PART 1 THE CURRENT STATE OF THE NTDCS

Overview of current State of NTDCS

This section of the Review Team's report examines the current state of NTDCS having regard to the Northern Territory Government's concerns about operational issues, increases in costs, efficiency and effectiveness of services, current corporate governance and financial management structures and systems as covered in the Terms of Reference for the Review.

NTDCS *delivers* correctional services in the Northern Territory, but like its counterparts in other jurisdictions, it has little or no influence over the size and nature of the corrections' population. That population is shaped by numerous "drivers" external to NTDCS such as:

- Policing strategies and activities
- Legislation
- The Courts
- Poverty and social conditions
- Unemployment
- Drug and alcohol abuse

It must be mentioned at the outset that the inescapable awful fact that defines at a macro level the 'state' of NTDCS is that it has the task of administering a correctional system with a staggering imprisonment rate of around 884.9 prisoners per 100,000 of adult population in 2014-15.² To understand the scale of the imprisonment problem, the Australian national imprisonment rate in 2014-15 was 190.3 per 100,000 of adult population, and WA with the second highest rate, registered just 271.1.

Finding

1. That the Northern Territory imprisonment rate is by far the worst in Australia and ranks with the world's worst.

Looking at the data another way, the Territory accounts for about 1% of the Australian population but about 5% of all prisoners. Tragically, 85% of the Territory's adult prisoners and 95% of youth detainees are Indigenous people although they comprise only about 30% of the Territory's general population.

The high imprisonment rate in the Territory has placed considerable strains on NTDCS custodial facilities resulting in overcrowding. NTDCS has also experienced a high turnover of prisoners largely due to short sentences of less than one year. This high turnover rate ("churn") represents a burden for NTDCS in terms of costs associated with the reception and discharge of a significant proportion of its prisoners on a continual basis.

It is not fanciful to suggest that the Northern Territory's imprisonment rate is primarily the tragic outcome of extreme social dysfunction and economic disadvantage in the

² The imprisonment data referred to in this section of the report is sourced from Appendix 3, p.7

Territory's Indigenous communities. It is compounded by an unacceptably high return-to-correctional services (recidivism) rate³ which is also significantly contributed to by circumstances in the communities. The cycle of crime and imprisonment impacting on these communities results in horrific outcomes for families, individuals and in particular children with enormous adverse social and economic consequences for the Territory as a whole.

It should come as no surprise that:

- the Northern Territory is the most “policed” jurisdiction in Australia
- it has the highest ratio of judicial officers to population
- property crimes and crimes against the person in the Territory occur at higher rates than any other Australian State or Territory and
- Territorians “feel less safe” than other Australians⁴

Clearly the Northern Territory's imprisonment rate indicates a social, economic and law and order crisis of devastating proportions for the Territory as a whole and for Indigenous people in particular. It has been a longstanding crisis. In this regard the Northern Territory is not alone among Australian jurisdictions as WA, QLD and NSW have similar challenges and unacceptable outcomes in so far as Indigenous people's interface with the criminal justice system is concerned.

Obviously reviewing the current operating systems within NTDCS to improve efficiency and effectiveness is important. However, it is clear that the greatest drivers of inefficient and ineffective outcomes in NTDCS and in the Territory's criminal justice system and human service delivery agencies generally, incurring huge cost to the taxpayer, is the excessive number of prisoners, the high recidivism rate and the gross over representation of Indigenous people in contact with the criminal justice system and corrections.

Finding

2. That the unacceptable imprisonment rate, coupled with 85% of the prisoner population being Indigenous people and the high recidivism rate, has a major impact on the current operational state of custodial and community corrections both for adults and juveniles.

Accordingly the review has addressed this issue later in this report in looking at a desired future State for NTDCS and having regard to the Terms of Reference requirement to identify “*other or alternative services that should be provided to meet the public value expectation*”.

Appendix 3 to this report (*NTDCS Operating Environment*) provides a comprehensive overview of key issues that impact on the delivery of correctional services in the Northern Territory.

This review report makes a significant number of findings and recommendations for enhancements to the current state of NTDCS operations. This is to be expected given the

³ See Appendix 3, p.5

⁴ Appendix 3, pp. 2-4

all-encompassing nature of the review and the challenging and contentious nature of corrections. Also the Minister, the new Commissioner and the Executive Leadership Group saw this review as an opportunity to achieve a blueprint to plan for the next stage of development of the NTDCS following a period of significant change that at times has brought controversy. Recommendations have been framed accordingly.

The findings and recommendations must also be viewed in the light of the fact that NTDCS for the past few years has been working to deliver on a number of key projects and initiatives that have stretched the capability and capacity of the organisation. It is evident to the Review Team that the new Commissioner and Deputy Commissioner (a newly created position) are taking positive steps to enhance the governance and operational focus of the department.

Further, the Review Team in interviews of senior staff found a high degree of professionalism and commitment by these officers to the performance of their duties and a strong desire to contribute to continuous improvement of NTDCS. Senior staff are working hours well above the call of normal duty such that the Commissioner has recently issued a direction to ELG members to restrict working of extreme hours to enhance work – life balance and preserve their health.

NTDCS provided the Review Team with information relating to a significant number of projects undertaken since September 2012 including construction and commissioning of the Darwin Correctional Precinct. It is clear that over this period executives and staff have had to design and implement a number of significant initiatives, mostly within existing resources, while maintaining normal services. They are commended for this.

Leadership

It is clear that the NTDCS is an organisation that has been and remains under stress. The circumstances that led to the current Commissioner's appointment and the public criticisms of NTDCS destabilised the agency. A review such as this has placed further stress upon an organisation already under great pressure.

With effect 1 March 2016 NTDCS has a new senior executive structure, including creation of a position of Deputy Commissioner with some functional realignment occurring as a result.

The Review Team has been very impressed with the leadership skills being demonstrated by the new Commissioner and the approach he is taking to deal with a range of inherited problematic and complex issues across NTDCS. Since his appointment he has worked to build the confidence and capacities of the Executive Group to deal with the effects of leadership change and the need to change the way that business is done such that government and the community has confidence in the governance of NTDCS.

The Commissioner is providing strong and informed leadership to the Deputy Commissioner and Executive Directors to address planning and budget issues and to

enhance operational performance. The challenge to achieve this cannot be underestimated given that the Commissioner and his Executive Group are addressing significant systemic change while leading and providing oversight to the myriad of critical and controversial issues that arise on a day to day basis in corrections.

This review has found that there is good work in progress across all Divisions of NTDCS to enhance performance. However, it is clear to the Review Team that the leadership of the current Commissioner will be critical to achieving stability in what has been, certainly in the recent past, a crisis prone organisation and to lead the NTDCS to a situation where it is recognised as a high performing agency of the Northern Territory Public Service.

As mentioned in the background to this review above, Commissioner Payne's secondment is until November 2016. While his continuance in the role beyond this date is a matter for decision by the Northern Territory Government in consultation with Mr Payne, the Review Team believes it is essential for him to remain as Commissioner NTDCS for a defined period beyond November 2016 to implement a range of initiatives covered in the new Strategic plan as well as the recommendations contained in this report.

We must place on record that it is our considered opinion that should Mr Payne not continue as Commissioner beyond November 2016 this would represent a significant performance risk to NTDCS through destabilisation of the planning and reform program now underway under his leadership. Adverse impacts would also be felt in morale of executive staff and in the area of industrial relations where Mr Payne has worked hard to achieve a more inclusive approach with staff industrial representatives as well as key stakeholders such as the Children's Commissioner and the North Australian Aboriginal Justice Agency.

Recommendation

1. That a contract is entered into between the Northern Territory Government and the current Commissioner NTDCS covering performance expectations over an agreed planning cycle taking account of the:

- State of the organisation that he inherited and issues for remediation identified in this review*
- The approach proposed in the NTDCS new Strategic Plan*
- Current risks to the organisation*
- An agreed policy and operational road map for NTDS from current organisational state to a high performance organisation, informed as is seen fit by government of the findings of this review and the NTDCS new Strategic Plan and*
- The recommendation contained in Section 2.2.1 below for establishment of a Northern Territory Adult Corrections and Youth Justice Services Commission.*

Chapter 1: The current services provided by NTDCS and how those services are provided and to whom

1.1 The Territory

The Northern Territory's population was estimated at 244,500 people in September 2015 making it the least populous of Australia's eight states and territories.⁵ Approximately 60% of the resident population lives in the Greater Darwin area followed by 12% in the Alice Springs area, 5% in the Katherine area and 4% in the Tennant Creek area. The remaining population is spread in small pockets over the 1.42 million square kilometres of the NT giving it the nation's lowest population density of 0.2 people per square kilometre.

1.2 Management

The NTDCS is led by the Commissioner who reports to the Minister for Correctional Services. The Commissioner is supported by a senior management team comprising of the:

- Deputy Commissioner
- Executive Director, Custodial Operations
- Executive Director, Corporate and Strategic Services
- Executive Director, Community Corrections
- Executive Director, Correctional Programs and Services

1.3 Staffing

As at March 2016 the NTDCS had 991.02 staff (FTE) distributed across:

- | | |
|--|--------|
| • Custodial Operations | 615.40 |
| • Correctional Programs & Services | 112.11 |
| • Community Corrections: | 134.19 |
| • Office of the Commissioner | 12.81 |
| • Corporate & Strategic Services | 111.51 |
| • Infrastructure & Facilities Management | 5 |

1.4 Budget

The NTDCS total operating budget for 2015-16 was \$221.008 million with a projected expenditure, as at 31 March 2016, of \$244.143 million.

1.5 Services Provided

NTDCS has three primary services, and a number of ancillary services, that it provides to the Northern Territory. The primary services are adult custodial services (prisons),

⁵ Australian Bureau of Statistics - 3101.0 - *Australian Demographic Statistics, Sep 2015*

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youth justice services (youth detention centres) and community correctional services for adults and youths. Other services include:

- Support for the NT Parole Board
- Support for the Official Visitors Program
- Monitoring of specified persons on court ordered Bail
- Monitoring of specified persons on Suspended Sentences
- Court security and escorts in Darwin

Adult custodial services:

Centre	Security Rating	Design Capacity	Prisoners (30/05/16)	% Capacity
Alice Springs Correctional Centre (Secure)	HIGH	368	485	132
Alice Springs Correctional Centre (Open)	OPEN	132	149	113
Darwin Correctional Centre (Secure)	HIGH	407	497	122
Darwin Correctional Centre	LOW	641	503	78
Datjala Work Camp (Nhulunbuy)	OPEN	50	36	72
Barkly Work Camp (Tennant Creek)	OPEN	50	54	108
Total		1648	1724	105

Youth detention services:

Centre	Security Rating	Design Capacity	Detainees (30/05/16)	% Capacity
Alice Springs Youth Detention Centre	HIGH	16	8	50
Don Dale Youth Detention Centre (Darwin)	HIGH	55	50	91
Total		71	58	82

Community corrections services:

Location **Offenders* (31/05/16)**

Alice Springs 291

Casuarina 157

Groote Eylandt 71

Katherine 214

Nhulunbuy 75

Palmerston 297

Tennant Creek 86

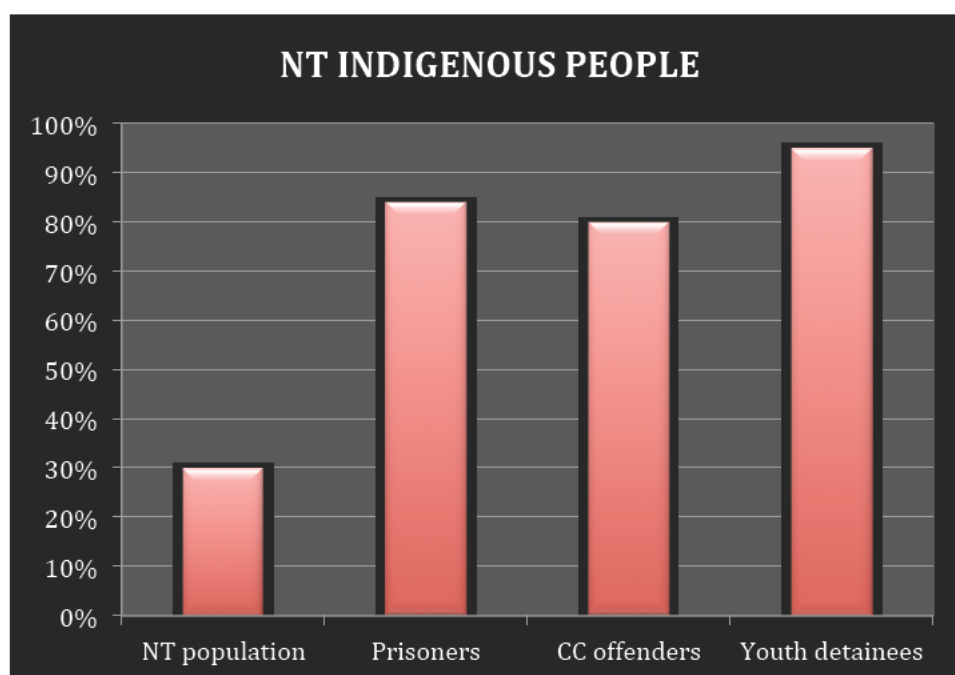
Wadeye 46

Total **1237**

* Offenders may have more than one order

1.6 Indigenous People

As at June 2011 Aboriginal and Torres Strait Islander (Indigenous) Australians comprised 30% of the population of the Northern Territory, the highest proportion of any state or territory. Tasmania was the next highest with around 5% of its population being Indigenous people⁶. Indigenous people account for the majority of NT prisoners, youth detainees and community corrections offenders:



Percentages are approximate for 2016

⁶ Australian Bureau of Statistics - 3238.0.55.001 - Estimates - *Aboriginal and Torres Strait Islander Australians, June 2011*

Chapter 2: The current structures and systems to provide NTDCS services - Governance and effective management

2.1 Strategic plan

The new Commissioner inherited an agency without a Strategic Plan. NTDCS has a Statement of Strategic Intent (SSI) 2013 – 2016 which has been used to provide the strategic direction of the department. The SSI is not a strategic plan and is not outcomes focussed. The absence of a strategic plan was identified by the Commissioner as a significant risk for NTDCS. He also found a gap between Budget Paper 3 (BP3) outcomes and its reflection in an organisational reference document. As such no organisational performance outcome indicators/measures existed outside of the BP3 references.

The Commissioner found that there was no defined connectivity between the Business Plans of directorates/service areas and the Strategic Intent document with regard to defined strategic action plans and inputs, activity, or performance measures.

He was concerned that the absence of a strategic plan affected organisational alignment and contributed to siloed areas of operation and barriers to joined-up outcomes. In addition, the absence of an outcomes based strategic plan has seemingly resulted in the stagnation of BP3 performance indicators and has had a flow on effect on NTDCS' ability to performance manage to public value outcomes.

NTDCS has business plans for each Division which provide information on the financial resources and focus for each area. However, in the absence of a strategic plan the business plans are currently driven through a bottom up approach by each Division. This makes it very difficult for staff to have clear direction on overall departmental priorities or where their roles fit in regard to the SSI.

Finding

3. That the new Commissioner inherited an agency without a Strategic Plan; there was no defined connectivity between the Business Plans of directorates/service areas and the Strategic Intent document with regard to defined strategic action plans and inputs, activity, or performance measures. He identified this as a significant risk for NTDCS.

To deal with this issue the Commissioner convened a Strategic Planning Workshop on 25 March 2016 involving all key executive and line managers. This resulted in a draft framework from which a Strategic Plan could be developed, together with a revised Agency Mission Statement. A draft Strategic Plan is now being constructed following the settling of the budget for 2016-17 and out-years and alterations to BP3 deliverables as performance activities and outcomes.

The aim is to have the Strategic Plan settled and introduced to time with the production of Directorate/Service Area Business and Action Plans. The Strategic Plan will provide a reference/source document from which agency strategies including NTDCS Community Engagement, Offender Rehabilitation and Continuous Improvement Strategies can be developed.

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The Review Team was provided with a draft of the '*work in progress*' Strategic Plan. The draft plan identified, amongst other things, *NTDCS vision, mission, strategic priorities, values, priority actions, success factors and performance measures*.

It conforms to good planning practice. To assist in adding value to this planning project we have provided comment to the Commissioner on matters arising from this review and thoughts relating to whether specific *success factors* and *performance measures* need to be included in the Strategic plan rather than in separate performance documentation.

The business plans already used in NTDCS will be aligned to reflect the key priorities in the NTDCS Strategic Plan.

The Commissioner proposes to road test the new strategic plan with key stakeholders whilst it is still in draft form. NTDCS has a number of key external stakeholders who could provide input into the strategic plan including the Departments of Communities and Families, Justice, Police, Health, Education and Treasury. There are also a number of Indigenous and NGO agencies who will be consulted.

The Commissioner is consulting extensively with NTDCS staff concerning what he has termed *NTDCS - Policy Framework - Policy Development Process* which includes the Strategic Plan. This has included the Commissioner visiting work places across NTDCS to deliver a Power point Presentation and engage in questions and answers with staff. Reports to the Review Team indicate that this process has been well received.

The Commissioner's *NTDCS - Policy Framework - Policy Development Process* provides tools to:

- Clarify NTDCS guidance documents
- Provide standards and consistency
- Clarify roles and responsibilities
- Clarify at what level different documents sit (hierarchy)
- Ensure links between documents are outlined
- Clarify the policy document development process
- Links to:
 - Strategic Plan – departmental and Government priorities
 - Agency Strategies
 - Policies and Frameworks
 - Directives
 - Procedures

Once the new strategic plan is adopted the Executive Leadership Group (ELG) will be well placed to monitor and report NTDCS' progress against the agreed plan. It is also recommended that a project management framework be adopted by NTDCS for all projects identified under the key actions. This is discussed later in this section.

Finding

4. *That steps taken by the new Commissioner to create a Strategic Plan for NTDCS and associated Policy Framework and Policy Development Process conforms to good planning practice.*

2.2 Does the NTDCS organisational structure and accountabilities support good governance and effective management and oversight of the operations of the department?

2.2.1 Structure

Officers interviewed have pointed to a history of confusion between Divisions around who is accountable for what. In addition the Divisions have acted in silos resulting in sub-optimal outcomes for NTDCS. The new Commissioner has driven creation of a “Matrix” management model that encourages a collegiate professional relationship between the enabling divisions and line operations where information is proactively shared. The Review Team agrees with adoption of a ‘matrix’ management structure as good practice in that it breaks down silos which is essential for high performance in difficult and complex organisations such as corrections.

The Deputy Commissioner position has been created to improve the way NTDCS is managed through the Deputy being the ‘gate keeper’ for higher level accountability and operational issues and working with operational managers to enhance service outcomes. This allows the Commissioner to function at the policy and strategic level in dealing with the interface with government, putting in place the drivers for a high performance culture, driving strategic planning, establishing the project management framework and ensuring that performance accountability resides at appropriate levels in the organisation.

It is early days for the above high level organisational arrangements and not unexpectedly there are some teething issues that will be resolved as the arrangements mature. One such issue is the reporting arrangements for enabling services in operational areas that have become clouded in the change to the ‘Matrix’ structure. These issues will be dealt with by the Commissioner through the ELG meeting process.

Another issue is the uniqueness of the NT offender population where Indigenous people represent the great majority of people under the control and supervision of NTDCS in adult and youth corrections. This over representation of Indigenous people is not reflected in either the staffing of Head Office or in correctional centres or community corrections, or even in departmental policies, publications or procedures.

It is the view of the Review Team that a paradigm shift is required in NTDCS – a paradigm shift that recognises that the services NTDCS delivers in its correctional centres, community corrections and in youth justice are essentially for a majority of Indigenous people and a non-Indigenous minority population, rather than the opposite.

To support this paradigm shift, Indigenous considerations must be mainstreamed within NTDCS. Just like risk management, consideration of indigenous issues must be

the main focus and written into every policy document, every procedure, every publication. This paradigm shift would put focus on the need for culturally appropriate services across the agency. The Review Team is of the view that there is a need for NTDCS to be part of a holistic whole-of-government and community approach that empowers Indigenous people to be part of the solution to their gross over representation within the Territory's criminal justice system.

A significant catalyst for such a paradigm shift would be for NTDCS' organisational structure to provide for senior roles for Indigenous people and to facilitate engagement of respected Elders and community members to contribute to NTDCS' decision making processes in addressing issues that contribute to the criminality of indigenous people. This would strengthen NTDCS' capacity to work with other government and community agencies to develop whole of government and community solutions to the challenges facing the Territory's Indigenous people.

Findings

5. That a paradigm shift is required in NTDCS to recognise that the services NTDCS delivers in its correctional centres, community corrections and in youth justice are essentially for a majority of Indigenous people and a non-Indigenous minority population, rather than the opposite.

6. That there is a need for NTDCS to be part of a holistic whole-of-government and community approach that empowers and rewards Indigenous people to be part of the solution to their gross over representation within the Territory's criminal justice system.

Recommendation

2. That the Northern Territory Government continues to explore initiatives in accordance with the objectives of the Aboriginal Affairs Strategy for a holistic whole-of-government and community approach that empowers Indigenous people to be part of the solution to their gross over representation within the Territory's criminal justice system.

Having regard to the need for NTDCS to achieve a paradigm shift to ensure its services are delivered in a manner that best meets the needs of a predominately Indigenous client group, its organisational structure must take account of the criteria mentioned above, that is:

- Indigenous considerations are mainstreamed within NTDCS;
- NTDCS is part of a holistic whole-of-government and community response to empower and reward Indigenous people to be part of the solution to their gross over representation within the Territory's criminal justice system and
- NTDCS' organisational structure provides for senior roles for Indigenous people and facilitates engagement of respected Elders and community members to contribute to NTDCS' decision making.

In addition, the Review Team considered the most appropriate structure to best support Youth Detention and Youth Justice Services. In Section 3.3.2 – Organisational Placement we have covered the reasons for its current location, under custodial operations, as an

interim measure to mitigate serious risk; but have found that youth justice services should not be organisationally associated with adult corrective services.

Later in this Report, *Part 2 – Future Operations – Planning for a new approach* we have argued that the required solutions to overrepresentation of Indigenous people in the criminal justice system cannot be achieved through the current structures of the criminal justice and human service delivery systems. A *new way*, driven by Indigenous people to empower and engage them to provide culturally appropriate responses and services to their people, is necessary.

In the same Section we have expressed the view that NTDCS can contribute to lasting societal change through facilitating partnerships with Indigenous leaders, other government agencies, and NGOs. It is a fundamental imperative that public policy and government agencies empower Indigenous people and communities to become part of the normal economy in order to reverse the debilitating effects of many years of dependence on welfare.

Given recent matters that have resulted in significant community and political concern, and the establishment of a *Royal Commission to inquire into failings in the child protection and youth detention services of the government of the Northern Territory*, any proposed structure must demonstrate a fundamental change to how correctional services are managed, including greatly increased transparency and accountability in operations. The Review Team considers that changes that suggest a mere *tinkering* with the framework of the current structure will not meet public expectations, particularly those of Indigenous Territorians.

In Chapter 6 of this report we express the view that the cycle of extreme social and economic disadvantage in Indigenous communities leading to crime and imprisonment must be addressed within a framework of Indigenous empowerment where Indigenous people work in partnership with government and other enablers. We draw attention to concepts put forward in the *Empowered Communities: Empowered Peoples Design Report*.⁷

Having regard to the above, the Review Team considered the potential for enhancements to the existing public service structure of NTDCS, through additional senior positions for Indigenous people and supported by the Commissioner's continued involvement in the Aboriginal Affairs Standing Committee and the Aboriginal Affairs Working Group. Under this option we proposed a separate Division for Youth Detention and Youth Justice Services reporting to the Commissioner while an Interdepartmental Committee considered options for its best long-term placement within the Territory's public sector.

While this option has benefits, the Review Team felt that in the current contentious and emotion charged circumstances that led to the establishment of the Royal Commission,

⁷ *Empowered Communities: Empowered Peoples Design Report 2015, Chapter 3, Page 41.*

it does not provide the necessary 'circuit breaker' to demonstrate to the Northern Territory community that change is indeed coming. It could be regarded as little more than business as usual, and has therefore been dismissed by the Review Team as an insufficient response. Also, in our view it does not deliver the best vehicle to address two critical issues of *community engagement* and *community empowerment* as dealt with later in this Report.

Following interviews with external Indigenous stakeholder organisations and individuals, the Review Team is of the view that there is strong desire on the part of many Indigenous leaders in the Northern Territory to be part of the solution to the challenges faced by their communities and people. NTDCS' organisation structure and approach should facilitate greater opportunity for these leaders to contribute to policy, programs and services.

In the light of the foregoing we considered the experience in Queensland (QLD) during the late 1980's where the then QLD Prisons Department was facing circumstances where a Commission of Inquiry had identified serious shortcomings. The then QLD Government adopted the Inquiry's recommendation that the Prisons Department be replaced by a Statutory Authority (The QLD Corrective Services Commission) under the direction of a Board chaired by an eminent person with Board members that included Indigenous representation, as well as people from relevant disciplines. The legislation included a sunset clause to allow the initiative to be reviewed after an appropriate period.⁸

The Commission achieved some significant reforms. The sunset clause triggered a review after 5 years of operation when it was decided to continue with the Commission and then after 10 years of the Commission's operations, following a further review, it reverted to a department of the State Government. While this example of correctional services reform is dated, it provides a model – which, if applied to the Northern Territory, would need to be adapted to take account of the Territory's circumstances. Some valuable benefits, which some Review Team members have first-hand experience of, were:

- Moving the Prison's Department out of the public service into a Statutory Authority under the direction of a Community Board was a significant circuit breaker to demonstrate that it would not be '*business as usual*' i.e. a *new way*,
- Critics of the previous Prison's Department identified with the articulated reform agenda of the Commission and a number became constructive supporters and enablers of the agenda (See Chapter 6 -proposed conference and workshop as a catalyst to engage stakeholders in the NTDCS reform agenda),
- The Commission established partnerships with a range of Indigenous and community agencies across QLD, and

⁸ Kennedy Commission of Inquiry into the Qld Prison System.

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- Indigenous people were involved in policy development and decision making at Board level ensuring fuller representation.

In the light of the foregoing the Review Team proposes the following organisational arrangements to meet the needs identified throughout this Report:

- a) Legislate for the creation of a Statutory Authority responsible to a relevant Minister to deliver Adult Corrections and Youth Justice Services. This Statutory Authority to be called the *Northern Territory Adult Corrections and Youth Justice Services Commission*. The legislation to have a *sunset clause* subject to review of effectiveness of the agency.
- b) The legislation includes provision for a Board responsible for the governance and oversight of the Commission. This Board should:
 - Be chaired by an eminent Indigenous person,
 - Consist of at least three members who are Indigenous, as well as people drawn from disciplines such as law, youth and child protection, health, education and business. Remote communities must have a voice on the Board. One Board position should also be reserved for a staff member representing officers Industrial Unions as was successfully done in QLD.
- c) Board members should be appropriately remunerated for services such as monthly Board meetings and any additional work associated with Board meetings, and travel expenses.
- d) A Board Secretariat will be required i.e. a Board Secretary and Executive Assistant.
- e) A Commissioner for Adult Corrections and Youth Justice Services, who is the CEO of the Commission, accountable to the Board for the effective and efficient operations of the Commission.

Two discrete divisions within the Commission, one for Adult Corrections and the other for Youth Justice and Indigenous Services with each Division led by a Deputy Commissioner responsible to the Commissioner (CEO) of the Commission. The Deputy Commissioner for Youth Justice and Indigenous Services to be an Indigenous person;

While this model maintains Youth Justice under a correctional agency it will function as a discrete entity from adult corrections and in a manner that reflects the recommendations relating to Youth Justice Services contained in this Report. A potential benefit of this approach is the opportunity for a holistic response by the Commission in providing family strengthening initiatives where both children and adults from the same family are under the supervision of the Commission,

- f) The establishment of a position of Executive Director Indigenous Initiatives, Youth Justice and Remote Facilities. Remote Facilities refers to the existing Work Camps which are essentially community based facilities where offenders are transitioning to normal community life. As covered elsewhere in this report it is envisaged that the work camp scheme will be expanded in a manner that provides an opportunity for empowerment of Indigenous people to be involved in the delivery of services. The incumbent in this position will be responsible for developing and implementing this expanded and enhanced Work Camp scheme in consultation with Traditional Communities.

It is important to acknowledge that the family and societal circumstance of Indigenous people in the Northern Territory is a driver of indigenous offending, which must be addressed to reduce recidivism. Accordingly, the incumbent will also be responsible for driving concurrent initiatives to empower Indigenous people to become part of a holistic response to strengthening family and community circumstances, while developing and implementing credible community based alternatives to secure incarceration of offenders that have the confidence of Courts and the general community.

The incumbent will be required to work collaboratively with the Executive Directors responsible for Correctional Programs and Services and Community Corrections to achieve the key performance outcomes expected of this position in accordance with the Matrix management arrangements that will operate within the Commission.

The Review Team is of the view that this position should be filled by an Indigenous person.

- g) Establishment of a support position of Indigenous Advisor and Elders Program Coordinator, responsible to the Executive Director Indigenous Initiatives, Youth Justice and Remote Facilities. It is essential that the Commission builds strong relationship with regional and remote communities to ensure the success of initiatives such as the expansion of the Work Camp Scheme and the empowerment of Indigenous people to be involved in the delivery of services. The incumbent will support the Executive Director in this task as well as work closely with Custodial Corrections and Youth Justice to achieve quality involvement by Elders and support Indigenous Liaison Officers in Correctional Centres and Youth Detention Facilities.
- h) Continued involvement of the Commissioner in the Aboriginal Affairs Standing Committee and the Aboriginal Affairs Working Group. The Review Team is of the view that the Commissioner's involvement in these interdepartmental bodies is of the utmost importance in influencing shared responsibility for addressing the drivers of Indigenous criminality and achieving better correctional outcomes. The Commissioner's active involvement in Indigenous issues is a powerful symbol of the commitment of the organisation to reducing the Indigenous prison and community corrections populations.

- i) Enhancement of resources in the Office of the Commissioner to drive Strategic Planning and Continuous Improvement and Corporate Innovation. These enhancements are critical to ensure sound governance and continuous improvement within the new Commission. They will provide the Commission with the capacity to plan and work within a whole of government and community framework to implement new ways of doing business designed to lead to reduced contact by Indigenous people with the criminal justice system and result in significant savings to the Territory's budget.
- j) Transfer Organisational Performance Management and Review from Adult Custodial Services to Corporate and Strategic Services. This is due to its whole of agency role that impacts across all Divisions of the Commission.
- k) Reclassification of the position of Executive Director, Corporate and Strategic Services to Senior Executive Director. This reclassification is recommended due to the onerous whole of agency responsibilities attaching to this position, in particular, the functions of budget and human resource management, information and knowledge systems, overall organisational performance and management review and strategic policy. The role also has significant responsibilities relating to infrastructure management including contract management the Darwin Correctional Precinct.
- l) Enhancement of resources in Offender Programs & Services. There is a need for additional resources to be applied to the research, development and evaluation of diversionary and treatment programs, that are culturally appropriate for indigenous people in the Territory's adult and juvenile correctional and detention facilities. Successful diversionary programs have the capacity to result in significant savings to the Territory's budget in the future.

Recommendation

3. That a Statutory Authority to be known as the Northern Territory Adult Corrections and Youth Justice Services Commission is established by legislation to carry out the functions of NTDCS and funds are appropriated for the required organisational arrangements as outlined in this report.

2.3 Monitoring and oversight of the operations of NTDCS

2.3.1 Accountability

As noted previously, NTDCS has undergone significant change and challenges over the last few years. In the course of this review instances have been found where there appears to be a lack of clarity or in some cases support for the decision making process within NTDCS.

NTDCS has a delegations manual in place which outlines who has the accountability to make decisions and the conditions or criteria for these decisions. This manual should be reviewed to take account of any changes arising from the matrix management structure and managers and staff reminded of the existence and contents of the manual.

Recommendation

4. That the delegation manual is reviewed to take account of any changes arising from the matrix management structure and promulgated to relevant managers.

2.3.2 Risk Management and Audit

NTDCS has a:

- Risk Management Plan and a Risk Management Toolkit
- Strategic Risk Register
- Audit Schedules and plans

The risk management plan was updated in March 2015 and due for review in March 2016. The strategic risk register and audit schedule is currently being reviewed by the Audit Committee, along with the Director Professional Standards Unit and the Governance and Risk Advisor.

There have been several planning meetings to date to finalise the 2016-17 Audit Schedule and Plan, with involvement of the Commissioner. Members of the committee are currently reviewing the identified strategic risks for their divisions which are to be consolidated into the final register.

A risk management framework, including risk management plans, which identify the strategic and operational risks of the business and business units, is an essential tool in good governance.

Having a risk management framework and risk plans in place is important but of more importance is the embedding of 'risk management' into the business. The development of risk registers and the regular review and monitoring of identified business risks in operational meetings are signs that the business has imbedded risk management into the operations.

The identified risks should be used to drive NTDCS' internal audit plan.

As covered above, the new strategic plan will outline NTDCS' outcomes, key objectives and key actions over a defined period. NTDCS' risk management plans and risk registers should be reviewed once the strategic plan is finalised to ensure that the risks are still relevant, that the mitigation strategies are still valid and appropriate and that the risk ratings remain the same.

The project management framework will also require the department to do a risk assessment for each project that the Department wants to undertake. This will again assist in embedding risk into the NTDCS business.

It is unclear how mature the NTDCS is in terms of the assessment of risks. Training of staff may be required to ensure that staff have the tools and knowledge to properly identify, assess and manage risk.

Recommendations

- 5. That the Strategic and Operational Risk Registers are updated.*
- 6. That both the Strategic and Operational Risk Registers are reviewed once the new Strategic Plan for NTDCS is completed.*
- 7. That NTDCS consider the training needs for staff in relation to risk identification and mitigation.*
- 8. That the Audit Schedule is reviewed following the review and updating of the Strategic and Operational Risk Registers.*

2.3.3 Project Management Framework

During the review it is evident that some projects undertaken by NTDCS have lacked rigour in the planning, have not considered all stakeholders and have not identified the costs and benefits to the department.

The NTDCS does not have a formal project management framework in place. Whilst some projects have been successfully rolled out using the essence of a framework (for example Pronto, Kiosks in Alice Springs Correctional Centre) this is ad hoc and not embedded throughout the NTDCS. The lack of a formal framework has caused sub-optimal outcomes for the department and fostered a “silo” approach between Divisions within NTDCS. The lack of proper planning has meant that internal resources have had to be diverted to fix problems which have been caused by the lack of proper stakeholder engagement up front.

Finding

- 7. That NTDCS does not have a formal project management framework in place.*

The “Matrix” management model has been introduced by the Commissioner to assist in minimising the silo effect. The implementation of a project management framework will also limit the silo effect by compelling Divisions to consider the impact of projects on the internal stakeholders of NTDCS.

Good planning is an investment up front for any project. This investment can provide significant benefits through the involvement of key people and the consideration of all aspects of a project.

A project management framework is a discipline which can be easily implemented. There is a standard set of tools and templates that are available can that can be tailored to suit an organisation’s needs. In an organisation that is operationally focussed the

leadership team needs to make the framework simple and support the framework, in the early stages, with a resource to assist managers to adopt the new framework.

A project management framework would allow for all aspects of the project to be considered including:

- Drivers of need for the project
- Relevance to NTDCS/Government policy
- External and internal environmental factors
- Analysis of costs and benefits of potential solutions
- Objectives for the identified solution
- Human Resources
- Risk
- Timeframes
- Consultation with stakeholders (internal and external)
- Communication plan

The new strategic plan should identify the key projects and or the type of projects for which a project plan is required to be completed. The ELG should ensure that all aspects of the projects have been properly considered prior to approving the project.

A regular monitoring report should be produced for ELG for each project which identifies if the project is on target or otherwise.

Recommendations

9. That NTDCS adopt and implement a project management framework and approach to all projects undertaken by NTDCS.

10. That the new strategic plan should identify the key projects and or the type of projects for which a project plan is required to be completed.

11. That a report for all projects is produced and monitored through NTDCS' Executive Leadership Group.

2.4 An appropriate accountability and reporting framework including capacity to interrogate data to the satisfaction of government

From the interviews with internal stakeholders, and from evidence gathered by the Review Team, the accountability and reporting framework within NTDCS is still developing and needs further work to make it more appropriate to meet the business needs.

From a financial management perspective the system used does provide the core information to monitor and manage NTDCS business. However, as evidenced in the financial management section of the report, whilst budget variations are being highlighted there was no oversight which effectively managed the budget deficit.

The creation of a dedicated “Finance Committee” would strengthen the accountability for financial management by ensuring that appropriate oversight is being provided and that actions are being implemented through this committee.

Finding

8. That there is a need for a dedicated “Finance Committee” to strengthen the accountability for financial management within NTDCS.

It is also important for NTDCS to appropriately manage its core business systems to ensure that data is being appropriately recorded and that there is confidence and trust in the information coming from these systems. A recent audit of databases within NTDCS found that there were 86 different databases currently being used across NTDCS. This practice is fraught with risks, particularly with regard to issues such as [REDACTED] privacy legislation, information duplication and the possibility of human error when transposing information from IOMS to another medium.

Furthermore, there is a significant risk that data which may be useful to the operations of NTDCS is not being properly recorded in core systems and or being recorded in databases that are not accessible or supported. The ability to interrogate data from NTDCS’ core systems will only be useful if data is entered properly into the systems and that there is a commitment and appropriate controls to ensure the integrity of the information that comes out of the system. Additionally, a disjointed information system may result in a lack of “business intelligence” for planning purposes such as infrastructure demand, needs analyses for programs to be delivered in correctional centres, KPI data, etc.

Finding

9. That NTDCS planning and operational practice is at significant risk due to “business intelligence” data being stored in 86 different data bases that are not readily accessible or supported.

The Chief Information Officer is currently reviewing the findings of the audit of databases referred to above.

NTDCS has recently created an Information Management Executive Committee (IEMC) that could play, similar to the Finance Committee suggested above, an important role in improving the accountability and reporting framework within the Department.

Another issue of concern to the Review Team was highlighted by a 2015 review (“Kernick Review”) of the Integrated Offender Management System (IOMS)⁹ that identified a disconnect between IOMS and NTDCS business units noting that the business units ‘have not well defined and documented their business processes...It was not possible to locate written documentation for key business processes, instead staff rely on what IOMS does for them. It is usual that application systems such as IOMS support business processes not the other way around.’ The review went on to recommend that there be a freeze on business process change and each business unit would be required to ‘formally document

⁹ KERNICK, Phil, *IOMS Functionality Analysis*, 18 August 2015.

all of the key business processes that they perform, whether those processes are currently managed by IOMS or not.'

The Review Team took this to mean that while NTDCS may understand *what* things need to be done at business unit level there is a lack of documentation about *how* things are done (processes), which is an essential requirement for an IOMS-type information management system.

Aside from the IOMS issue, poorly documented business processes can lead to inconsistent outcomes and decision making within business units and across the system as a whole, exposing NTDCS to unnecessary risks.

Significant work is underway following the Kernick Review to improve the functionality of IOMS and eventually replace it with a more up-to-date and user-friendly system.

Finding

10. That NTDCS business' units do not have well defined and documented business processes.

Recommendations

12. That a dedicated "Finance Committee" is established to strengthen the accountability for financial management by ensuring that appropriate oversight is being provided and that actions are being implemented through this committee.

13. That the business processes of NTDCS operational units are reviewed and properly documented in accordance with the comments in the Kernick Review of IOMS (2015). This should be done in consultation with the NTDCS Chief Information Officer.

14. That the business processes of other business units are also mapped and documented.

15. That where there is a real need for data/information stored on ad hoc databases that cannot be currently met by IOMS, the business units work with the Chief Information Officer to migrate to IOMS (or its replacement). If that is not feasible, sound business rules must be developed for any stand-alone system that is required. (Note: It would be helpful if the CIO had the imprimatur of the Commissioner to resolve this issue as a matter of urgency and to quality-manage any remaining (necessary) non-IOMS data bases.)

2.4.1 Professional Standards Unit

A key element of the accountability framework for corrective services agencies is the capacity to critically assess a range of matters that may affect the operations or integrity of the agency. This is particularly important for corrective services agencies as they are entrusted with the security and care of incarcerated people.

Within Australia, there are different approaches to the way in which jurisdictions deal with this accountability responsibility. For example, in WA and NSW legislation provides for an inspector of custodial services who sits outside the corrective services

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agency and reports direct to parliament. However, neither of these inspectors has an investigation's function; that work is undertaken by corrective services.

In Victoria, the Office of Correctional Services Review (OCSR) is a business unit of the Department of Justice and Regulation which is also responsible for Corrections Victoria. The OCSR has investigations and inspections functions together with other responsibilities concerning monitoring the performance of Corrections Victoria operations (prisons and community corrections). In Queensland, the Office of the Chief Inspector reports to the QLD Corrective Services Commissioner but it has statutory powers of investigation that provide for the appointment of external 'Inspectors' to investigate serious incidents within corrective services.

In terms of accountability, independence and transparency, the WA and NSW "inspectorate" models are more robust than those in QLD and VIC because they are separate from the agency that administers corrective services. However, as neither has investigatory functions those jurisdictions must rely on corrective services to conduct their own investigations. In the Northern Territory, the internal review function is the responsibility of the NTDCS' Professional Standards Unit (PSU) which reports direct to the Commissioner.

The PSU undertakes a number of tasks, including:

- Non-financial audits (security equipment, etc.)
- Staff misconduct investigations
- Staff drug testing
- Facility inspections
- Offender complaint investigations
- Intelligence co-ordination
- Critical incident investigations

The PSU is staffed by a Director (SA01), Manager Audit & Investigations (A07), two audit & investigations officers (A06) and one officer who conducts the staff drug testing program. A further audit/investigations A06 position is unstaffed due to budget restrictions. Although the NT is a small corrective services' jurisdiction in terms of the offender population and the number of facilities it manages, it is geographically huge and demanding. In that context the PSU is a very "lean" group, given the breadth of its responsibilities.

The Review Team is of the view that NTDCS does not make the best use of the PSU which presents as a very experienced, professional and well-managed group. In our opinion the PSU should be focused on operational audits and investigations. Our concern is that the PSU appears to be doing a number of "non-critical" tasks at the expense of other tasks that are critical to the NTDCS.

Finding

11. That NTDCS does not make the best use of the Professional Standards Unit (PSU). Its role should be focused on operational audits and investigations.

Firstly, the PSU is the primary investigator of alleged staff misconduct. A schedule provided to the Review by the Director PSU¹⁰ shows that it commenced 45 staff misconduct investigations in the period of November 2014 to April 2016 of which 35 were finalised in that period. Of those 35 completed cases, the majority resulted in a penalty of 'Formal Caution' with only two 'Terminated' outcomes and a few cases where the officer resigned.

The large number of 'Formal Caution' outcomes suggests that the misconduct in these cases was at the lower end of the "seriousness scale". In that regard, it is not clear as to why the PSU is tasked with such investigations rather than operational managers on the ground. In our experience (QLD, VIC, NSW), "PSUs" only become involved in staff misconduct investigations where very serious allegations/suspensions are involved that could have significant consequences for the agency (e.g. staff-on-prisoner assault, official corruption, etc.).

In a similar vein, the PSU conducts numerous investigations into complaints about NTDCS operations. There were 228 complaints referred to the PSU for investigation in 2014-15 of which 216 came via the Ombudsman.

Prison authorities in Australia and elsewhere typically deal with complaints from prisoners on a daily basis about matters such as:

- Unfair treatment by staff
- Accommodation
- Food
- Sentence management decisions
- Visits
- Privileges
- Mail
- Telephone access
- Medical treatment
- Money issues
- Lost/damaged personal property (etc.)

In our experience, prisons invariably try to resolve complaints at the lowest possible level to the satisfaction of the complainant (e.g. a block officer) if for no other reason than to avoid a lot of "paper work". However, as this is not always possible, formal complaint processes are employed in one form or another in all Australian jurisdictions.

It is desirable from an accountability perspective that operational units are required to deal with and satisfactorily resolve complaints within their area of responsibility under the oversight of a senior operational leader. This encourages proactive action by

¹⁰ Email to Neil McAllister, 23/05/16.

operational managers to attend to systemic issues for which they are accountable to ensure that the incidence of complaints is minimised.

Notwithstanding that management of complaints is an important function within NTDCS the Review Team is not persuaded that the PSU should investigate complaints other than in exceptional circumstances.

The drug testing of staff is another PSU function that does not sit well with the Review Team. While we accept that it is an important “professional standards” safeguard for the NTDCS, in our opinion it detracts from the core business of the PSU.

The Review Team is firmly of the view that the PSU has been underutilised with regard to the conduct of comprehensive, critical incident investigations. This is not the fault of the PSU but rather a missed opportunity on the part of NTDCS’ senior management to learn from incidents and make improvements to systems and procedures.

For example, the most recent national data on adult prison-custody escape rates (2013-14) showed that the NT had the highest escape rate from Open custody and the second highest rate from Secure custody after WA (*Appendix 3, p.10*). In 2014-15 there were 19 escape incidents of which eight involved youth detainees¹¹, however the PSU was only tasked to investigate four of these incidents.¹² Similarly, as at 30 May 2016, there had been 13 escape incidents in 2015-16¹³ of which three were referred to the PSU for investigation/review¹⁴. On the other hand, in 2014-15, the PSU was tasked to investigate ‘*excessive sick leave use*’, which is a non-operational human resources issue.

Furthermore, the Director PSU advised the Review¹⁵ that the PSU is not required to investigate deaths in custody, unlike other jurisdictions that conduct major investigations and provide reports to Coroners. While the NT does not experience many “unnatural” prison deaths in custody¹⁶, one is too many. NTDCS should not wait months or even years for an inquest to find that it made mistakes that contributed to a death in custody.

The timely conduct of a thorough “warts-and-all” investigation would allow NTDCS to promptly identify and address any problems associated with a death in custody which, in our experience, would be well-regarded by a Coroner. However, on the basis of examples of two investigation/review reports provided to the Review, it is not clear as to whether PSU staff has the knowledge and experience necessary to conduct complex incident investigations and prepare comprehensive reports of such investigations.

¹¹ *NTDCS Annual Statistics 2014-2015*, p.20.

¹² Email advice to Neil McAllister from Director PSU, 27/05/16.

¹³ Email advice to Neil McAllister from Director Criminal Justice Research and Statistics Unit, 30/05/16.

¹⁴ Email advice to Neil McAllister from Director PSU, 28/05/16.

¹⁵ Telephone interview with Neil McAllister, 23/05/16.

¹⁶ There were 13 deaths in custody between 26/09/12 and 05/04/16 of which 11 were of “natural causes” and two were suicides. All were adults.

Recommendations

16. *That the PSU's role in staff misconduct investigations is limited to arranging for, and monitoring, local area investigations and providing "quality" control of processes and reporting. Exceptions to this rule would be allegations of misconduct which could, in the opinion of the Commissioner, have dire consequences for the NTDCS. Further training of field staff may be necessary to implement this recommendation.*

17. *That given the Ombudsman is an important NTDCS external stakeholder, and the conduit for a large proportion of complaints received by NTDCS, the complaints' function be transferred to the relevant Deputy Commissioner on the basis that he/she has authority over the operational business units (custodial, youth, community corrections, court cells, etc.) and that their standing within NTDCS would facilitate a closer working relationship with the Ombudsman.*

18. *That the staff drug testing program be taken over by Executive Director, Corporate and Strategic Services or outsourced to an appropriate private sector service provider.*

19. *That the PSU be tasked with investigating/reviewing all serious (major) operational incidents including, but not limited to:*

- *Deaths in custody, not limited to "unnatural deaths"*
- *Escapes and attempted escapes from custody*
- *Excessive use of force*
- *Riots and disturbances by prisoners/detainees*
- *Use of chemical agents on prisoners/detainees*
- *Drug overdoses*
- *Significant contraband finds*
- *Security system failures*
- *Fires causing damage*
- *Lost or missing firearms or other controlled equipment*

20. *That if considered necessary, the PSU is provided with external support, training and/or mentoring to enable it to conduct major incident investigations and to prepare reports on such incidents comparable to those produced in other jurisdictions.*

21. *That sufficient staff resources should be provided for the PSU to ensure it has the capacity to undertake an expanded investigations/reviews function together with its intelligence and other core responsibilities.*

22. *That consideration is given to renaming the PSU to better reflect its role within NTDCS as the current title suggests that it is only concerned with matters to do with staff misconduct, commonly associated with police "ethical standards commands".*

23. *That government provides additional funding to enable outsourcing of the drug testing of staff and appropriately staff the PSU.*

2.4.2 An Inspector of Correctional Services

This review provides the opportunity for the Northern Territory Government to consider establishing a position of an *Inspector of Correctional Services*, similar to those in New South Wales and Western Australia (as described above). The position of Inspector would provide the government (and by implication the public) with “watch dog” services over correctional services governance and provide independent scrutiny of the often contentious and at times “sensational” issues that can arise in corrections. It could have a legislative base like WA and NSW or be empowered by a government direction.

The appointee to this position would need to bring gravitas by way of high level public or private sector experience which desirably would include strengths in the area of governance with understanding of risk management and duty of care. Legal training would be an asset but of equal importance would be a sound track record of enquiring into complex human service issues. Also desirably, in terms of the perception of independence of the position, appointment to this position should be of a fixed term and not be seen as part of a public service career path.

Inspectors typically review/monitor:

- Adult and juvenile custodial operations
- Community offender management
- Ethical standards and corruption prevention activities

Inspectors are also well-placed to coordinate and manage *official prison visitor* schemes.

There are various models in the way that the Office of Inspector functions in other jurisdictions. An Inspector could have powers prescribed in legislation to:

- Inspect any correctional facility/office, with or without notice,
- Define a hierarchy of “incidents” that would prompt an automatic investigation (e.g. deaths in custody, escapes, riots, serious staff misconduct, corruption allegations). Notwithstanding this hierarchy, the Inspector could have the power to require the Commissioner for Corrections to investigate any matter of concern to the Inspector arising within Corrections,
- Review all investigation reports prepared by the department to make any comments on the report/action plan and to be provided with any other information the Inspector considers relevant to the investigation,
- Conduct integrity tests of the departments governance systems, including performance reporting, and
- Provide an Annual Report independent of the Minister responsible for Correctional Services.

Typically Inspectors are full time employees. However, in a relatively small jurisdiction such as the Northern Territory the role could be part-time supported by a relatively small

number of highly skilled staff, perhaps no more than three. A part-time role opens up a wider field of potential appointees with the appropriate gravitas as described above.

Recommendation

24. That the government consider creation of an Office of Inspector of Correctional Services in the Northern Territory to strengthen overall governance and accountability of the NTDCS, and that if agreed, the Inspector be independent of the Minister responsible for Correctional Services.

2.5 Whether systems and processes in use are effective in delivering the service

Following on from the section above there are core business systems that need everyone in the organisation to commit to and use appropriately to manage the business of NTDCS.

It is suggested that a project management framework and processes are implemented to improve the management of NTDCS projects. This will focus project leaders and the NTDCS executive on the proper planning for projects including the impact on the core business systems, human and financial resourcing and the expected benefits the proposed project will bring to the organisation.

The Key Performance Indicators (KPI's) reported by NTDCS in its annual report are not considered useful to management in measuring NTDCS' effectiveness and efficiency.

KPIs are an internationally accepted methodology for monitoring performance in the public sector, private sector (business) and the not-for-profit sector. KPIs are routinely used to measure the *effectiveness* and/or *efficiency* of operations. Effectiveness essentially measures outcomes (e.g. prevent escapes) whereas efficiency measures inputs (e.g. the cost of admitting a prisoner calculated in staff hours).

With the partial exception of Community Corrections (discussed below) the Review Team found no evidence of KPIs being used to monitor the performance of NTDCS offender-related operations. While NTDCS does provide KPI data for the Productivity Commission's annual *Report on Government Services* (ROGS)¹⁷ this data is two-to-three years old when published and much of it consists of high level KPIs which are not useful for monitoring operational performance in real time.

Finding

12. That with the partial exception of Community Corrections the Review Team found no evidence that Key Performance Indicators (KPI's) are used to monitor the performance of NTDCS offender-related operations.

¹⁷ <http://www.pc.gov.au/research/ongoing/report-on-government-services/2015/justice/corrective-services/rogs-2015-volume8-chapter8.pdf>

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To its credit, Community Corrections made a useful start on developing a set of KPIs in 2014 but for reasons which are unclear, the project has not progressed beyond draft stage.¹⁸

Corrections Victoria (CV) has an extensive suite of KPIs, which it calls *Service Delivery Outcomes* (SDOs), for custodial operations (prisons), community corrections and the prisoner transport service. The SDOs were developed from the private prison contract SDOs (Port Phillip Prison – G4S and Fulham Correctional Centre – GEO) that are/were used to determine compliance with contractual obligations and the assessment of Performance Linked Fees. CV was of the view that its government-provided services should be subject to no lesser scrutiny than that accorded to its private service providers. The CV Commissioner chairs a meeting each Quarter where the public and private service providers are taken through their SDO results and are required to explain any shortfalls in their pro-rata performance against benchmarks.

CV currently has 24 SDOs for public prisons but not all them apply to every prison e.g. a SDO for remandees would only apply to a remand prison. Importantly, the SDOs are underpinned by detailed explanations, definitions and counting rules and are reviewed on an on-going basis. Benchmarks are set annually and are adjusted to encourage better levels of performance. CV is required to report on its SDO performance in Victoria's Budget Paper 3.

Experience in other jurisdictions has shown that KPIs need to be developed and managed by a dedicated resource, not just subsumed by a statistics unit, as the function requires close consultation with various stakeholders to ensure that there is a shared agreement to, and understanding of, what the KPIs mean and how they will be used to measure performance.

It is also essential that NTDCS signal to staff that KPIs are a key accountability tool, and in that regard, the "KPI team" should report direct to the Deputy Commissioner so there is no doubt about the importance of KPIs to NTDCS. Again, in our experience this new unit will require outside assistance to get it up and running but after that it should be able to manage with two or three staff (FTE). To be clear, as argued elsewhere in this report, this is not a function which could or should be given to the Professional Standards Unit (PSU).

The development of the new Strategic Plan is an opportunity for the department to realign its operations and to ensure that the core business systems, governance systems and KPI's support the business objectives.

It might also be an opportunity for NTDCS to properly document and map all of its business process, not just those associated with IOMS. For example, what is the baseline for our business systems? Some key question to establish the baseline would be:

- What do we have?

¹⁸ NT Community Corrections, *Key Performance Indicators Background Document*, October 2014.

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- Where is it?
- What does it cost?
- How it works (or doesn't) and;
- The gaps weaknesses and opportunities

Recommendations

25. That NTDCS to establish a "Performance Monitoring Unit", as a direct report to the Deputy Commissioner, with responsibility for the development and management of a Key Performance Indicators (KPI) reporting system.

26. That NTDCS consider adopting some or all of Corrections Victoria Service Delivery Outcomes ("KPIs"), modified as necessary to the NT environment (e.g. Indigenous prisoners). (**Note:** The Review Team has informally approached Corrections Victoria who have indicated that they would consider making their KPI's available at no cost to NTDCS under arrangements agreed via a "Commissioner to Commissioner" approach.)

27. That NT Community Corrections KPIs (draft 2014) be progressed as a matter of importance and that process should take account of Corrections Victoria's community corrections SDOs where helpful.

28. That in order to avoid past problems with project management in NTDCS, the Chief Information Officer and the Director, Criminal Justice Research and Statistics Unit should be involved in the KPI development and implementation process from the outset and the project should be managed by the Deputy Commissioner.

Chapter 3: Outcomes or outputs delivered by NTDCS

3.1 Custodial Corrections

3.1.1 Introduction

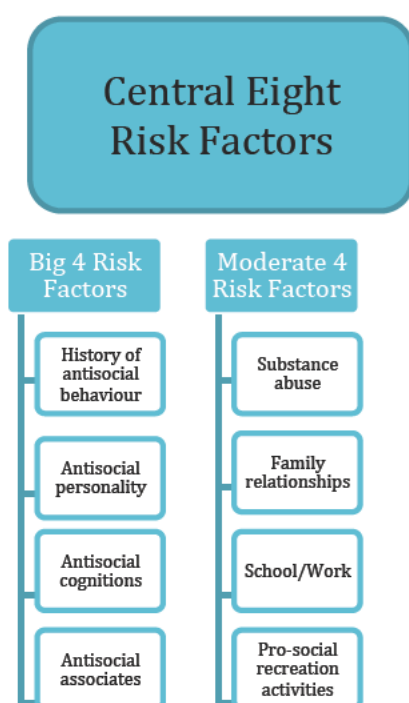
In the absence of a strategic plan, a clear, cohesive organisational narrative around the NTDCS prisoner management philosophy is also yet to be developed. Without this policy document, there is no clear direction regarding how the *business is to be done*. This has resulted in staff working without a shared understanding of the role each division plays in getting the business done, or of concepts such as evidence-based approaches to rehabilitation, evidence-based decision making, and throughcare and how they are to be implemented.

It has also led to a situation where Custodial Operations has been more influential than other divisions in NTDCS, to the extent that the enabling divisions of the NTDCS have (until the commencement of the new Commissioner) been excluded or prevented from effectively performing their roles. This has adversely impacted major projects such as the planning for the new Darwin Correctional Centre and the development of the technical security and information technology specifications for the facility. It has also hindered the achievement of good correctional outcomes, as operational considerations in the correctional centres impede the delivery of therapeutic programs.

There is no question that the Custodial Operations division is part of the core business of NTDCS, and are experts in their field. However, the enabling divisions have expertise that supplements and complements that of Custodial Operations as correctional centres become even more technologically sophisticated, their management more complex, and the imperative to reduce re-offending more urgent.

The Review Team considers that the absence of a shared understanding of ‘*what works*’ compromises the efforts that are being made to achieve reductions in re-offending. For example, *Sentenced to A Job* (STAJ) was a Ministerial initiative that NTDCS embraced with enthusiasm, and which has shown promising results. However, based on the observations of the Review Team members and information provided by internal and external stakeholders, the NTDCS focus on STAJ has led to what appears to be an over-emphasis on industries and the value of work, employment and employability skills as rehabilitative agents.

Andrews and Bonta (2010, 58-60) ¹⁹identified eight criminogenic risk and need factors. To reduce the risk of future criminal behaviour and involvement in the criminal justice system, criminogenic needs should be the focus of treatment. Within the “Central Eight” the first or “Big Four” have the greatest impact on recidivism. The second, or “Moderate Four” have a slightly less, but still impactful relationship with future criminal behaviour. Work and education are in the “Moderate Four”, along with family circumstances, leisure and recreation, and substance abuse.



¹⁹ Andrews, D. & Bonta, J. (Eds). (2010). *The Psychology of Criminal Conduct* (5th Edition ed.). New Providence, NJ: Matthew Bender & Company, Inc, LexisNexis Group Accessed June 2016 from ucjc.utah.edu/wp-content/uploads/Risk-and-Criminogenic-Needs.pdf

Offenders are not high risk because of one risk factor but because of a number of factors. Research shows that targeting three or fewer criminogenic needs does not reduce recidivism. Interventions which target at least 4-6 of an offender's criminogenic needs have been shown to be most effective in reducing recidivism²⁰ by up to 31 per cent²¹. While gaining work related skills is important, and employment can improve desistance from crime, it is not the only area that needs to be addressed.

It appears to the Review Team that the Ministerial imperative to implement Sentenced to a Job has overwhelmed the importance of programs and interventions to address the Big Four criminogenic risks. Employment is part of the tool box. Where overseas research has shown employment to contribute to reduce offending, it occurs where offenders are able to obtain and maintain jobs in their local area. Throughcare support for offenders to gain and maintain employment in their local areas is considered to be an important aspect of employment as a rehabilitative factor. (As would other actions pointed out by NTDCS staff in relation to, for example, 'humbugging' of offenders when they get back to their home communities).

The over-emphasis on STAJ has led, at least anecdotally, to the perverse consequence of prisoners wishing to decline parole and remain in prison to continue their paid employment, and to offenders wanting to come back to prison to gain paid employment. If the anecdotal evidence is correct, that is, some prisoners in STAJ can't get a job on release, then the gains made in custody will not translate into success in the community without support (throughcare) and social change.

The lack of a shared understanding of the *what works*, and the primacy of Custodial Operations has led to a disregard for the importance of criminogenic programs, not only in contributing to community safety, but also in contributing to the security of the correctional centres. As an earlier review of the Northern Territory Correctional Services adult custodial services²² stated:

Without a secure environment, the public is not protected, and programs cannot be run effectively. Effective programs contribute to good security within the prison, and safer communities when offenders are released. Without effective programs, even the best security does not protect the public once the offender is released...

Finding

13. That in the absence of a Strategic Plan, the lack of a shared understanding of what works and the primacy of Custodial Operations has led to a disregard for the importance of criminogenic programs, not only in contributing to community safety, but also in contributing to the security of the correctional centres.

²⁰ Gendreau, P. French S.A., and Taylor, A. (2002). *What Works (what doesn't work) Invited Submission to the International Community Corrections Association Monograph Series Project Revised 2002* accessed from <https://www.ncsl.org/print/cj/sf-kooyppt.pdf>

²¹ Ibid

²² Caya Management Consulting International Inc. (2004). *A Path to Good Corrections – A Review of the Northern Territory Correctional Services – Adult custodial operations.*

3.1.2 Northern Territory Correctional Services Act 2014

CAALAS²³ (Central Australian Aboriginal Legal Aid Service), in their detailed submission to the Review, pointed out that the *Correctional Services Act 2014* is not underpinned by objectives, although an early version of the Bill included objectives relating to the safe, secure and humane custody of offenders and the provision for rehabilitation of offenders with a view to their reintegration into the community. They also point out that the current Act includes no reference to the rehabilitation of prisoners. The Review Team endorses CAALAS' comments that:

Including rehabilitation as an object to the Correctional Services Act 2014 would provide a meaningful context to legislation that appears to focus primarily on the administration of correctional facilities. The current ...Act does not properly reflect the position and capacity of the NTDCS to facilitate meaningful behaviour change and rehabilitation.

It is the view of the Review Team that not only would the inclusion of rehabilitation and reintegration of offenders as objectives of the Act focus the attention of all staff on rehabilitation as core business and provide an impetus for change management within the organisation, it would also set up a new framework for meaningful dialogue with the community about the role and functions of corrections.

The understanding of the wider community about how corrections can contribute to a safer community through the rehabilitation and reintegration of offenders is critical in obtaining the "Social Licence" to move towards new ways of working with offenders to achieve better results – for example greater community tolerance of lapses by prisoners on external leave programs, greater use of diversionary programs, the delivery of offending behaviour programs in the community (where they have been shown to be more effective), and less use of imprisonment as the sanction of first choice.

The omission of the objectives of rehabilitation and reintegration of offenders from the Act, has in the opinion of the Review Team, contributed to the situation where rehabilitative programs (other than work) are not valued or supported as they should be within correctional centres (refer to the section of this report on Programs). This is summed up in Directive 2.1.11, section 5.2 which states:

The principal duties of prison officers are:

- a. To prevent the escape of prisoners;*
- b. To prevent breaches of the Act, Regulations, NTDCS Directives, Standard Operating Procedures, minutes, instructions and orders;*
- c. To supervise and ensure the safe custody of prisoners; and*
- d. To encourage prisoners to participate in approved work, rehabilitation and reintegration programs and other approved activities.*

²³ Response by the Central Australian Aboriginal Legal Aid Service to the Department of Correctional Services. *Review of the Department of Correctional Services*, 16 May 2016.

Recommendation

29. *That rehabilitation and reintegration of offenders are included as objectives in the Correctional Services Act 2014 to provide a meaningful context to legislation that appears to focus primarily on the administration of correctional facilities.*

3.1.3 Custodial Policy and Procedures

Risk management is the core business of corrections. One of the strongest risk mitigation strategies is legislation and an overarching comprehensive, departmental set of custodial policies and procedures which are reviewed regularly to ensure their currency and continuing operability.

Overarching departmental policy and procedures give clear direction to correctional managers and staff regarding the implementation of legislation and other government policy; the treatment and management of prisoners, visitors and staff; the management of security and other risks and ensure consistency across correctional centres and other facilities. It is the *departmental* policies and procedures, and staff's adherence to them that the Commissioner and the executive team rely on when confronted by the scrutiny of a coroner's court or other body.

It is therefore with some concern that the Review Team found NTDCS Custodial Operations directives to be less than comprehensive and sometimes inaccurate. Often, insufficient detail is provided (for example directive 2.12.2 *Inmate*²⁴ *Employment Program*) to ensure that the directive is consistently interpreted and implemented across all correctional facilities. The Review Team is of the view that this increases organizational risk, particularly reputational risk in relation to programs such as Sentenced to a Job, the Inmate Employment Program, and the Community Support Program.

Finding

14. *That the Review Team found the NTDCS Custodial Operations directives to be less than comprehensive and sometimes inaccurate.*

The new Commissioner is aware of the need to revise NTDCS policies and directives, and is in the process of addressing this.

In addition to NTDCS directives, each correctional facility has its own standard operating procedures. It is the view of the Review Team, that standard operating procedures should be site specific, and provide detail to supplement the departmental directives. However, it appears to the Review Team that in some instances, the site specific standard operating procedures provide better general guidance than do the directives.

²⁴ As an example of inaccurate comment we note that the term 'inmate' does not appear in the Correctional Services Act 2014, which only refers to 'prisoners' and 'offenders'

Recommendations

30. That Custodial Operations Directives are reviewed to ensure they are accurate, assess and address organisational risk, and provide sufficient detail for consistent interpretation and implementation and to be seen as the NTDCS standard.

31. That terms used in all NTDCS documents/publications to describe persons managed or supervised by NTDCS comply with the definitions provided for in the Correctional Services Act 2014 and the Youth Justice Act 2016 i.e. terms such as 'inmate' and 'client' must not be used.

32. That Custodial Operations Directives are reviewed and updated on a regular basis to ensure currency and accuracy.

3.1.4 Classification of Prisoners – Preface

The Northern Territory has a unique offender population compared to other jurisdictions, due to the great majority of offenders in custody and under community supervision being Indigenous people. It is our experience from the jurisdictions in which we have worked, which is supported by experienced corrections practitioners in the Northern Territory and other stakeholders that once these offenders are not affected by alcohol or drugs, they are generally compliant, reducing the risk they present to staff, other offenders and the community.

In the light of the foregoing it is our view from inspections we have conducted at Darwin and Alice Springs Correctional Centres that many Indigenous prisoners appear to be - 'over-classified' - as high and medium security prisoners, reducing their opportunities to participate in programs, particularly given the short sentences that many of them receive.

Finding

15. That many Indigenous prisoners appear to be 'over-classified' as high and medium security prisoners, reducing their opportunities to participate in programs, particularly given the short sentences that many of them receive.

Over-classification of prisoners has a number of concomitant effects, including a heightened perception of their risk and dangerousness; more expensive prison infrastructure with correspondingly expensive staffing structures and restrictive regimes. In relation to this, the NSW Inspector of Custodial Services has gone so far as to say that *'every inmate housed in accommodation rated higher than his or her security needs represents the inefficient use of public funds.'*²⁵

²⁵ Paget, J. (2015). *Submission to the Standing Committee on Law and Justice Inquiry into the security classification and management of inmates sentenced to life imprisonment*. Legislative Council Standing Committee on Law and Justice, NSW Government accessed May 2016 at <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-submission-details.aspx?pk=%2035819>.

There is also strong evidence that releasing people convicted of dangerous offences directly from a high security situation to unsupervised freedom in the community is a risk to public safety through likely recidivism. This is echoed in the 2012 report of the WA Office of the Inspector of Correctional Services into the flow of prisoners to minimum security in Western Australia:

'If these goals (throughcare, integrated offender management and improving public safety through reduced re-offending) are to be met, it is essential that all prisoners have the best possible opportunities to prepare for a return to society. Generally speaking, the best possible opportunities involve placement at a minimum security regime prior to release. Such a placement also tests the prisoner's capacity to respond to increasing trust rather than moving from a high security environment straight to freedom'.²⁶

3.1.5 NTDCS Sentence Management/Prisoner Classification

NTDCS operates what is referred to as a Default Security Classification system which allocates a security rating based on the prisoner's earliest release date. The default security rating is said to take into account length of sentence; general risk/safety issues; criminal history; health considerations, including mental health; and commitment to and attainment of behavioural, work and program goals.

However, as indicated on page 19 of the NTDCS Sentence Management Manual (November 2015), the default classification structure is based on sentence length, except in the case of remanded prisoners whose security rating is based on an individualised Security Classification and Transfer Eligibility Assessment - SCATE. The Review Team has been provided a copy of a de-identified SCATE form completed for a remanded prisoner, and was impressed by the thoroughness of the assessment.

Although, the (SCATE) *'provide(s) an assessment of whether the default structure should be used'* (page 16, NTDCS Sentence Management Manual, 2015), the same page also instructs that the prisoner's classification should be calculated against their earliest release date. This section also appears to indicate that classification outside of the default system is by exception only – *'Where required, the delegated approver may approve a classification outside of the default outlining the rationale for doing so.'*

If this is not the case, there is little guidance in the NTDCS Sentence Management Manual as to the circumstances when a prisoner may be classified outside the default. It is the view of the Review Team, based on the correctional experience of the members, that without clear direction or guidance, there will be one of two results – risk averse correctional managers will err on the side of caution in their decision making about prisoners' security ratings, while others will "push the boundaries", making decisions that may place the organisation or the community at some risk.

²⁶ Office of the Inspector of Custodial Services. (2012), *The Flow of Prisoners to Minimum Security, Section 95 and Work Camps in Western Australia*, Government of Western Australia.

Correctional Officer representatives have advised members of the Review Team that they did not agree with the default classification system, which had created instances of what they considered to be unfair consequences for prisoners.²⁷

The specificity of the direction regarding adherence to the default classification system, and lack of guidance about the circumstances under which a prisoner may be classified outside the default, facilitates complaints that prisoners are being classified outside the default at the department's instigation for a variety of purported reasons. The Commissioner has advised members of the Review Team that he had instigated an audit in response to this complaint, and had found it to be baseless. Nevertheless he has directed that ongoing 'dip testing' of prisoner classifications be performed.

The Northern Territory is a party to the Standard Guidelines for Corrections in Australia (revised 2012). Guiding Principle 6 indicates that prisoners should be held at a level of risk commensurate with the level of risk they present. This is also reinforced at clauses 1.39 and 1.40 of the section, Classification and Case Management which state that the aim of a classification system should be the safety of prisoners, staff and the community while ensuring placement of prisoners at their lowest level of security appropriate for their circumstances to ensure maximum opportunities for rehabilitation, and that it should be based on an objective assessment of risk and a risk management strategy that takes into consideration the nature of their crime, risk to the community, risk of escape and their behaviour in custody.

It is the view of the Review Team that the Default Classification System operated by NTDCS, as explained in the NTDCS Sentence Management Manual, is inconsistent with the Standard Guidelines for Corrections in Australia (revised 2012) and contradicts the statement on page 16 of the NTDCS Sentence Management Manual that the classification system '*provides an individual classification based on a standard assessment that balances the least restrictive option with the safety of the community*'.

Finding

16. That the default prisoner classification structure based on sentence length is not an effective system and is inconsistent with the Standard Guidelines for Corrections in Australia (revised 2012).

Our view is based on the following observations of the default security classification system which:

- requires a prisoner's classification to be calculated against their earliest date of release;
- mandates that all prisoners, with the exception of those sentenced to 12 months or less, serve a proportion of their sentence at a medium security rating - prisoners sentenced to between 12 and 36 months must spend 2 months at

²⁷ The Review Team was advised of a case where a woman on remand was classified as low security for several months, but after she was given a sentence of greater than 12 months, was immediately re-classified to medium security, removing her access to opportunities and work previously afforded to her. Advice that the security rating could not be reviewed was provided.

medium security, and those sentenced to 3 years and greater must serve one third of their sentence at medium security;

- permits the allocation of security ratings outside the default only by exception; and
- only provides for classification reviews at six monthly intervals for prisoners with up to 30 months to serve, and annually for prisoners with more than 30 months to serve – meaning that regardless of crime, sentence, risk, behaviour and industry, the least time that a prisoner will spend at a medium security rating will be six months.

It also appears that the default classification system is at odds with the concept of motivating prisoners to engage in their rehabilitation and to progress through the classification system and towards release, as according to the default structure, prisoners are to be held for set periods of time at each of the security ratings, rather than being able to progress based on their conduct and industry.

Further, the security rating definitions provided in pages 20-22 of the NTDCS Sentence Management Manual are considered to be subjective and, in some instances, unnecessarily alarmist, particularly in comparison with the definitions used by Western Australia, Victoria, Queensland and New South Wales.

It is our view that the language used in the definitions of the NTDCS security ratings heightens the perception of the dangerousness of persons in custody, and is not conducive to the establishment of the type of staff/prisoner relationships which evidence has shown to support the rehabilitative effects of evidence-based programs and which facilitate dynamic security.²⁸

It has been brought to the attention of Review Team members that Correctional Officers would like to have greater involvement in the sentence management process. The Correctional Officer representatives that Review Team members met with expressed a preference for providing verbal information about prisoners to the Sentence Management Team. They advised that they had no capacity for recording daily behavioural observations of prisoners on IOMS, and that there were difficulties in obtaining written reports for sentence management reviews from officers supervising prisoners due to shift-work constraints.

The Review Team has noted that NTDCS has not implemented individualised case management of prisoners. It is the view of the members of the Review Team that individual case management, with Correctional Officers assigned a case load of prisoners, and responsible for making contact with those prisoners and making case notes about their progress on a regular basis, is an essential component of an effective sentence management and classification system. It is also the most suitable and effective method of ensuring Correctional Officer input into sentence management and

²⁸ Dowden, C. & Andrews, D.A. (2004). The importance of staff practice in delivering effective correctional treatment: A Meta-analytic review of core correctional practice. *International Journal of Offender Therapy and Comparative Criminology*, 48(2), 203-214.

classification decisions. In addition, case management engages Correctional Officers as agents of change and supporters of the goals of offender rehabilitation, while enhancing dynamic security and intelligence gathering and contributing to the overall security of the correctional centre.

Findings

17. That the introduction of individualised case management would enhance the effectiveness of the sentence management and classification system.

18. That Correctional Officers need to have more structured input to case management of prisoners.

NTDCS has devolved the authority for decisions about prisoner classifications to the manager of the correctional centre (except for specified types of prisoners). While other jurisdictions have sentence management or classification branches providing oversight and ensuring consistency in the assignment of prisoners to security classifications, these governance mechanisms are absent in NTDCS.

It is our view that oversight and scrutiny of the prisoner classification process by a unit external to the correctional centres is essential to ensure that the classification process is properly managed, that prisoners' security ratings are reviewed in accordance with procedure, that over-rides are appropriate, and that there is consistency in the assignment of security ratings within and between correctional centres.

If NTDCS were to introduce case management into its correctional centres, this same unit could also be engaged in supporting and monitoring its implementation, and over time, in quality assurance.

Finding

19. That the prisoner classification process requires oversight that is external to Correctional Centres.

Decisions regarding the assignment of security ratings to prisoners are extremely important to the organisation, as poor decisions can present a risk to the safety of the community and reputational risk to the organisation. Further, they can also significantly impact on the organisation's operating costs as each prisoner classified as high or medium security costs more than prisoners classified as low and open security. The numbers of prisoners at each security classification (and predictions based on historic data) also inform decisions about the construction of new facilities, with high and medium security facilities costing considerably more to construct than low security facilities. Over-provision of high security beds is an unnecessary cost to the organisation and the community.

Recommendations

33. That a review is undertaken of the NTDCS prisoner classification system, including but not limited to, the use of a default classification structure and the definitions of each of the security ratings.

34. That case management involving Correctional Officers is introduced to increase their involvement in the management of prisoners and sentence management decisions.

35. That consideration is given to the creation of a unit, reporting to the Executive Director Programs and Services to oversight case management, sentence management and to ratify the assignment of security ratings to prisoners to ensure consistency of practice and procedure within and between correctional centres.

3.1.6 Throughcare

During this review, members of the Review Team spoke with many internal stakeholders and reviewed many NTDCS documents. What became clear was that NTDCS does not have a clear and coherent “Throughcare” policy and framework, and consequently staff do not have a clear, shared understanding of what throughcare is, and the role they have in implementing throughcare. Sadly, as a result, there are a number of ad hoc projects in progress, based on individual’s understanding of throughcare, and which may or may not be effective in contributing to a reduction in re-offending, but throughcare has not been implemented as a departmental initiative.

In order to best use its resources NTDCS needs to ensure that each and every initiative contributes to the goal of reducing risk of re-offending.

A number of documents relating to throughcare were provided to the Review Team ²⁹, but in our opinion these contain either descriptions of throughcare and/or procedures relating to throughcare as prisoners prepare to exit custody.

Finding

20. That NTDCS does not have a fully developed Throughcare Framework, nor has it implemented Throughcare in any real sense.

It is the view of the Review Team that what is required is a document which provides:

- The policy context for the implementation of throughcare;
- The evidence context for throughcare;
- The strategic approach to throughcare;
- The NTDCS definition of throughcare;
- NTDCS principles of throughcare
- Guidance as to what is to be delivered, without being ‘a practice manual for handling each individual offender’ nor ‘a detailed implementation guide’;³⁰
- The core features of the NTDCS throughcare model;
- The benefits of throughcare; and
- Reflects the community-corrections-community continuum through which offenders move during any one engagement with the criminal justice system.

²⁹ NTDCS *Sentence Management Manual*, November 2015; NTDCS *Throughcare Framework*, 20 January 2015; Flow charts for prisoners serving different sentences, and a number of forms.

³⁰ National Offender Management Service. (2006). *The NOMS Offender Management Model*. p.8.

Once this document is produced, a project plan can be developed for the implementation of throughcare (including the development of policies and procedures and any consequent required changes to IOMS).

Recommendations

36. *That a Throughcare Framework is produced to guide the implementation of Throughcare in NTDCS.*

37. *That a Project Plan is developed for the implementation of throughcare.*

38. *That NTDCS is funded to implement Throughcare, including any changes required to IOMS.*

3.1.7 Correctional Officer Training

The Review Team was provided with the syllabus for the Trainee Correctional Officer Course conducted at Darwin in October – December 2015. NTDCS provides trainee Correctional Officers with a Certificate III in Correctional Practice. According to the syllabus provided, the course offered in October – December 2015 was the current release of this qualification – CSC 30115 –released in August 2015.³¹

The Review Team has reviewed the syllabus, and has also consulted training.gov.au – the national register for training in Australia which provides authoritative information about Nationally Recognised Training. CSC30115 Certificate III in Correctional Practice is a nationally recognised training package.

- The first (and only) session on *Prisoner Behaviour Management* occurred on Week 3 Day 2 and was 1 hour in length. This session is linked to unit CSCOFM008 *Supervise Offenders*³², which describes the skills required to monitor the security, behaviour, needs and concerns of offenders. It also outlines the skills required to supervise offenders with special needs – which must be applied within the legislative, policy and procedural framework of the jurisdiction.

Prior to this, trainee Correctional Officers had sessions on the use of force and handcuffing (Week 1 Day 3), tackles, ground stabilisation and escort holds (Week 2 Day 1), emergency response (Week 2 Day 3), standards and misconducts (Week 2 Day 3), and separate confinement (Week 3 Day 2).

Also prior to the session on *Prisoner Behaviour Management*, there were a number of other sessions which were also linked to CSCOFM008. These were: *Anti-Discrimination, the Northern Territory Criminal Justice System, Correctional Service Act*

³¹ Qualification details, CSC30115 – Certificate III in Correctional Practice (Release 1), 3 August 2015, accessed from <https://training.gov.au/Training/Details/CSC30115> in June 2016.

³² Industry Skills Council (2015) *CSCOFM008 –Supervise Offenders (Release 1)*, Australian Government, 3 August 2015, accessed from <https://training.gov.au/Training/Details/CSCOFM008> in June 2016

and Regulations, Commissioner's directives, the Director of Public Prosecutions, IOMS training introduction – Housing/Reports, At Risk Procedures, Sentence management/classification, IOMS behaviour case reports.

- In weeks 2, 3, 4 and 6 of the Trainee Correctional Officer Course, there are 9 occasions on which physical training (PT), team building, circuit training and team sport sessions were held. While there is nothing intrinsically wrong with this, these sessions were linked on the syllabus to unit CSCOFM011³³ *Promote cooperative behaviour*. Also linked to CSCOFM011 were the sessions on *Cell extractions/insertions* and *Emergency response*.

CSCOFM011 describes the *skills required to monitor offender behaviour, prevent and manage conflict and respond to unacceptable behaviour*. The description also states that *working as part of a coordinated team is integral to the role*.

It is the view of the Review Team that the linkage of the PT, team building, circuit training, team sports, cell extractions and emergency response to CSCOFM011 was spurious and inappropriate, particularly as the only other session to be linked to this unit of competency is a trip to Gunbalanya via Jabiru for cultural awareness. While not a core unit or a unit included for custodial specialisation for the Certificate III in Correctional Practice, the unit is included as one of the 16 units required to obtain this qualification.

- In Week 7 there are 3 days of training which is described as *Defensive Tactics*. These sessions are linked to unit CSCSA009³⁴ *Control incidents using defensive tactics*. The unit describes the skills required to assess the need to use and apply defensive techniques, contain incidents and evaluate responses. The 3 days of *Defensive Techniques* included in the NTDCS syllabus include the following sessions: *Unarmed stand-up skills/Bullring; Unarmed impact – slaps, palms, jabs, cross, hooks, uppercuts, leg and front kick; Go behinds and Takedowns - haymaker, clinch, arm drag, front, rear, side, leg tackle, single arm; Edge and blunt weapon*.

The Review Team is concerned because the Application statement for CSCSAS009 states that persons undertaking this unit *work with support from a coordinated team with regular support*, which suggests an emergency response unit, or other such team, not trainee Correctional Officers who will be working different rosters. Further the sessions in the NTDCS training course do not appear to address the performance criteria for the elements of unit CSCSAS009, and focus on aggressive as opposed to defensive techniques.

³³ Industry Skills Council (2015) *CSCOFM0011 –Promote cooperative behaviour (Release 1)*, Australian Government, 3 August 2015, accessed from <https://training.gov.au/Training/Details/CSCOFM011> in June 2016.

³⁴ Industry Skills Council (2015) *CSCSAS009 –Control incidents using defensive tactics (Release 1)*, Australian Government, 3 August 2015, accessed from <https://training.gov.au/Training/Details/CSCSAS009> in June 2016.

The Review Team consider unit CSCSAS015 *Manage Threatening Behaviour* a more appropriate unit for trainee Correctional Officers as it describes the skills required to use communication skills to establish control and apply defensive control strategies³⁵. It is included in the units for CSC40115 – Certificate IV in Correctional Practice, but could be included as one of the 11 electives required to complete the Certificate III.

- Also in Week 7, on Day 5 there is a session described in the syllabus as *RIOT practical KILL HOUSE Robertson Barracks*. The Review Team consider this terminology to be offensive, inappropriate and completely out of step with modern corrections.

Finding

21. *That the Review Team has a number of concerns regarding the NTDCS syllabus for trainee Correctional Officers and the outcomes the department is seeking to achieve in relation to the management of its prisons and prisoners, the duty of care owed to prisoners and reduction in re-offending. The Review Team believes that Mental Health First Aid should be included in the basic training provided to Correctional Officers.*

Recommendations

39. *That the Executive Leadership Group decide on the manner in which Correctional Officers and Youth Justice Officers should interact with and manage inmates, and the manner in which operational staff should resolve incidents.*

40. *That the RTO review all current approved units in the Certificates III and IV in Correctional Practice in light of these decisions and the following recommendations to determine which units best meet the needs of the organisation, and then determine the course content based on national standards and best practice.*

41. *That the NTDCS Certificate III in Correctional Practice (Trainee Correctional Officer Training) is reviewed to ensure that the 6 elective units included in the syllabus will equip trainee Correctional Officers with skills that will assist the department to achieve its objectives in relation to the management of prisoners and reductions in re-offending.*

42. *That the content of all sessions in the NTDCS Trainee Correctional Officer course is reviewed to ensure that they address each of the elements and each of the performance criteria of each of the units included in the NTDCS Certificate 3 in Correctional Practice (Custodial).*

43. *That sessions that don't comply with the Industry specified elements and performance criteria are amended, and additional sessions included if necessary, to achieve compliance with the requirements for Certificate III in Correctional Administration.*

44. *That CSCSA009 Control Incidents Using Defensive Tactics is replaced with CSCSAS015 Manage Threatening Behaviour which provides skills more relevant to trainee Correctional Officers.*

³⁵ Industry Skills Council (2015) CSCCSAS015 – *Manage threatening behaviour* (Release 1), Australian Government, 3 August 2015, accessed from <https://training.gov.au/Training/Details/CSCSAS015> in June 2016.

45. *That practices and terms such as bull-ring and kill house are removed from the training syllabus.*
46. *That sessions on the management and supervision of offenders are prioritised in the syllabus over sessions such as use of force.*
47. *That NTDCS consider adding Mental Health First Aid and training in motivational interaction to the trainee Correctional Officer syllabus.*
48. *That the number of team building and similar sessions be reviewed to make the best use of available time for the recommended training in Mental Health First Aid and motivational interaction.*
49. *That NTDCS be funded for any increase in costs associated with the implementation of these recommendations.*

3.1.8 Drug Detector Dog Unit (DDDU)

Although there is a departmental policy on the operation of the Drug Detector Dog Unit, the Review Team is concerned that, like Sentence Management, there is no central oversight or management.

According to the Directive 2.2.11 *NTDCS Drug Detector Dog Unit Operational Procedures Manual – July 2013* the Superintendent of a correctional centre will approve ‘*only dogs that have met and passed the operational standard required for their use within a correctional centre to work within the Centre*’.

The Deputy Superintendent Operations is responsible for the management, purchase and disposal of correctional services dogs, while the Chief Correctional Officer Security is responsible to the Deputy Superintendent Security for organising the assessment and accreditation of correctional service dogs. None of the persons performing these duties necessarily have expertise in the purchase, training, assessment, accreditation and management of service dogs.

Further while section 7 of Directive 2.2.11 refers to training as ‘*an approved activity supervised by an accredited and or suitably qualified by the Chief Correctional Officer Security to conduct such training*’, there is no mention of what the ‘*suitable qualifications*’ are, or how a person is accredited. The definitions section of the directive explains that ‘*an accredited person means a person who has completed a Dog Handlers’ Course and actively fulfilled the role*’. There is no mention of the bona fides of the dog handler course³⁶.

The Review Team has been advised that NT Police have been assisting with the procurement of dogs, and the training and assessment of dog handlers and dogs. We

³⁶ It should be noted that CSC – Correctional Services Training Package (Release 1 – accessed from <https://training.gov.au/Training/Details/CSC> in June 2016) includes a number of units in relation to the selection, training and management of dogs for use in correctional services.

also understand that dog handlers and their teams have in the past travelled interstate for training.

Given that DCP and Alice Springs operate their own DDDUs, and that any officer of suitable rank could be rostered as Deputy Superintendent Operations or Chief Correctional Officer Security, the Review Team is of the view that while day-to-day supervision and deployment of general purpose and drug detector dogs is appropriate at the correctional centre level, the purchase, assessment, training, accreditation and disposal of correctional services dogs and handlers is better managed centrally.

Finding

22. That the purchase, assessment, training, accreditation and disposal of correctional services dogs should be managed centrally.

Recommendations

50. That the selection, assessment, procurement, training and accreditation of dogs for use in correctional centres is managed centrally.

51. That training of dog handlers is managed centrally.

52. That the DDDUs are monitored centrally to ensure compliance with standards and requirements.

53. That if not already the case, the units in the national Correctional Services Training Package relating to the selection, care and management of dogs are required for the accreditation of dog handlers.

3.1.9 Prisoner Health Services

The Review Team was advised by the Commissioner that two significant investigations had been undertaken in relation to the provision of health services to prisoners. While NT Health is the service provider for prisoners' health care, legislatively the Commissioner has responsibility for '*arranging for the provision of appropriate health care for prisoners and for ensuring that prisoners are provided with access to health care that is comparable with that available to persons in the general community in the same part of the Territory*'.³⁷

The Commissioner also advised that there are significant gaps in basic health care delivery - 115 prisoners each week are not seen by Health staff, and are deferred to the next week, which in his opinion, means that health staff will never catch up with the back log, and the prisoners should be sent to the public health system. He acknowledged there was a lot of work to be done.

In this respect, the Commissioner advised us that he had been working with Ms Janet Anderson, Deputy Chief Executive Officer Northern Territory Department of Health.

³⁷ Section 82, clauses 1 and 2, *Correctional Services Act 2014 (No 26 of 2014)* accessed at http://www.austlii.edu.au/au/legis/nt/num_act/csa201426o2014280 in June 2016.

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Dr Richard Matthews (former CEO of NSW Justice Health) facilitated a day-long workshop with NT Health and NTDCS in April 2016, resulting in the development of a Joint Health/Corrections Strategic Plan for delivery of Primary Health Care in Prisons, and a NT Health Correctional Services Working Group.

The Review Team met with a group of representatives of NT Department of Health, including Ms Anderson and Dr Christine Connors, and heard confirmation of NT Health's commitment to working with NTDCS to address issues associated with the delivery of primary health care to prisoners.

Members of the Review Team also met with the Commissioner of the Health Care and Community Services Complaints Commission. He provided the following information/opinions:

- Most complaints about prisoner health care come from DCP, and that it was his opinion that Alice Springs did not have the same level of complaints as DCP as issues were generally resolved there quickly at a lower level.
- His experience is that there is a significant communication issue between custodial staff and prisoners in the accommodation blocks at DCP. He believes there is a more positive staff culture at Alice Springs than at DCP.
- He had concerns about the lack of continuity of health care for prisoners leaving custody and the effects this was having on their ongoing well-being. He was of the view that the Prisoner Health Service should adopt the same patient discharge protocols as hospitals.
- The benchmark for prisoner health care is the community standard. He was concerned that although prisoners can apply to access their own medical practitioners/specialists, this was not happening on a regular basis. (the Review Team is of the view that the cost of accessing private medical practitioners is prohibitive for prisoners).
- The Complex Behaviour Unit at DCP is a valuable resource, despite not being operated by NT Health. However, it requires a clear mission and procedures.
- Timing of medication rounds causes difficulties, especially for prisoners on pain medication, who are unable to obtain their medication late enough to allow them a pain free night.
- There should be a protocol for the management of aged and frail prisoners, and for prisoners at the end of their lives.
- He was of the view that because of the complexities in managing the needs of prisoners the Corrective Services Act should be the subject of on-going review and there should be a mechanism in place to achieve this.

It is the view of the Review Team that the NTDCS and NT Department of Health have made considerable progress in addressing the issues surrounding the provision of primary healthcare to prisoners. However, we are also of the view that cooperation and progress at the correctional centre level should be monitored on an ongoing basis to ensure that gains made at the strategic level, are not lost at the operational level.

Finding

23. That there are significant gaps in basic health care delivery; however, NTDCS and NT Department of Health working together have made considerable progress in addressing the issues surrounding the provision of primary healthcare to prisoners.

3.1.10 Complex Behaviour Unit

The Review has been told that the Complex Behaviour Unit at DCP had originally been intended to be staffed and managed by the Department of Health as a forensic mental health unit. In response to a 2011 recommendation made by NAAJA that *'Urgent priority must be given to developing an appropriate forensic mental health facility in the NT'*, the Northern Territory Mental Health Program made the following response to a Senate Inquiry³⁸:

'A 30 bed Mental Health and Behavioural Management Unit has been announced and planning is underway. Although this unit will be co-located with the correctional facility in Darwin, it will be managed and operated by the Department of Health and will provide a more suitable environment for people who are unfit to plead or found not guilty due to mental impairment and subject to a Custodial Supervision Order under Part IIA of the Criminal Code. It will also provide short term treatment and care for remand and sentenced prisoners who are experiencing an exacerbation of their mental illness.'

However, despite this commitment to the Senate Inquiry, the Department Health was unable manage and staff what is now known as the Complex Behaviour Unit due to funding issues.

Consequently, people who are unfit to plead or found not guilty due to mental impairment and subject to a Custodial Supervision Order are managed by Correctional Officers, with support from staff of the Health Department.

With no criticism intended for the admirable work undertaken by the Correctional Officers who work in the Complex Behaviour Unit, the Review Team is of the view that this situation is untenable, and a transfer of responsibility for health clients to the NTDCS without a corresponding transfer of resources, or indeed expertise.

³⁸ Mental Health Program of the Department of Health in the Northern Territory. (2011). *NT Mental Health Program response to recommendations in North Australian Aboriginal Justice Agency Submission to Senate Community Affairs References Committee Inquiry into the Funding and Administration of Mental Health Services*. Accessed from www.aph.gov.au/DocumentStore.ashx?id=03538ce0-f157-4997-84a0.

Recommendation

54. That NTDCS make representations to government for the transfer of responsibility of the Complex Behaviour Unit to the Health Department, and for the Health Department to be allocated the funding to staff and operate the unit according to the commitment made in the response to the Senate Inquiry.

3.1.11 Remote Community Health Care Model

While the Review Team understands that NT Health provides primary healthcare to prisoners on a remote community model, we are of the view that this model does not give sufficient weight to the restrictions imposed on prisoners by the mere fact of their imprisonment – they lose freedom of choice in relation to health care providers, and are unable to access an alternate provider if they experience significant delays in obtaining treatment. It is irrelevant whether or not the prisoner would do so in the community – prisoners should not be disadvantaged in seeking or obtaining healthcare.

Recommendations

55. That the comments by the Commissioner of the Health Care and Community Services Complaints Commission are given consideration by the Commissioner, NTDCS and the NT Health Correctional Services Working Group.

56. That the Commissioner, NTDCS and the NT Health Correctional Services Working Group give consideration to the comments by the Review Team that:

- In relation to the provision of primary healthcare to prisoners, the cooperation and progress at the correctional centre level should be monitored on an ongoing basis to ensure that gains made at the strategic level, are not lost at the operational level; and*
- The remote community model does not give sufficient weight to the restrictions imposed on prisoners as they lose freedom of choice in relation to health care providers, and are unable to access an alternate provider if they experience significant delays in obtaining treatment.*

3.1.12 Clinical Support and Counselling Services

Prior to 2008 health and medical services were provided at the correctional centres by General Practitioners and nursing staff contracted to NT Correctional Services. In 2008 responsibility for the delivery of health services, including forensic mental health services, in adult and youth justice facilities was transferred to the Department of Health. A Memorandum of Understanding between the two departments was signed, and is reviewed every three years. It was last reviewed in 2015.

The Forensic Mental Health Service (FMHS), operated by the Department of Health is comprised of two forensic psychiatrists, a manager and six staff who have nursing or allied health qualifications as psychologists or social workers. This team is based in Parap, a Darwin suburb, and visits the Darwin Correctional Centre to provide services,

mainly to those prisoners subject to the *Mental Health and Related Services Act*. Several court liaison staff are also attached to the team and these officers provide court reports upon referral from either a solicitor or member of the judiciary.

Services provided focus on the assessment of prisoners identified as at risk of self-harm and the assessment and referral of prisoners with a suspected or diagnosed mental illness. The most common presentations include schizophrenia and cognitive impairments due to substance abuse or traumatic brain injury. While the FMHS do not provide on-going counselling or social and emotional well-being support, this service is trialing cognitive-behavioural programs for those prisoners diagnosed with schizophrenia in conjunction with medication.

Finding

24. That as NTDCS clinical staff do not carry responsibility for the day-to-day counselling or support of prisoners with ad hoc needs, given their focus on the delivery of programs, both the FMHS and the correctional service have identified a gap in the provision of general counselling and support for prisoners with such presentations as:

- *Grief and loss problems,*
- *Adjustment to custody difficulties,*
- *Relationship or family breakdown, and*
- *Presentations involving anxiety and depression.*

Recommendation

57. That NTDCS and the Operations Manager, FMHS, Department of Health develop a service delivery model to manage the day-to-day ad hoc needs of prisoners accommodated at the Darwin and Alice Springs Correctional Centres.

In addition to the engagement of clinical staff from the Department of Health, the department has developed a scheme of appointing 'peer listeners' from within the Darwin prisoner population. The role of the peer listener is to *'provide support to fellow prisoners in relation to psychological and emotional issues – such as grief and loss, relationship issues and difficulties within the prison environment. They will be trained and supported by Treatment Services staff in how to identify indicators of depression and other mental health issues.'*³⁹

The Operational Manual also sets out recruitment, training and supervision procedures for peer listeners which requires peer listeners to undergo supervision by Treatment Services Staff on a weekly basis. It is the view of the Review team that Treatment Services staff would be better employed providing services to prisoners, rather than supervising prisoners to provide services to prisoners.

This scheme presents considerable risk to both the providers of such support and the receivers of such support if professional boundaries are not firmly established and

³⁹ Darwin Correctional Precinct Operations Manual, Category 6: Offender Services, Treatment Services.

adhered to. It is not the responsibility of prisoners to identify other prisoners who may be experiencing periods of depression, or symptoms of mental illness. This responsibility lies with departmental staff, specifically Psychologists and Prisoner Support Officers, and ought not be transferred to prisoners under any circumstances.

By the same token, it is often considered helpful to develop an environment within a prison that encourages prisoners to raise concerns about other prisoners in a confidential manner with appropriate staff. The Review Team recognises this added value, particularly given the high number of Indigenous prisoners at the Darwin Correctional Centre, however the current scheme is assessed as having placed too much responsibility on prisoners to the diminution of the role of Prisoner Support Officers.

Therefore it is recommended that the Peer Listener Scheme be reviewed to ensure appropriate boundaries and responsibilities are in place at the Darwin Correctional Centre.

Recommendations

58. That the Peer Listener Scheme be reviewed to ensure:

- NTDCS takes full responsibility for the identification and support of prisoners with a mental illness, or those experiencing problems associated with adjustment to custody or personal relationships,*
- That correctional staff who become aware of prisoners experiencing difficulties maintain the confidentiality of that information and do not disclose that information to other prisoners, and*
- That no prisoners within the centre are expected or encouraged to assist in the management of other prisoners' mental health needs.*

59. That the support provided by prisoners to other prisoners via the Peer Listener Scheme be confined to:

- Assisting new prisoners settle in and adjust to prison,*
- Providing general information about prison routines and processes, and*
- Assisting other prisoners identify staff contacts as needed.*

3.1.13 Work Camps

NTDCS operates two open security work camps - Datjala at Nhulunbuy and Barkly at Tennant Creek. Members of the Review Team were unable to visit the work camps, but interviewed the managers by video conference, and spoke to a number of other stakeholders. Stakeholders including the Commissioner of the Health and Community Services Complaints Commission and the Chief Justice spoke very favourably about the work camps, the needs they filled for Indigenous prisoners and the results they achieve, and their support for the expansion of this program.

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The Review Team were impressed by the level of enthusiasm and commitment expressed by the managers of the work camps, and their resourcefulness in obtaining services and linkages with local Indigenous and non-indigenous communities. For example in the absence of visits from official Elders, the manager of Datjala included local Elders and respected community people in the Community Consultative Committee.

Both managers demonstrated understanding of the local Indigenous cultures and the impact cultural practices could have on the success or failure of prisoners on release.

Both work camps provide vocational training which has assisted prisoners to obtain employment - as evidenced by the 22 out of the 34 prisoners at Datjala being in paid employment, and 15 prisoners at Barkly being in paid employment. Both work camps also involve the prisoners in community and voluntary work.

Finding

25. That Datjala and Barkly Work Camps appear to be successful initiatives that warrant consideration for expansion to other regions of the Northern Territory.

According to the manager, many prisoners in employment while in custody at Datjala would prefer to serve their full time rather than be released to parole, as long as they could video conference with their families. Although many would also like to remain in town after release and remain in employment, they are forced to return to their community due to the shortage of housing in Nhulunbuy. Despite 500 vacant houses at nearby Rio Tinto, there is a 3 to 4 year waiting list for housing in Nhulunbuy.

While at Datjala, prisoners can undertake a drink driving program, the Family Violence Program and obtain their driver's licence, and prior to release, an AOD assessment and referrals are made for those prisoners who need them.

Barkly is the more established work camp and is located on Native Title Land with a 10 year Indigenous Land Use Agreement. This has led to a good partnership with the Native Owners, and the camp working closely with the Indigenous and wider communities.

In addition to completing vocational skills training, prisoners at Barkly are able to participate in a number of programs offered by Relationships Australia, CAALAS, and local Alcohol and Other Drug service providers, as well as the Family Violence Program. Prisoners not engaged in paid employment participate in reparation activities, assisting local Not-for-Profit Organisations and supporting community events. One particularly interesting initiative is the involvement of prisoners as AFL Umpires after completing a Certificate 1 in AFL umpiring.

Prisoners are also involved in undertaking work, such as fencing, in remote communities and are obtaining cattle and pastoral industry skills placements which have enabled them to obtain post-release employment. While industry skills placements sound very promising and positive, the Review Team would like to see policy and procedures developed to ensure that prisoners are not exploited (even unwittingly).

Both Work Camps manage prisoners on an individual basis, providing the Review Team with perhaps the first example of individualised case management in a NTDCS correctional centre.

Both managers were adamant about the effectiveness of the work camps and held the view that NTDCS should expand the program (a view shared by stakeholders). The Review Team shares the view that the work camp program should be expanded, and different models explored, as a more appropriate response to Indigenous prisoners than the total institution approach represented by DCP.

Finding

26. That there may be some risk to NTDCS due to the lack of policy around industry skills placements and community work.

Recommendations

60. That NTDCS engage an external practitioner or academic institution to undertake an evaluation of the work camp program and its effectiveness in reducing re-offending.

61. That if evaluated as effective in reducing re-offending, NTDCS expand the work camp program, exploring other models, to provide an appropriate custodial response for Indigenous prisoners.

62. That NTDCS review policy and procedures around industry placements for prisoners to ensure they are not exploited.

3.1.14 Offending Behaviour Programs

Sexual Offender Programs

The Review Team found that psycho-educational and treatment programs for prisoners convicted of sexual offences have been discontinued across the Northern Territory. Previously, both adult correctional centres provided sexual offender treatment programs for this group up until May 2015 - when such programs ceased at the Alice Springs Correctional Centre. Between May 2015 and recent times all sexual offenders were transferred to the Darwin Correctional Centre where the Sexual Offender Treatment Program (SOTP) and the Sex Offender Treatment Program/Responsibility Safety Victims and Plans Program (SOTP/RSVP) were delivered. However at this time, neither program is offered at either centre.

The Sexual Offender Treatment Program was developed in the Northern Territory in 2010, and is designed for medium and high risk sexual offenders and is conducted over a six month period. However, prior to its discontinuation this program was taking prisoners up to nine months to complete due to operational constraints. The main operational issues include prisoners being late for group commencement due to lack of escort officers and a lack of program facilitators available to deliver the program.

When operating, the Sexual Offender Treatment Program was facilitated by two senior psychologists (P3) who also undertook pre-program assessments and post-program reports. It is appropriate that this program is facilitated by two registered senior psychologists, however due to recruitment and retention problems there have not always been sufficient senior psychologists available. It would therefore be prudent for several P2 psychologists to be trained to co-facilitate this program with one P3 senior psychologist when necessary, to ensure the program can be delivered regularly.

Finding

27. That there have been difficulties in resourcing and delivering sex offender treatment programs.

The Sex Offender Treatment Program/Responsibility Safety Victims and Plans Program (SOTP/RSVP) was developed in the Northern Territory in 2015 and is designed for low/low-moderate risk sexual offenders. It is designed to be delivered over a three month period, however prior to its discontinuation this program was taking prisoners up to four or five months to complete, due to the same operational reasons. This program is also designed to be delivered by senior psychologists at the P3 level, and again, it would be appropriate to have additional P2 psychologists available to deliver sessions, when there are insufficient P3 psychologists available.

Recommendation

63. That training to deliver the Sexual Offender Treatment Program and the Sex Offender Treatment Program/Responsibility Safety Victims and Plans Program is extended to include P2 psychologists to deliver the program alongside P3 senior psychologists as needed.

The Review Team was advised that there were several reasons for the cessation of sexual offender programs including insufficient staffing, fewer sex offenders requiring treatment when compared to violent offenders, and increased prioritisation of other prisoners attending other programs to enable them to join Sentenced to a Job. As sexual offenders are precluded from joining the Sentenced to a Job scheme, it appears that their treatment needs have been de-prioritised in an environment of competing or limited resources. This is unacceptable in any correctional jurisdiction, given the social and political concerns associated with the release of untreated sexual offenders from custody into the community.

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Over recent years very few prisoners have completed sexual offender programs, as detailed below.

Number of prisoners successfully completing	2013-14	2014-15	2015-16*
Sexual Offender Treatment Program (SOTP)	25	27	8
Sex Offender Treatment Program/Responsibility Safety Victims and Plans Program (SOTP/RSVP)	N/A	7	9

* Note: Completions to 30 April 2016.

At this time there are 152⁴⁰ adult sexual offenders in custody in the Northern Territory and 10⁴¹ have been assessed as suitable to undertake the Sexual Offender Treatment Program (SOTP). As treatment is not being delivered in a group program, these prisoners will be offered individual treatment. This is neither best practice nor the best utilisation of clinical staff.

The practice of transferring prisoners from Alice Springs to Darwin to undertake sexual offender programs is problematic. The Review Team understands that this practice commenced in an effort to maximise staffing efficiencies and reduce costs, however the needs of prisoners, particularly Indigenous prisoners, to be close to their country and people, has been overlooked in favour of these financial considerations.

As the process of addressing ones' sexually offending behaviour in custody is often traumatic, prisoners doing so would benefit from maintaining family and community support while this occurs, thereby maximising the protective factors available to the prisoner.

Recommendations

64. *That the Sexual Offender Treatment Program and the Sex Offender Treatment Program/Responsibility Safety Victims and Plans Program are reinstated immediately at Darwin Correctional Centre and that prisoners who are assessed as suitable to undertake a sexual offender program, are made available to attend as required.*

65. *That the Sexual Offender Treatment Program and the Sex Offender Treatment Program/Responsibility Safety Victims and Plans Program be delivered as rolling group programs, rather than as a closed group programs, on an on-going basis.*

⁴⁰ This figure includes all sex offenders including who may have refused treatment, those who may have insufficient time to complete an program, and any who may have already completed treatment. The Review Team was not provided with a specific breakdown of these sub-groups.

⁴¹ Personal communication with Therese Ellis-Smith, Ms Barbara Sampson, Director, Offender Services and Programs.

66. *That one sexual offender program to be reinstated at Alice Springs Correctional Centre by the end of 2016.*

The Sexual Offender Treatment Program and the Sex Offender Treatment Program/Responsibility Safety Victims and Plans Program programs were developed by in-house clinicians based within the Offender Services and Programs Unit in head office, in conjunction with invited Elders. To date neither program has been formally evaluated. Given the specific needs of Indigenous sexual offenders, evaluation is imperative.

Recommendation

67. *That the Sexual Offender Treatment Program and the Sex Offender Treatment Program/Responsibility Safety Victims and Plans Program be evaluated by an external practitioner or academic institution within the next 12 months, to assure the Northern Territory community that each program represents a valid and integrated treatment for Indigenous and non-Indigenous sexual offenders, in terms of program content and processes, staff training and supervision, and program intensity and dosage.*

Violent Offender Programs

Three programs for violent offenders are offered within the Northern Territory correctional centres. The primary program designed to address the treatment needs of male violent offenders is the Violent Offender Treatment Program (VOTP). This program was developed by Corrections Victoria in 2009 and originally called the High Intensity Violence Intervention Program (HIVOP). It was provided to NTDCS and renamed, and has been facilitated in the Northern Territory since 2010.

It is designed to be delivered over six months and targets violent offenders assessed as high risk in terms of criminogenic factors. It is facilitated by senior psychologists (P3 level) and incorporates a number of psychometric assessments.

This program has previously been delivered at both the DCP and the Alice Springs Correctional Centre as a group program, but was discontinued at the latter in 2015.

The second program addressing the treatment needs of male violent offenders is the Violent Offender Treatment Program – Moderate (VOTP-Mod). This group program was also developed by Corrections Victoria and provided to NTDCS. It has been delivered in the Northern Territory since 2014 and is facilitated by senior psychologists (P3 level) over a three month period. This program is designed for those assessed with low to moderate treatment needs. It is not facilitated at the Alice Springs Correctional Centre at this time.

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Number of prisoners successfully completing	2013-14	2014-15	2015-16*
Violent Offender Treatment Program (VOTP)	40	15	11
Violent Offender Treatment Program – Moderate (VOTP-Mod)	-	9	14

* Note: Completions to 30 April 2016.

Neither program has been evaluated for its utility as a suitable treatment for the violent behaviour of Indigenous prisoners in custody in the Northern Territory. It cannot be assumed that a program designed for a Victorian prisoner population will be suitable for delivery to the Territory's prisoner population, given the remarkably different prisoner demographics in the two jurisdictions.

Finding

28. That violent offender treatment programs require external evaluation as to their effectiveness.

Recommendation

68. That both Violent Offender Treatment Program (VOTP) and the Violent Offender Treatment Program – Moderate (VOTP-Mod) be evaluated by an external practitioner or academic institution within the next 12 months, to assure the Northern Territory community that each program represents a valid and integrated treatment for both Indigenous and non-Indigenous violent offenders, in terms of program content and processes, staff training and supervision, and program intensity and dosage.

The third program designed to address the needs of violent offenders, specifically targets violence within the family. The Family Violence Program (FVP) is suitable for male and female prisoners and also youth in detention. It is a five day psycho-educational program facilitated over consecutive days at both correctional centres by programs staff. The program targets behaviours associated with family violence, negative emotions and conflict, communication skills and the relationships between substance use and family violence. Completions over recent years are provided below, and show an increase in completion of the program in 2015-16.

Number of prisoners successfully completing one or more modules	2013-14	2014-15	2015-16*
Family Violence program (FVP)	73	59	179

* Note: Completions to 31 March 2016.

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While the Review Team recognises the benefit of having a suite of programs targeting low, moderate and high risk/levels of need, it is noted that of the three programs targeting violent offending, fewer prisoners completed the intensive VOTP program or the VOTP-Mod program, when compared to the less intensive Family Violence Program. The Review Team was not able to determine whether this reflected a reduced need for intensive programs, or whether the VOTP and VOTP-Mod program availability dictated the commencement and hence completion of these more treatment focused programs.

Given less than 60 prisoners completed either a sexual offender program or either of the intensive treatment programs for violent offenders during 2014-15, and that it is anticipated that a lesser number will complete one of these treatment programs in the 2015-16 year, the Review Team is concerned that the rehabilitative efforts in the Northern Territory correctional centres may fail to fully address the criminogenic needs of these two groups of prisoners.

This view is informed by departmental annual statistics which identify the number of sentenced sexual offenders and violent offenders in custody for these periods. There were 623 prisoners sentenced for a violent offence in 2014 and 475 in 2015, and as at 31 March 2016, there were 700 sentenced violent prisoners in custody.⁴²

While the number of sentenced sexual offenders is less, it is consistent (125 prisoners sentenced for a sexual offence in 2014 and 123 in 2015)⁴³ with a total of 152 sentenced sexual offenders in custody as at 23 May 2016⁴⁴. This data suggests the specialised assessment and clinical treatment of these two types of offenders warrants increased prioritisation.

Recommendation

69. That NTDCS review: (1) the treatment needs of current prisoners sentenced for sexual or violent offences; (2) the scheduling of, and demand for, programs addressing low, moderate and high intensity treatment needs of prisoners sentenced for sexual and violent offences, and (3) strategies to maximise the retention of prisoners in programs designed to reduce risk of further violent or sexual offending.

Substance Abuse Programs

NTDCS offers two programs for adult prisoners targeting substance abuse. These include the Intensive Alcohol and Drugs Program (IADP) and the Alcohol and Other Drugs Program (AOD). The Intensive Alcohol and Drugs Program (IADP) was developed by departmental staff in conjunction with Indigenous Elders and is currently only

⁴² Sentenced prisoners counted for Murder, Attempted Murder, Manslaughter and Driving causing Death, and Acts intended to cause injury (n=700) and Sexual Assault and related Offences (n= 132). Quarterly Sentence Length Report, Department of Correctional Service, 31 March 2016.

⁴³ Sentenced prisoners counted for - Murder, Attempted Murder, Manslaughter and Driving causing Death, and Acts intended to cause injury, and Sexual Assault and related Offences. Northern Territory Department of Correctional Services, Annual Statistics 2014-2015.

⁴⁴ Personal Communication, Ms. Maria Derrington – Manager, Operational Support.

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delivered at the Alice Springs Correctional Centre. It was suspended at the DCP in 2015 and has recently recommenced in mid 2016.

It is a cognitive-behavioural psycho-educational program facilitated by clinicians over a three month period and targets offending behaviour associated with substance abuse, cognitive distortions, poor communication, relationship skills and problem-solving, and the development of relapse prevention skills. Program content incorporates culturally relevant examples and stories for Indigenous participants.

The Alcohol and Other Drugs Program (AOD) is an educational program delivered over 12 sessions, usually within a period of 4 weeks. It is delivered as a group program and is currently offered at both correctional centres, however in 2013-14 and 2014-15 it was only delivered at the DCP.

Completions over recent years are shown in the following table.

Number of prisoners successfully completing (both prisons)	2013-14	2014-15	2015-16*
Intensive Alcohol and Drug Program (IADP)	22	37	10
Alcohol and Other Drugs Program (AOD)	30	18	89

* Note: Completions to 30 April 2016.

These completion figures indicate that the most frequently facilitated substance abuse program is the short, 12 session educational program. This suggests that the substance abuse needs of prisoners in the Northern Territory are minimal, and can generally be addressed through education rather than treatment. The Review Team were concerned that these completion figures may not accurately reflect the needs of prisoners for intensive substance abuse treatment.

Finding

29. That NTDCS substance abuse programs may not be meeting the treatment needs of prisoners.

Best practice suggests that a suite of substance abuse programs be available within a correctional centre to ensure varying levels of risk and criminogenic need can be addressed appropriately. As alcohol and drug abuse is often common to multiple offence types, it is likely that a majority of prisoners will have a need for intervention in this area. Therefore it is imperative that the programs available are appropriately targeted and can be scheduled according to need.

Recommendations

70. That the substance use treatment needs of all prisoners be assessed within two months of their reception into custody, to inform the scheduling of both educational and intensive treatment programs.

71. That as the Intensive Alcohol and Drug Program (IADP) and the Alcohol and Other Drugs Program (AOD) have not been evaluated it is recommended that both programs be evaluated by an external practitioner or academic institution within the next 12 months, to assure the Northern Territory community that each program represents a valid and integrated treatment for both Indigenous and non-Indigenous offenders with substance use treatment needs, in terms of program content and processes, staff training and supervision, and program intensity and dosage.

General/Offence-related Programs

The Safe Sober Strong Program (SSS) comprises 15 modules which can be delivered individually or as an integrated program conducted over an 8 week period. Initial sessions focus on motivating participants to change some of their problematic behaviours, develop problem-solving skills and better manage negative emotions.

Latter sessions focus on substance use and family violence. The program was developed by departmental staff in 2011 and is delivered at both correctional centres. There is also a version suitable for youth in detention. The following completion data includes prisoners who have completed one, several or all modules of the program:

Number of prisoners successfully completing one or more modules	2013-14	2014-15	2015-16*
Safe Sober Strong (SSS)	604	511	344

* Note: Completions to 30 April 2016.

Finding

30. The Safe Sober Strong Program is a sound core program suitable for most prisoners.

Recommendation

72. That all sentenced prisoners serving more than three months imprisonment complete the Safe Sober Strong program prior to completing an offence-specific program such as a sexual offender program, violent offender program or substance abuse program.

In addition a number of external providers provide programs and support services in the two correctional centres. Within the period available for this review, the Review Team has focused on the programs delivered by departmental staff and was unable to assess the many programs and services delivered by external parties.

Recommendations

73. That NTDCS conduct a review of all programs and services delivered or provided by external agencies in the custodial environment, with a view to identifying those representing the greatest benefit to NTDCS in terms of contributing to a reduction in reoffending.

74. That NTDCS review its criteria for funding external agencies to deliver programs and services in the custodial environment, to ensure the following:

- All programs and services delivered by external agencies are evidence-based and have been developed to target criminogenic needs and factors associated with offending
- Any external non-Indigenous staff facilitating programs and services have completed accredited cultural competency training and
- All programs and services delivered by external agencies are reviewed bi-annually for pre and post program impact and effectiveness, best practice content and delivery processes, and cost effectiveness.

3.1.15 Darwin Correctional Precinct (DCP)

The Darwin Correctional Precinct is NTDCS' newest correctional centre, with accommodation for 1048 prisoners. The Review Team has been told that the prisoner population does not 'fit' the accommodation at the DCP, making it difficult operationally. The table below, based on information provided by the department as of 3 May 2016, shows that this is the case:

Security Rating	Bed numbers	Prisoners
High Security	38 including 11 separation cells	42
	38 protection	27
Medium Security	304	400
Low Security	312	393
Open Security	228 (inside)	118 (total)
	48 (outside)	
Complex Behaviour Unit	24 (not counted)	12
Medical	6 (not counted)	5
Female Accommodation		
Mothers	5	2
Separation	4	
High/Medium	23	62 (medium)
Low/Open	48	79 (18/61)
Total	1048	1094

It is not known if the prisoner "mix" at the DCP is a result of the default classification system or of poor planning during the planning and design phases of the construction of the facility. The Review Team has significant concerns around the DCP not being fit for purpose and a seemingly flawed approach to commissioning of the Correctional Centre.

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Concerning “*not being fit for purpose*”, this assertion relates to two issues:

- Should DCP have been built in its current form? and
- Having been built, is DCP functioning in the manner in which the planners envisaged?

In relation to ‘*Should DCP have been built in its current form*’, Part 1 of this Report draws attention to the Northern Territory’s unacceptable imprisonment rate coupled with 85% of the prisoner population being Indigenous people which is primarily driven by the extreme social dysfunction and economic disadvantage in the Territory’s Indigenous communities. In the light of these outcomes it is reasonable to pose the question, particularly given the significant whole of life costs of the DCP – *How did the construction of a 1,000 bed Correctional Centre in Darwin emerge as the most effective solution to unacceptable imprisonment outcomes when these outcomes are driven largely by extreme social and economic disadvantage in Indigenous communities?*

The review did not have access to Cabinet-in-Confidence documents relating to the decision to build DCP. We have been informed that other options were considered and that the DCP option was rated as the most cost effective outcome. Qualified by the fact that we do not have access to the data on which the decision was founded, we nevertheless have concerns as to whether building DCP was *the most cost-effective outcome* in circumstances where:

- There is no evidence that large correctional centres are effective in rehabilitating offenders (see the unacceptably high recidivism rates in all Australian jurisdictions which inflicts a huge cost on taxpayers),
- DCP results in a significant proportion of Indigenous offenders being relocated long distances from their place of residence thus becoming disconnected from their communities to which they will return, impacting adversely on recidivism, and
- The DCP decision does not address the extreme social and economic circumstances in Indigenous communities which all stakeholders agree is the significant driver of the Territory’s high imprisonment and recidivism rates.

Finding

31. *That the Review Team has significant concerns around the DCP not being fit for purpose and what was a seemingly flawed approach to commissioning of the Correctional Centre.*

In relation to ‘*Having been built, is DCP functioning in the manner in which the planners envisaged*’:

- Some 18 months after opening it is still not fully commissioned and around 500 prisoners are not engaged in programs or work,
- There are some significant issues with the management and staffing model,

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- Staff and management at the centre are not engaged in working together as a high performance unit, and
- It is the view of the Review Team that the new Darwin Correctional Precinct (DCP) is too large a facility, providing accommodation rated far higher than the security needs of the majority of the Northern Territory prisoner population. We are also of the opinion that the size and design of the facility does not:
 - Meet the needs of the largely Indigenous prisoner population,
 - Facilitate the interactive prisoner management style necessary to support dynamic security and therapeutic interventions; and
 - Removes autonomy, decision-making and opportunities for prisoners to practice the new skills learned in therapeutic programs which are necessary for successful community reintegration, and
 - Isolates staff working in the centre.

Further, the Review Team is of the view that the DCP does not live up to the claims made for it in the NTDCS' commissioning document as a centre with:

- An emphasis on reparation, rehabilitation and normalization,
- Delivery of culturally specific programs,
- Processes and responsibilities to achieve the objective of a '*healthy prison*', and
- Engagement of all sentenced prisoners, in work, education and programs.

The Review Team has also been told of ongoing difficulties with the technology at the DCP, [REDACTED] and preventing DCP from operating as designed to achieve the envisaged staff efficiencies. These issues appear to have arisen from the lack of inclusiveness within NTDCS during the design and specification stages of the DCP project, the inadequacy of the project planning capacity of the organisation, and difficulties with the commissioning of the centre.

Finding

32. That commissioning of the DCP reflects the inadequacies in project planning in NTDCS covered previously in this report.

The Review Team has also been told that all prisoners in DCP have time limited showers, and that male inmates are only permitted to flush their toilets three times per day, and female inmates four times per day. The Review Team considers the limiting of toilet flushes in this manner to be unacceptable in a modern, and newly constructed correctional centre.

The Review Team consider it to be demeaning and humiliating for any person to be required to ask another person for additional flushes of their toilet.

NTDCS has advised the Review Team that the restriction on showers and toilet flushes is not just an over-zealous method of saving water, but the result of the incapacity of the DCP's sewage waste treatment facility to deal with the quantities produced.

Finding

33. *That the Commissioner has advised the Review Team that his assessment is the DCP requires 're-commissioning in accordance with its true capabilities'. The Review Team strongly supports this assessment.*

Recommendations

75. *That NTDCS takes urgent action to address the sewage waste treatment facility at DCP so that it can meet the needs of the prisoner and staff population at DCP.*

76. *That the DCP is 're-commissioned in accordance with its true capabilities' as proposed by the Commissioner.*

Lack of meaningful activities for prisoners

The Review Team has been informed that DCP is unable to provide work, education and program activities for approximately half of the prisoners. This would appear to be an artifact of the poor planning in the design of this facility. Page 4 of the commissioning document states that DCP's design provides the ability to have up to 250 prisoners engaged in programs, education and vocational education, and 220 prisoners engaged in prisoner industries at any given time. This equates to only 450 of the 1000 prisoners accommodated at DCP. The commissioning document also states on the same page that *'additionally prisoners will be engaged in reparation undertakings, work release and programmed activities'*.

It is not clear from the commissioning document how this will occupy the remainder of the sentenced prisoner population who are expected to participate in purposeful activities and the un-sentenced prisoner population who are *encouraged* to participate in work/education programs for their self-development.

It has been explained to the Review Team that government restrictions on prison industries have made it very difficult for DCP to source suitable industries to provide work to prisoners⁴⁵, and that there have been difficulties with the changeover to the new education provider limiting prisoner access to educational programs.

It is the view of the Review Team that this is an unacceptable situation, and accordingly was raised with both the Commissioner and Deputy Commissioner, who have committed to making a concerted effort to address this situation. The Review Team was told that there are a number of promising projects, which if they come to fruition, will provide sufficient employment for all prisoners.

Finding

34. *That it is an unacceptable situation that some 18 months after the opening of a new Correctional Centre 50% of the prisoner population is not engaged in programs or work.*

⁴⁵ The difficulty in obtaining suitable industries reflects government policy of *'No Competition, No Exclusion, No Favouritism'*.

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The Review Team was told by DCP management that one strategy has been to take prisoners for sport and recreational activities on a sporadic basis, but nothing else has been done or could be done to engage more prisoners in meaningful activity until new industries contracts were obtained.

There is no staff for Creative Arts because the position it has been removed – doubtless to reduce costs. Given the majority Indigenous prisoner population, the Review Team questions this as a cost saving measure.

We were concerned by DCP management's apparent lack of urgency to address this situation, particularly in light of the statement on page 8 of the commissioning document:

'Boredom and inactivity in the correctional setting encourages drug use, undermines rehabilitation and threatens safety and security'.

In this context, some stakeholders advised the Review Team of what they believe is an unfortunate staff culture and attitude by some Correctional Officers towards prisoners that has resulted in lack of positive interaction with prisoners to support or encourage them in their engagement with programs to address their offending behaviour. Stakeholders indicated that this attitude was more prevalent at DCP than at Alice Springs Correctional Centre. As has been commented upon elsewhere in this report there is need for a formalised approach to involve Correctional Officers in prisoner case management.

Also, elsewhere in this report we mention the apparent lack of support and commitment to therapeutic programs at DCP, and the manner in which non-custodial staff members are required to be escorted around the DCP to attend their work places. It appears that at DCP in particular the correct balance has not been achieved between dynamic security achieved through prisoners being actively engaged in therapeutic programs and static security provided by custodial supervision of prisoners within an overall therapeutic environment.

On the other hand the Review Team did observe at both DCP and Alice Springs Correctional Centres examples of officers engaged in positive interaction with prisoners.

Recommendations

77. That concerted efforts are made as a matter of urgency to provide additional work, education and programs on a consistent basis to substantially increase the number of prisoners engaged in meaningful activities each day at DCP.

78. That DCP management reports the number of prisoners engaged in meaningful activity on a weekly basis so that progress can be monitored – on the principle that 'What gets measured gets done'.

79. That if the DCP is 're-commissioned in accordance with its true capabilities' as recommended elsewhere in this report, the issue of staff culture and commitment to

modern therapeutic correctional practice within a secure environment is addressed in the re-commissioning plan.

Elders Visiting Program

A number of stakeholders spoke to members of the Review Team about the importance of the Elders Visiting Program, and the critical role Elders with cultural authority play in the emotional well-being and support of Indigenous offenders, and their return to their communities.

The Review Team was told that the Elders Visiting Program needs greater support to ensure more regular visits from Elders to prisoners, but also to enable the elders to advise and assist correctional staff in the preparation of post release support plans which take into account the Indigenous cultural context.

Recommendations

80. That NTDCS actively support and expand the Elders Visiting Program to meet the needs of the 85% Indigenous prison population.

81. That NTDCS recruits Elders with cultural authority who can support Indigenous prisoners, their rehabilitation and return to their community, as well as advise correctional staff on the preparation of culturally appropriate post release support plans so that Indigenous prisoners are better able to succeed on release from prison.

82. That NTDCS supports and appropriately remunerates Elders to undertake community capacity building, and post release support of prisoners.

Female Prisoners

The Review Team is of the view that the accommodation of female prisoners within the confines of DCP is unsuitable. Co-correctional facilities usually provide inequitable access by female prisoners to medical, programs and industries – and this has proven to be the case at DCP. Often areas of a male prison have to be locked down to enable female prisoners to access services and facilities, disrupting and causing resentment among the male prisoners. Further, the female section of DCP is overcrowded with a population almost double the operational capacity (141:76) in May 2016.

Finding

35. That it is an unsatisfactory design outcome for a female correctional centre to be located within the perimeter of a male correctional centre.

The review has been told of difficulties with female prisoners accessing medical services at DCP, and have seen for themselves the lack of meaningful work opportunities for women, who are restricted to refurbishing Qantas headsets (work that was originally provided to people in charity organisations) and picking and packing prisoner buy-ups. There is little or no work for female prisoners that will provide them with marketable

job skills⁴⁶. There also did not appear to be any engagement of female prisoners in art and craft or cultural activities.

The lack of meaningful activities for female prisoners was observed by the Review Team, who while visiting the DCP at different times of the day, observed female prisoners lying around on the grass, in their common areas of their accommodation and in their cells. The women appeared to be unengaged and unmotivated.

Women with open security ratings are able to be involved in Sentenced to a Job – however, the movement of any prisoner on external leave programs in and out of the correctional centre is considered to be an unacceptable security risk.

Further, female prisoners are disadvantaged as they must spend the whole of their sentence accommodated within the maximum security male correctional centre, and are unable to progress to either cottage style accommodation outside the secure perimeter, or progress to a work camp.

The Review Team is also of the opinion that the accommodation of resident children with their prisoner mothers within the secure perimeter of DCP is unsuitable for a number of reasons:

- There has been no attempt made in the design of the area to replicate domestic-style accommodation or meet the needs of babies and children – children are housed in standard cells with their mothers, although staff told us of their efforts to provide suitable toys and equipment for the children,
- There is very little suitable area for mothers and children to play, and
- The Review Team was told that mothers with resident children were confined to the accommodation unit in which they lived, as they could not bring their children out into the general population.

Finding

36. That NTDCS has not yet been able to address the particular needs of female inmates to the extent achieved by other jurisdictions.

Recommendations

83. That suitable accommodation is found for female prisoners, separate from a male correctional centre.

84. That additional accommodation for female inmates is provided to address overcrowding. Consideration should be given to establishing Work Camps or other suitable accommodation for female prisoners who are classified at low or open levels.

⁴⁶ The Northern Territory Anti-Discrimination Commissioner in a submission to the Review dated 16 May 2016, referred to the need for ‘*Appropriate work skill training for female prisoners that is not gender stereotyped but based on developing works skills for real jobs*’ and for ‘*Planned skills development rather than ad-hoc options depending on what is offered to the service by external providers*’.

85. That suitable accommodation is provided for children residing with their prisoner mothers. If possible this should be as domestic in style as can be achieved, and should provide a safe, grassed area for mothers to play with their children. (Guidance regarding the accommodation of children with their mothers in prison can be found in paragraphs 2.58-2.62 of the Standards Guidelines for Corrections in Australia (revised 2012).

86. That facilities suitable for babies' visits with their mothers are provided that include hygienic and comfortable spaces to breastfeed.

87. That female prisoners are provided with work that will provide them with marketable work skills, not just in service areas such as refurbishing headsets, cleaning and laundry which will limit their job opportunities and their futures.

88. That additional criminogenic programs, education, creative and cultural activities are provided so that all female prisoners can be actively engaged.

High Security Prisoners

During our inspections of DCP the Review Team observed the restrictive regimes in place for high security prisoners who were seen being escorted in handcuffs by the Immediate Action Team within the correctional centre. We were informed that none of the high security prisoners at DCP were engaged in employment or programs.

Recommendations

89. That the need for high security prisoners to be escorted within the DCP in handcuffs and/or by the IAT is reviewed.

90. That DCP take steps to engage high security prisoners in suitable activities, programs, education or work (as required to address their assessed needs).

Non-custodial staff

The Review Team was informed that non-custodial staff (particularly programs and services staff) working at DCP are being treated as if they are visitors, and are unable to attend their workplaces without a custodial escort. This is not normal practice in other jurisdictions. Unavailability of custodial escorts to program areas has contributed to delays in the commencement of some programs.

Recommendations

91. That the requirement for programs and services staff to be escorted while inside the correctional centre is removed so that they can perform their duties unhindered.

92. That if lack of security training is the reason for this requirement, a suitable short security induction program should be developed and delivered as a matter of urgency to all current, and future, non-custodial staff working in correctional centres.

Visits

The Anti-Discrimination Commissioner raised a number of issues about visits to DCP, including the lack of public transport to the centre, delays with security screening (including difficulties with the biometric system) reducing the duration of visits, and female visitors being required to remove their bras to get through the security screening.

This was also mentioned during discussions with another stakeholder who told the Review Team that professional female visitors had been required to remove the underwire in their bras to get through the metal detection at DCP.

The practice of making women remove their bras or the underwire of their bras to get through correctional centre security screening has never been seen or experienced by any member of the Review Team entering any other correctional centre, or indeed when passing through international airport security.⁴⁷ This practice is considered to be unnecessarily humiliating and demeaning, particularly since most staff working in the screening area are male. It could be avoided by the use of a handheld metal detector.

Recommendations

93. That the practice of making women who set off the metal detector at the DCP remove their bras or the underwire in their bras is discontinued immediately.

94. That Prisoner visits are extended by the length of the delays experienced by visitors being processed into the DCP.

DCP Staffing Model

The Review Team was provided with the staffing model for Darwin Correctional Centre (updated 4 May 2016 and identified as Attachment X on their document), which NTDCS has described as a more efficient operational model known as Sector Management. The Commissioner advised the Review Team that the staffing model now matches available funding.

Sector Management involves the correctional centre being divided into semi-autonomous sectors, each managed by a Chief Correctional Officer who is responsible to the Deputy Superintendent Accommodation for the operation of their sector.

Chief Correctional Officers

In addition to the Chief Correctional Officers in charge of accommodation sectors, DCP has a number of specialist Chief Correctional Officer positions – Chief Correctional Officer Security, Chief Correctional Officer Operations, Chief Correctional Officer Audits

⁴⁷ A review of international policies has revealed that this is a practice in some gaols and prisons in the USA, and that a number of women are suing the state in one jurisdiction after being subjected to this practice.

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and Compliance, Chief Correctional Officer Prisoner Reception Centre, Chief Correctional Officer Misconducts.

It is our view that the role and functions of these specialised positions should be examined with a view to subsuming them within the responsibilities of the Sector Managers thus providing them with true responsibility and accountability for the management of their Sectors.

Finding

37. That there is potential for restructuring of senior correctional operational positions and some units within DCP to achieve more effective and efficient outcomes.

It is the view of the Review Team that the Chief Correctional Officer Security and the functions and operations of the Security Group, and the role of the as described in the DCP Operations Manual:

- Render redundant the role of the Deputy Superintendent Security,
- Remove responsibility and accountability for the security of the accommodation units from the Sector Managers (Chief Correctional Officers),
- Perform some of the accountabilities of the Accommodation Sector Managers for ensuring compliance with daily cell inspections, daily searches and testing of security equipment, communications, alarms, lights to ensure they are in good working order,
- Create an elitist group (as it reports directly to the General Manager, bypasses the Deputy Superintendent Security, and excludes the Deputy Superintendent Accommodation from accessing the search matrix), and
- Militate against the successful implementation of the Sector Management Model which the Review Team has been informed includes devolution of responsibility and authority to the Sector Managers.

Recommendations

95. That the Security Group as described in the DCP Procedures Manual, should report to the Deputy Superintendent Security. (Note: This is the logical chain of command for a group which is considered to be so essential to the security and good order of the correctional centre.)

96. That the Chief Correctional Officer Operations should be made responsible for the Operations Sector expanded to include the Gatehouse Sector.

97. That the post of Chief Correctional Officer Security should be deleted (Note: interviews with stakeholders have provided no compelling reason for both the Chief Correctional Officer Security and the Chief Correctional Officer Operations positions to remain.)

98. That the Security Office as described in the DCP procedures manual, should be disbanded as it is not considered to add value to the security and good order of the

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correctional centre, and may distract senior Correctional Officers from their essential duties and responsibilities in the gatehouse, visits, sally port and central control room.

99. That the post of Senior Correctional Officer Security should remain if, and only if, the Immediate Action Team is maintained (see discussion below). In this case the Senior Correctional Officer Security should remain as the officer in charge of the Immediate Action Team, reporting to and receiving instructions from the Deputy Superintendent Security.

100. That consideration should be given to deleting the post of Chief Correctional Officer Audits and Compliance as it appears to cut across the responsibilities of the Sector Managers, removing from them the responsibility to ensure that procedures are complied with, and duties performed correctly. Further, in the absence of key performance indicators for the operation and performance of the correctional centre, this position appears irrelevant.

101. That consideration should be given to deleting the post of Chief Correctional Officer Prisoner Reception Centre.

(Note: It was explained to the Review Team that an officer of this rank is required in the Reception Centre to authorise the discharge of prisoners to escort, parole, sentence served etc. However, the DCP operations manual section on Prisoner Reception states that the Chief Correctional Officer Sector 5 has day to day responsibility for the Reception Area, and the Deputy Superintendent Accommodation has overall responsibility for the Reception Area. There is no other mention within the procedures of a Chief Correctional Officer performing any duty in relation to the reception or discharge of prisoners).

102. That the position of Chief Correctional Officer Misconduct should be deleted as it removes the responsibility of Sector Managers for maintaining discipline amongst the prisoners in their sector by 'outsourcing' the misconduct function to another officer who is not involved in the day to day management of the prisoner or of the officer reporting the misconduct.

(Note: Removing this function from accommodation Sector Managers is again contrary to the premise of devolving authority and responsibility to the officers responsible for an area. It is also contrary to the premise of individualised management of prisoners. It is the view of the Review Team that this position is unnecessary and that this function should be assigned to the accommodation Sector Managers).

Immediate Action Team

The Immediate Action Team (IAT) is of concern to the Review Team. According to the DCP operations manual, the IAT is to 'provide a visible deterrent to unacceptable prisoner behaviour by providing highly visible patrols of the Centre and associated areas', respond

to emergency incidents as required, and conduct high security escorts within the correctional centre.

It is the view of the Review Team that:

- The appearance of a group of officers equipped with riot control equipment and clothing patrolling through the centre into places where prisoners are constructively engaging in work, training and education increases the perception of the dangerousness of the prisoners in a correctional centre, and raises tension in the prisoner population - which can in and of itself lead to incidents within the centre.
- Correctional Officers working within accommodation and other areas become deskilled as they come to rely on the specialist team to deal with issues, rather than attempt to either pre-empt them or deal with the issue themselves through negotiation and de-escalation techniques.
- The deskilling of general duties Correctional Officers leads to a type of '*learned helplessness*', which could be dangerous if the IAT were unavailable to respond to a call for assistance.
- As often happens, specialist groups such as the IAT often become elitist groups, and unresponsive to direction by managers and senior officers. It is the belief of the Review Team that this attitude is fostered unashamedly by the section on the Security Group in the DCP Operations Manual.

Recommendation

103. That the need for an Immediate Action Team should be reviewed, and other options for providing a security response are explored.

Intelligence Unit

The Intelligence Unit consists of three Intelligence Officer posts – one Senior Correctional Officer post 8 hours per day, 5 days per week, one Correctional Officer post 12 hours per day, 7 days per week, and one Correctional Officer Post 8 hours per day, 5 days per week for a total of 5.58 FTE.

According to the DCP Operations Manual section on the Security Group, the primary focus of the Intelligence Unit is '*to form relationships within the facility, both with staff and prisoners, to gather and analyse relevant information and develop prisoner profiles*'. They are also tasked with gathering '*intelligence from technology*' which is assumed to mean monitoring prisoner telephone calls.

The need for this level of staffing is questioned, particularly given the nature of the prisoner population in the Northern Territory. By way of comparison in a similar sized remand and reception centre in New South Wales, which often accommodates Outlaw Motorcycle Gang members, Middle Eastern Organised Crime members as well as prisoners managed by the High Security Prisoner Management Committee, there is only one dedicated intelligence officer, with all officers expected to contribute to the information gathering and submit intelligence reports.

Further it is the view of the Review Team that the relationships from which information and then intelligence can be derived are more appropriately developed between prisoners and the officers working with them in their accommodation and other areas. It is through these relationships, and proper case management of prisoners, that dynamic security and a healthy prison climate is achieved.

It is considered that the intelligence function, including telephone call monitoring, could be achieved with one Senior Correctional Officer Post, 8 hours per day, 5 days per week and one Correctional Officer Post, 8 hours per day, 7 days per week for an FTE of 3.37 which should be rounded down to 3.

Recommendation

104. That the operations of the Intelligence Unit and its staffing are reviewed to identify possible efficiencies as covered above.

Education and Programs Centre

There is only one correctional officer post to supervise the Education and Programs Centre 8 hours per day, 7 days per week. The need for this post 7 days per week is questioned. However, of more concern to the Review Team is the question, why, in a correctional centre with 1000 prisoners, in a correctional system where reducing re-offending through employment, education and programs is a key strategic theme, is there only one post required to supervise education and programs each day? This suggests that there is little happening or planned to happen in the education and programs areas.

Finding

38. That education and programs critical to supporting rehabilitation of offenders are given low priority at DCP.

Visits Centre

There are four Correctional Officer posts, 12 hours per day, 7 days per week, and a fifth post, 12 hours per day, 2 days per week. The need for these posts to be 12 hour posts is questioned as visits only occur between 9.30 a.m. and 5.30 p.m. each day.

The Review Team has been informed that these staff are re-deployed to accommodation areas at 1600 hours each day.

Recommendation

105. That the requirement for the Visits Officers to be redeployed to accommodation areas after 1600 hours is reviewed to identify if any efficiencies can be achieved.

Accommodation Sector 5

Sector 5 is the sector which contains the high security/protection accommodation. Two areas have been combined into the one sector. There is one Senior Correctional Officer assigned to each accommodation area. These officers are directly involved in the management of prisoners, and are required 12 hours per day, 7 days per week. The Review Team was informed that there was also an 'Administration' Senior attached to this sector, providing support to the Chief Correctional Officer.

It is assumed that the third Senior Correctional Officer Post required 8 hours per day, 5 days per week is the Administration Senior post. It is the view of the Review Team that the use of a custodial officer for administrative duties is a waste of a trained Correctional Officer, and a post that could be put to better use elsewhere in the DCP or used as savings.

Recommendation

106. That the Senior Correctional Officer Post (8 hours per day, 5 days per week) is deleted, and the associated funding put to better use within DCP or elsewhere within NTDCS.

Prisoner Support Officers

There are Prisoner Support Officers in each accommodation sector. The Review Team was informed that these positions were formerly known as Aboriginal Liaison Officers, which had been upgraded, and mainstreamed to provide services and support to the entire prisoner population, not just the Indigenous prisoners. However, as if to make the point that the Prisoner Support Officers would still be supporting Indigenous prisoners, the DCP Operations Procedures Manual section on Prisoner Support Officers has a picture of a non-Indigenous custodial officer with two Indigenous prisoners on the front cover.

During our meetings with Stakeholders, members of the Review Team were told that the removal of the Aboriginal Liaison Officers had lost the department some of the goodwill of the community, and respected Elders were still angry about this decision, as the Aboriginal Liaison Officers had performed a valuable role in the 'throughcare' of Indigenous prisoners – a role which cannot be performed by persons without connections to the Indigenous community and a deep understanding of their culture.

Finding

39. That removal of the Aboriginal Liaison Officers from DCP has lost NTDCS some of the goodwill of the community and of respected Elders.

The Review Team was also told that the staff who had been Aboriginal Liaison Officers now felt disempowered and confused about their work roles.

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It is the view of the Review Team that the decision to mainstream and 're-badge' the Aboriginal Liaison Officer Posts is in diametric opposition to the operating philosophy expressed on page 6 of the DCP commissioning document which states, inter-alia:

*'NTDCS seek to find local and specific solutions for Indigenous prisoners by providing **culturally respectful services, programs and facilities**...Cultural respect is more than a philosophy; it must be a belief and practice'* (Review Team emphasis added).

Recommendation

107. That Aboriginal (Indigenous) Liaison Officer positions are reinstated at Darwin Correctional Centre, in recognition of their expertise and value in providing throughcare and other support to Indigenous prisoners who make up the majority of the prisoner population. Once reinstated, the Indigenous Liaison Officers must be strongly supported within DCP and at the departmental level to provide the support and connection to community so necessary for Indigenous prisoners.

Sentence Management Team

It is unclear as to whether the staffing of the Sentence Management Team is appropriate to needs, given that in comparable correctional centres in other jurisdictions, fewer staff members conduct more initial classifications, and classification reviews per week than does the DCP.

Recommendation

108. That in order to assess the appropriateness of the Sentence Management Team staffing an analysis of the number of new receptions the Sentence Management Team have reviewed over the past 18 months, and the number of sentence management reviews they have completed, be conducted.

Prison Industries

The Review Team inspected industries at DCP, and were impressed by the facilities, the enthusiasm of Industries Officers and the quality of the interactions between officers and prisoners, and the engagement of prisoners in the work they were undertaking. However, the Review Team questions the need for:

- The posts of Chief Correctional Officer, Internal Employment and Chief Correctional Officer Community Support Program in addition to a Principal Industries Officer,
- A Chief Industries Officer to be assigned to every industry (with the exception of Food Services), and
- The upgrading of a Senior Industries Officer to Chief Industries Officer – Vending/Packaging in the female industries area.

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During analysis of financial management within NTDCS, the Review Team has become aware that Industries at DCP are operating at a considerable loss. The following table was provided by the department, with staffing details and costings obtained from the DCP Staffing Model 4 May 2016. This table does not include the cost of materials or prisoner wages.

Count of IJISID				
Work Groups	Darwin	Chief Industries Officer	Senior Industries Officer	Cost
Block Workers	126	CCO (internal employment)		176,937
Carp / Maintenance				
Community Support Work Party	57	CCO	XXX	684,250
Creative Arts Department				
External Employment PAID	48	A06	A05 x 2	292,524
Facilities Services	66	X	XXX	756,027
Goods Main store	4			
Horticulture	33	X	X	346,041
Industries Female Bakery/Vending	11	X	X	358,290
Industries Female Workshop	9			
Industries Food Services kitchen	58	X	XXX (5D) XX (2D)	1,033,408
Industries Metal Work	29	X	X	346,041
Industries Production Assembly	3			
Industries woodwork	25	X	X	346,041
Laundry	25	X	X	517,579
Programs	14			
Trade Skills				
Unemployed	521			
Refused to Work (RTW)	5			
Grand Total	1034			\$4,857,138

Finding

40. That industries at DCP are operating at a considerable loss.

Recommendations

109. That the viability of prisoner work and industries programs as currently operated at DCP is reviewed as a matter of urgency.

110. That alternate methods of providing meaningful work, vocational training and employability skills are explored as a matter of urgency.

Court Security and Escorts

In 2013 NTDCS was directed by the Attorney-General to take over court security at Darwin Local Court. Until June 2016, this service was unfunded.

There are 8 positions assigned to the Local Court, and it is understood that these positions are currently carried as vacancies, and are filled by officers from DCP. This creates shortfalls on the DCP roster, and incurs overtime.

A project was proposed to consider the amalgamation of the court security function with Prisoner Reception and Escorts at DCP, with a view to determining if any efficiencies could be achieved.

Recommendation

111. That a needs analysis is conducted of the court security and court escort functions and Prisoner Reception and Escorts at DCP to achieve the most efficient staffing model without adversely affecting the operation of either area.

3.1.16 Alice Springs Correctional Centre

Alice Springs has a bed capacity of 500 and on 3 May 2016, the population was 565, as shown in the table below based on information provided by the department:

Security Rating	Bed numbers	Prisoners
High Security	104	50
Medium Security	230	220
Low/Open Security	132	261
Separate/Observation	13 (not included)	unknown
Female Accommodation	34	51
Total	500	565

As with DCP the prisoner population does not 'fit' the configuration of the accommodation, and the centre is operating over capacity, with double the number of low/open security male prisoners than available accommodation, and the female accommodation 50% over capacity. Given the available accommodation, the Review Team is concerned by this situation, but understands the inevitability of overcrowding in the current environment.

Finding

41. That Alice Springs Correctional Centre is operating at over capacity.

The Review Team visited Alice Springs Correctional Centre and was struck by the difference between it and the DCP. Despite being a considerably older and less well-appointed prison, the mood and feeling at Alice Springs was considerably better there

than at DCP. It is the view of the Review Team that the physical environment, which could be improved, better suited the prisoner population, with more opportunities for prisoners to mix and be together. There was also observed to be greater interaction between officers and prisoners, due to the physical layout of the centres, and the management style of the General Manager.

Finding

42. That there appeared to be much greater interaction between staff and prisoners at Alice Springs Correctional Centre than at DCP which contributed to a better mood within the centre.

Prisoner Accommodation

The centre generally appeared to be run down, which extended to the prisoner accommodation areas. Additional beds have been provided in response to the increasing prisoner population. This has led to crowded dormitory style accommodation, with inadequate number of toilets and shower for the number of prisoners. The Review Team is of the view that this situation is unsuitable, and that additional/alternative accommodation should be provided to address both the overcrowding at Alice Springs and the condition of the accommodation areas.

Finding

43. That prisoner accommodation at Alice Springs Correctional Centre is unsuitable and overcrowded.

The mattresses supplied to prisoners appeared to be well-used and due for replacement. More concerning, the mattresses did not appear to be fire retardant, which is a concern given the number of prisoners accommodated in the various accommodation areas. The prisoners' beds appeared to be prison-made steel frames, the appearance of which contributes to the general run down appearance of prisoner accommodation. The prison-made double bunks are considered to be unsafe, as there are no apparent means for the prisoners to access the top bunks, and there are no safety rails, creating the risk of a prisoner falling from them during sleep.

Finding

44. That the double bunks for prisoners at Alice Springs Correctional Centre may have safety issues.

Recommendations

112. That new prisoner accommodation is provided at Alice Springs to address overcrowding, and/or existing prisoner accommodation is refurbished.

113. That all prisoner accommodation areas are provided with the number of toilets and showers sufficient for the number of prisoners.

114. That NTDCS is funded by Government to implement these recommendations.

Female Section

As with DCP, the Review Team considers the female prisoners at Alice Springs to be disadvantaged in comparison with their male counterparts, for the same reasons as at DCP. Further, overcrowding in the female section is considered to be more of a problem than in the male section, due to the limited number of accommodation options for women within the male correctional centre.

For example, in their detailed submission, CAALAS stated that in the open security donger, 15-20 women sleep in double bunks, with only three showers and toilets between them. This was also seen by the Review Team during their inspection of Alice Springs.

Finding

45. That accommodation and facilities for female prisoners at Alice Springs Correctional Centre is unsatisfactory.

Female prisoners have inequitable access to employment opportunities, with their options restricted to work in cleaning and the laundry, rather than work which will help them develop real world employability skills.

Access to programs by women is restricted, due to the lack of facilities for them, and the need to provide programs for the majority male prisoner population. In their submission, CAALAS reported that programs for women can only be held on Wednesday, and any that take place on other days are crowded, with lack of privacy.

CAALAS has also identified the need for programs and support services that address the specific needs of women, citing issues such as domestic and family violence and sexual assault. While we agree in principle, the Review Team is of the view that issues of victimisation are better addressed in the community, and that NTDCS should focus on addressing offending behaviour given the paucity of resources available to address clinical needs

Finding

46. That programs and employment opportunities for female prisoners at Alice Springs Correctional Centre is inadequate.

CAALAS has indicated that the accommodation of women within a male correctional centre is problematic, not only because female prisoners are disadvantaged in a co-correctional facility, but also because male prisoners are disadvantaged when they have to be locked down when female prisoners are moved through parts of the prison, as happens at Alice Springs.

According to CAALAS, with a predominantly Indigenous population, there is potential for *cultural sensitivities to arise regarding gender*. As they point out, safety concerns can arise if an ex-partner who has perpetrated violence on a woman prisoner is also in custody at Alice Springs. CAALAS have also reported that the names of pregnant female prisoners are on a noticeboard which can be seen by many male prisoners, a practice

which violates the privacy of the women, and *publicises what can be a sensitive issue in a relationship.*

CAALAS indicated their concern over the placement of female prisoners in H Block (male maximum security) for fighting or for observation if they are considered to be at risk of suicide or self-harm. This was checked with NTDCS and the response was:

'ASCC has advised they have not ever had a female prisoner being separately confined in H or G Block for the purpose of misconduct punishment. The CCO Misconducts has been conducting misconducts for a few years now and he has no memory or record of and doesn't intend to hand down a period of separate confinement to a female prisoner. The normal LOP and fine system has a greater effect. In the event that a female prisoner needs to be separately confined for a disturbance, there are cells purpose built in H Block for that reason.

With regards to females at risk, they can be placed in H Block in the purpose built cells and observed by camera and regular patrols, but ideally for the safety of the female prisoner and our duty of care, At Risk females are better off housed in G Block cells 1 or 14 because of 24 hour staffing in that area'⁴⁸.

Further advice was received that that female prisoner(s) have been placed in cells in H Block for "behavioural issues" – fighting, aggression, threatening behaviour. Prisoners are assessed within two hours in accordance with NTDCS Separate Confinement Procedures, and we are informed it is very rare for any prisoner, male or female, to be kept in separate confinement for longer than two hours.⁴⁹

While it would be preferable for a prisoner to be placed in separate confinement within their own cell, the lack of single cell accommodation makes this an impossibility at Alice Springs.

Finding

47. That as for DCP, in Alice Springs Correctional Centre it is an unsatisfactory design outcome for a female correctional centre to be located within the perimeter of a male correctional centre.

Of concern to the Review Team, was the accommodation of a two month old baby with its mother in the wing. The Review Team was not reassured when informed that the presence of a baby or child in the wing can be a calming influence on other prisoners.

After reviewing Directive 2.4.6 *Inmate Mothers and their Children* the Review Team is uncertain if any risk assessment is taken of the other prisoners living in the same accommodation area as the mother and her infant/child, before approval is granted for the infant/child to reside with its mother. If not, the presence in a normal accommodation area is considered to be an unacceptable risk for the infant/child.

⁴⁸ Email correspondence from Ms V Bates dated 15 June 2016.

⁴⁹ Email correspondence from Mr W Yan dated 16 June 2016.

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It is also unclear from the directive if any risk assessment is undertaken of the prisoner mother via the Department of Family and Community Services, to ensure that there are no circumstances which might make the placement of a child with its mother in prison 'not in the best interest of the child'. It is also unclear if there is any child advocate/expert involved in the decision making around what is in the best interest of the child.

Recommendations

115. *That suitable accommodation is found for female prisoners, separate from a male correctional centre.*

116. *That sufficient numbers of beds are provided to address overcrowding, and shower and toilet facilities are commensurate with the number of prisoners.*

117. *That suitable accommodation is provided for children residing with their prisoner mothers. If possible this should be as domestic in style as can be achieved, and should provide a safe, grassed area for mothers to play with their children.*

118. *That in the interim, the suitability of the accommodation for prisoner mothers and their infants/children at Alice Springs is reviewed.*

119. *That female prisoners are provided with work that will provide them with marketable work skills, not just in service areas such as cleaning and laundry which will limit their job opportunities and their futures.*

120. *That additional programs, education, creative and cultural activities are provided so that all female prisoners can be actively engaged.*

121. *That Directive 2.4.6 Inmate Mothers and their Children are reviewed to ensure that all risks are addressed in relation to approval for an infant/child to reside in prison with its mother, particularly risk assessments of the mother and other prisoners residing in the same accommodation area, and the prisoner carers nominated by the mother.*

122. *That a child advocate/expert is involved in the decision making around what is in the best interest of the child when requests for a child to be accommodated in prison with its mother are considered.*

123. *That additional funding is provided to NTDCS to implement these recommendations.*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Alice Springs Staffing Model

The proposed Alice Springs Correctional Centre Sector Management model is based on the DCP model. Consequently, much of the analysis above in relation to the DCP staffing model also applies to Alice Springs Correctional Centre.

Although the two correctional centres differ in size, and some standard functions may require more or less staff, there are discrepancies between the naming conventions for a number of positions in the administration section, sentence management section, the operations sector and management. It is our view that position titles should be consistent across correctional centres.

Finding

49. That similar to DCP there is potential for restructuring of senior correctional operational positions and some units within Alice Springs Correctional Centre to achieve more effective and efficient outcomes.

Specialist Chief Correctional Officer Posts

The comments made above in relation to the specialist Chief Correctional Officer posts at DCP apply equally to the Alice Springs. In addition to the specialist Chief Correctional Officer posts discussed above, Alice Springs also has a Chief Correctional Officer Administration, and what is referred to as a 'CCO Relief Component' of three 'Self Relieving' Chief Correctional Officers required 8 hours per day, 5 days per week.

Recommendations

125. That the need for Chief Correctional Officer posts at Alice Springs Correctional Centre is reviewed on a similar basis to that recommended for DCP.

126. That in a review of staffing at Alice Springs Correctional Centre consideration is given to the following:

- *The post of Chief Correctional Officer, Administration is a misuse of an experienced and trained Correctional Officer and should be deleted,*
- *The three self-relieving Chief Correctional Officer positions should be deleted. They are considered to be unnecessary, as any relief component required is calculated within the FTE for the Chief Correctional Officer posts. Included as three separate posts of 8 hours per day, five days per week, these posts would be rostered as supernumerary every day that all other Chief Correctional Officers posts are filled. The inclusion of these posts will prevent Senior Correctional Officers from obtaining developmental opportunities to act in a higher capacity at Chief Correctional Officer rank, and Correctional Officers from obtaining experience as Senior Correctional Officers,*
- *The Chief Correctional Officer Security post should be deleted,*
- *The Operations Security/Gate Sector could be amalgamated with the Employment/Education Sector under the Chief Correctional Officer Operations,*
- *The Intelligence Officers and the IAT should report to the Deputy Superintendent Security,*
- *The posts of Senior Correctional Officer Security and Senior Correctional Officer Operations should be reviewed for deletion, and*
- *The need for an IAT should be reviewed, and alternate options for security response explored.*

Employment/Education

The Review Team questions:

- *The need for the two 12 hour per day, 7 day per week posts of M Block/ Industries and T Block Industries when Industries appear to operate 8 hours per day, 5 days per week.*
- *Why the Yard Officer posts on weekends are only required 8 hours per day when during the week they are required for 12 hours per day.*
- *Why the Sport and Recreation officers are required for only 8 hours on 2 days per week (presumably weekend).*

Prison Industries

The Review Team was impressed by the industries it saw operating at Alice Springs. The level and nature of the interactions between staff and prisoners was positive, and the prisoners appeared to be productively engaged.

However, according to information provided by NTDCS, only about 59% of the prisoner population is engaged industries and work. Of those the largest number (73) are “block workers” engaged in cleaning and other chores around the accommodation blocks. The second largest number of prisoners (46) are engaged in external employment – either paid or voluntary.

The table below was provided by NTDCS, the staff attached to each industry was extracted by the Review Team from the Alice Springs Staffing Model (18 April 2016) which was also provided by NTDCS. It should be noted that the seeming inconsistency between staff costings is the result of the FTE as opposed to the post count which is shown in the Chief Industries Officer and Senior Industries Officer columns. It should also be noted that the costs of materials and prisoner wages are not included in this table.

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Count of IJISID				
Work Groups	Alice Springs	Chief Industries Officer	Senior Industries Officer	Cost
Block Workers	73	X – H Block?	X – H Block WNP?	298,595
Carp / Maintenance	5			
Community Support Work Party	29		XXX	364,973
Construction and Development	17	X	X	298,595
Cottage Facility	21			
Creative Arts Department	16		X	121,658
External Employment PAID/VOLUNTARY	46	CCO	A05	228,822
		X		
Facilities Services		(Maintenance?)	X (Maintenance?)	346,041
Goods Main store	5			
Horticulture	16			
Industries Female Bakery/Food Packing	5		X	240,882
Industries Female Workshop				
Industries Food Services kitchen	20	X	XXXX	792,526
Industries Metal Work	13	X	X	298,595
Industries Production Assembly		X (Furniture?)		176,937
Industries Woodwork	17	X		176,937
Laundry	29		XX	308,034
Male Textiles	7		X	169,104
Mechanical	7			
Number Plate Factory	11	X		176,937
Programs				
Trade Skills	7			
Unemployed	226			
Refused to Work (RTW)	13			
Grand Total	583			3,998,636

NB: The questions marks next to positions in the table above indicate Review Team's uncertainty regarding the attribution to the positions to the industries that the Review Team has associated them with in this table.

The woodwork and metalwork industries between them only employed 30 prisoners, one more than the laundry but with an additional staff cost of \$167,498. In comparison, Food Services Kitchen only employs 20 prisoners with a staff cost of **\$792,526** while 73 block workers are employed at a cost \$298,595.

A review of the Alice Springs' budget has shown that industries are operating at a deficit.

Finding

50. That the viability of prisoner work and industries programs at Alice Springs is problematic and should be reviewed as a matter of some urgency, given NTDCS' funding position.

Recommendations

127. That the viability of prisoner work and industries programs at Alice Springs Correctional Centre is reviewed as a matter of urgency.

128. That alternate methods of providing meaningful work, vocational training and employability skills are explored as a matter of urgency.

3.2 Community Corrections

The Northern Territory Community Corrections (NTCC) service manages approximately 1200 offenders at any point in time, on a range of pre-sentence and post-sentence orders. As at 31 May 2016 there were 1160 individual offenders being supervised on 1237 active orders. The NTCC is considered unique, in that it supervises both adults and youth in the community. Also, unlike most Australian community corrections agencies, NTCC supervises offenders who are subject to Bail conditions, and offenders granted a Suspended Sentence of Imprisonment.

Community Corrections supervises offenders on a number of orders. These are Bail, Bond, Community Based Order, Community Custody Order, Community Work Order, Good Behaviour Order, Home Detention Order, Interstate Parole, Interstate Probation, Parole, Suspended Sentence of Imprisonment and Suspended Sentence of Detention.

In addition there is provision in the legislation for the supervision of youth on a Youth Alternative Detention order, however there are no such orders at this time. Current orders as at 31 May 2016 are distributed as follows:

31 May 2016 Office Location	Order Type ⁵⁰													
	BND	CBO	CCO	CWO	GBO	HDO	INP	INS	PRL	SSD	SUS	YAD	BAI	Total
Alice Springs CC	5	0	16	43	14	2	0	0	31	18	141	0	21	291
Casuarina CC	6	0	0	27	12	1	3	3	13	2	82	0	8	157
Groote Eylandt CC	6	0	2	13	5	0	0	0	9	0	33	0	3	71
Katherine CC	12	0	3	47	5	4	0	0	11	3	121	0	8	214
Nhulunbuy CC	13	0	0	13	2	1	0	0	2	1	43	0	0	75
Palmerston CC	15	0	0	53	14	7	2	3	23	15	153	2	10	297
Tennant Creek CC	1	0	3	8	5	0	0	0	3	2	59	0	5	86
Wadeye CC	4	0	0	7	2	0	0	0	2	3	28	0	0	46
Total	62	0	24	211	59	15	5	6	94	44	660	2	55	1237
Indigenous	50	0	23	186	54	6	0	2	69	43	507	2	37	979

⁵⁰ BND-Bond; CBO-Community Based Order; CCO-Community Custody Order; CWO-Community Work Order; GBO-Good behaviour Order; HDO-Home Detention Order; INP-Interstate Parole; INS-Interstate Probation; PRL-Parole; SSD-Suspended Sentence of Detention; SUS-Suspended Sentence of Imprisonment; YAD-Youth Alternative Detention Order; and BAI-Bail.

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There are 239 orders in breach whereby offenders have either absconded and a warrant for their arrest has been issued, or breach action is being taken. The majority of orders in breach were Suspended Sentence of Imprisonment (n=125).

Of all offenders under community corrections supervision on 31 May 2016, 912 or 79% were Indigenous. As would be expected the majority of supervised offenders report to community corrections offices in Darwin, Katherine and Alice Springs, while the remainder are spread across rural and remote communities.

A distinctive feature of this jurisdiction's community correctional service is the supervision of individuals in their home communities. Community Corrections Officers regularly travel to remote communities to monitor offenders' compliance with conditions and provide supervision. While this is expensive, it is certainly an individualised approach and demonstrates the agency's focus on crime prevention through individualised case management.

Community Corrections also includes the Electronic Monitoring Unit, staffed of officers responsible for the management of those offenders directed by the courts to wear electronic ankle bracelets. The number of offenders monitored by this unit varies from time to time, however at this time there were 70 offenders subject to electronic monitoring. Given the diversity of orders managed by Community Corrections in the Northern Territory it is therefore both operationally challenging, and also demanding in terms of the legislative requirements of each of the orders it oversees.

Findings

51. That the NTCC is considered unique, in that it supervises both adults and youth in the community. Also, unlike most Australian community corrections agencies, NTCC supervises offenders who are subject to Bail conditions, and offenders granted a Suspended Sentence of Imprisonment. NTCC includes the Electronic Monitoring Unit, staffed by officers responsible for the management of those offenders directed by the courts to wear electronic ankle bracelets.

52. That 79% (912) of all offenders under community corrections supervision on 31 May 2016 were Indigenous.

53. That a distinctive feature of this jurisdiction's community correctional service is the supervision of individuals in their remote home communities which involves extensive travel for Community Corrections Officers; this approach demonstrates the agency's focus on crime prevention through individualised case management.

Staffing

The Review Team is advised that Community Corrections is funded to maintain a staffing establishment of 158.5 full time equivalent positions (FTE). Of these, 8 are Senior Managers/Managers based in head office; 4 are Regional Managers based in Alice Springs, Palmerston, Casuarina and Katherine; 1 is an Officer in Charge at Tenant Creek;

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19 are Team Leaders; 66 are Probation and Parole Officers; 14 are Community Probation and Parole Officers, and 9 are Probation and Parole Support Officers. The remaining positions are filled by 4 Community Work Coordinators; 13.3 Compliance Officers; 3 Training staff; 8 Project, Program and Practice Review staff; 9.5 Executive Officer and Administration officers.

One of the major challenges faced by the NTCC is the retention of its operational staff. All Australian community correctional agencies experience difficulties recruiting and retaining staff largely due to the significant administrative component of the role and lower salaries when compared to other case management positions in other government departments. The lead-in time to fully train a Probation and Parole Officer is significant, and NTDCS has employed a number of strategies to off-set the risks associated with trained staff leaving their positions. These include bulk recruitment drives and salary progression based on the attainment of certificate qualifications.

The Review Team supports these initiatives and recommends NTCC continues to explore strategies designed to attract suitably qualified staff and maintain optimal staffing levels. For example, the implementation of an incentive-based salary increment system is usually well regarded by operational staff and would serve to encourage existing staff to continually improve their skill-base, and be more likely to stay with the agency.

Finding

54. That one of the major challenges faced by the NTCC is the retention of its operational staff.

Recommendation

129. That NTCC explores options for implementing an incentive-based system for the achievement of salary increments for operational staff.

Budget

The cost associated with the supervision of offenders in Community Corrections has increased over the past 5 years. In the 2014-15 year the net operating expenditure per offender per day was identified as \$43.50. Including capital costs, the total cost per offender per day was \$46.19 in the 2014-15 year⁵¹. This is likely, in part, due to the increase in staffing in Community Corrections over this period. National comparative data is shown below:⁵²

Total expenditure, per offender, \$ per day, excluding capital costs, 2014-15:

NSW	VIC	QLD	WA	SA	TAS	ACT	NT	AUS
23.83	25.68	14.01	46.94	17.81	13.42	31.78	43.50	22.64

⁵¹ *Report on Government Services 2016*, Chapter 8, Table 8A.7.

⁵² This data as published by ROGS may differ from data published by individual jurisdictions due to different methods of calculating costs.

Total expenditure, per offender, \$ per day, including capital costs, 2014-15:

NSW	VIC	QLD	WA	SA	TAS	ACT	NT	AUS
26.88	27.55	14.47	46.97	18.66	13.46	31.95	46.19	24.4

Community corrections offender-to-all staff ratios 2014-15 – comparison across jurisdictions:

NSW	VIC	QLD	WA	SA	TAS	ACT	NT	AUS
16.7	13.5	23.9	9.5	17.5	24.8	12.5	9.2	16.4

Community corrections offender-to-operational staff ratios 2014-15– comparison across jurisdictions:

NSW	VIC	QLD	WA	SA	TAS	ACT	NT	AUS
20.8	16.3	35.1	12.6	23.6	29.6	16.1	11.7	21.2

The offender: operational staff ratio was identified as 11.7 in the 2014-15 year, and the offender to: all Community Corrections staff was 9.2⁵³. Over the past 5 years the average number of offenders under Community Corrections supervision has not increased significantly⁵⁴, while these staff: offender ratios have decreased, and are currently the lowest in Australia. The Review Team understands that Community Corrections recruits staff through a bulk recruitment process for sound operational reasons, and that at times it may carry staff that are additional to the FTE establishment.

While a smaller case load per officer can be viewed as a *positive* (closer supervision of offenders) it can also be viewed as a *negative* (higher costs) unless it can be demonstrated that smaller caseloads translate into better outcomes for NTDCS. Available data suggests that NTDCS is not performing as well as other jurisdictions despite having small case loads and high costs, see Table below:

Completion of community corrections orders (per cent) 2014-15⁵⁵ - comparison across jurisdictions:

NSW	VIC	QLD	WA	SA	TAS	ACT	NT	AUS
75.8	66.5	75.6	61.2	67.5	87.6	79.9	69.0	72.9

In terms of cost-per-offender-per-day, QLD is the best performing jurisdiction (\$14 per day) compared to the NT at \$44 per day and yet QLD achieved a completion result of 75.6% compared the NT's 69% i.e. QLD achieved a 6.5% better completion result than the NT at 30% of the cost-per-offender-per-day. However, completion rates need to be viewed with caution because it may be that some jurisdictions are "tougher" than others at enforcing order conditions (breaches) which will result in fewer completions. Unfortunately there is no national comparative data on breach rates.

⁵³ Table 8A:22 Report on Government Services 2016.

⁵⁴ Average total persons under Community Corrections supervision - 2010-11 (1,083); 2011-12 (1,082); 2012-13 (1,210); 2013-14 (1,299); and 2014-15 (1,165). Report on Government Services, 2016.

⁵⁵ Report on Government Services 2016, Chapter 8, Table 8A.19.

Finding

55. That NTCC's staff-to-offenders supervised ratio is the lowest in Australia, yet in terms of data relating to completion of Community Corrections Orders, NTCC is not performing as well as other jurisdictions. However, completion rates need to be viewed with caution because it may be that some jurisdictions are "tougher" than others at enforcing order conditions (breaches) which will result in fewer completions. Unfortunately there is no national comparative data on breach rates.

Business Plan

Community Corrections provided the Review Team with its Business Plan, dated October 2015. This document identifies a number of strategies aimed at achieving the NTDCS' strategic intent. Success indicators, or Key Performance Indicators have been identified which are allocated to both head office and regional offices and reflect a range of service improvements designed to target recidivism. As a working document, the Business Plan is clear and focussed on the management of identified and relevant challenges, such as staff recruitment and training, community engagement and meeting the needs of key stakeholders, such as courts and the Parole Board in a timely fashion.

It provides for external feedback on the delivery of community corrections services, and reflects the intention to engage with local community members to enhance service delivery. The Review Team was impressed with this document and recognises the detailed analysis contributing to its development. However, changes are required to IOMS data collection systems to fully capture the Key Performance Indicators and capitalise on the value such a plan provides.

Finding

56. That NTCC's Business Plan is clear and focussed on the management of identified and relevant challenges, such as staff recruitment and training, community engagement and meeting the needs of key stakeholders. However, changes are required to IOMS data collection systems to fully capture the Key Performance Indicators and capitalise on the value such a plan provides.

In order to build on this plan in future years NTCC should take the lead in Australia in the identification of qualitative measures of success when supervising Indigenous offenders. This may include increasing offenders' connection to community through partnerships with community agencies and groups, enhancing well-being and developing internal motivation to change their behaviour.

Recommendation

130. That NTCC consider development of qualitative measures of success when supervising Indigenous offenders including outcomes such as increasing offenders' connection to community through partnerships with community agencies and groups, enhancing well-being and developing internal motivation to change their behaviour.

Service Delivery Enhancements

NTCC operational staff and head office support staff presented a unified and cohesive approach to the delivery of services within the adult and youth justice sectors. NTCC has a number of challenges including the supervision of offenders in remote locations, a significant Indigenous caseload from a range of linguistic and complex social backgrounds, and the dualities associated with the supervision of both adults and juveniles.

There are some areas where operations could be enhanced. The first of these is the delegation of authority in community corrections. Operational Managers consistently identified a frustration that the delegated authority for standard HR and financial functions is held at too high a level in NTCC. For example it was advised that operational managers did not have the authority to appoint staff to either short-term vacancies of six months or less or on-going positions without the approval of the Division head who is based in head office. In addition the delegated authority to appoint casual staff also rests with the Division head⁵⁶. A further example is the approval of the accrual of time off in lieu (TOIL) which must be approved by the Executive Director.

Finding

57. That there is a level of frustration by Operational Managers that the delegated authority for standard HR and financial functions is held at too high a level in NTCC.

Such oversight by head office managers of local HR functions has indeed resulted in a co-ordinated and consistent application of delegated authority. However, as the service has now matured, it may be an opportune time to relax the level of oversight somewhat, and afford operational managers greater opportunity to take control of general HR functions across their regions.

Recommendation

131. That the Community Corrections leadership team, in conjunction with Regional Managers, review the delegations, with a view to delegating greater HR and budget management authority to regional managers.

Rehabilitation Programs

As noted earlier in this report, sexual offenders and violent offenders are currently being released from custody without having addressed their offending behaviour, and in that regard, the Review Team found the lack of rehabilitative or criminogenic programs offered in community corrections compounded this problem.

Finding

58. That there is a lack of rehabilitative or criminogenic programs offered in community corrections.

⁵⁶ Public Sector Employment and Management Act, Human Resources Management Delegations, Instrument of Delegation and Delegation of Authority, Version 4: July 2015.

While it is essential that all treatment needs are fully addressed prior to a prisoner being released to parole, it is also important that treatment gains are maintained in the community. Community Corrections presents as well placed to deliver maintenance programs for treated sexual offenders and violent offenders transitioning from custody. The needs of these two groups of prisoners following their return to the community should be addressed by NTCC.

Recommendation

132. That NTDCS introduces a sexual offender maintenance program and a violent offender maintenance program to be implemented by Community Corrections for parolees, to ensure treatment gains made in custody transfer with them upon release. Additional funding should be provided to NTDCS for this purpose.

Offender Demographics

The future for Community Corrections in the Northern Territory is to increase the number of opportunities it provides for offender development and rehabilitation while maintaining its focus on order compliance. Given the unique offender demographics in this jurisdiction, this agency is well positioned to lead the development of supervisory strategies for Indigenous offenders across Australia. The Review Team encourages Community Corrections to look less at the Southern States for operational initiatives and guidance, and draw upon the local knowledge and expertise within, so as to introduce operational initiatives purposely designed to meet the needs of its offender population.

Finding

59. That NTCC is well positioned to lead the development of supervisory strategies for Indigenous offenders across Australia by utilising local knowledge and expertise within, so as to introduce operational initiatives purposely designed to meet the needs of its offender population.

This may include redefining the tolerances applied when determining whether an order has been conditionally breached, negotiating with Indigenous communities or nominated Elders some alternatives to taking breach action that the community can be responsible for, and reviewing any 'one-size-fits-all' procedures.

The stand-out ingredient identified in the Northern Territory's Community Corrections is its capacity and willingness to tailor services to the individual offender, and the Review Team applauds this foresight and realistic approach, particularly as other jurisdictions are taking a more stringent and administrative approach to community corrections supervision.

Finding

60. That the stand-out ingredient identified in Northern Territory's Community Corrections is its capacity and willingness to tailor services to the individual offender.

The Review Team is cognisant of prevailing community attitudes towards the supervision of offenders in the Northern Territory, and while the expectations of the community and government are focussed on order compliance, the ultimate expectation is reduced crime. Therefore, community corrections supervision is pivotal to an offender either successfully exiting the criminal justice system, or remaining within it for much of their adult life.

The Review Team therefore encourages Community Corrections to maintain its offender-focussed approach so as to maximise the potential for each offender under supervision to benefit from that opportunity. The appointment of psychologists to Community Corrections offices to provide advice and guidance to officers would be considered a valuable step in this direction.

In addition, the Review Team has been advised that Yolŋu Rom (Indigenous law) is still operating in the Northern Territory, and that it is the primary means of social cohesion and social/legal accountability that Yolŋu (Indigenous people) recognise and use. This *'tangible and logical social system that ties all people and all clans together through kinship'*⁵⁷, provides a sound basis for the enhancement of Community Corrections services. The establishment of Yolŋu Community Authorities to actively participate in the supervision of offenders living in communities is supported by the Review Team. A number of strategies were identified to take Community Corrections forward.

Recommendation

133. That the following Community Corrections service enhancements are implemented:

- *facilitation of programs (developed or purchased by NTDCS) for sexual and violent offenders under Community Corrections supervision on court orders or on parole,*
- *establishment of the role of Community Corrections Psychologist in Alice Springs, Palmerston and Casuarina offices, and*
- *the appointment of Probation and Parole Officers to remote communities who are from the community - where the community is amenable - to provide local supervision and support to offenders, and work with community members to develop Yolŋu Community Authorities, where appropriate.*

Youth under Community Corrections Supervision

Community Corrections provides supervision for youth exiting detention and also youth ordered by a court to comply with supervision conditions in the community. On average 10% of those supervised in Community Corrections are youth aged between 10 and 17 years of age. At the end of the March 2016 quarter there were 145 youth under Community Corrections supervision, and of this group a significant majority are Indigenous. The rate of successful completion of youth orders has varied between 31% and 61% over the past 12 months.

⁵⁷ Submission to the Review Team provided through NAAJA, dated 12 June 2016.

Comparative data from other Australian jurisdictions is not available to test the relative effectiveness of the above youth order completion rates.

Finding

61. That the rate of successful completion of youth orders has varied between 31% and 61% over the past 12 months. Comparative data from other Australian jurisdictions is not available to test the relative effectiveness of the above youth order completion rates.

Best practice would require the supervision of youth by specially trained Youth Justice Officers given the increased intensity often necessary, and the differences in optimal case management practices for the supervision of youth and adults. However, given the small numbers of youth under supervision, the agency does not allocate specialised officers to supervise this group. At this time Community Corrections Probation and Parole Officers are likely to have a mix of adult and youth offenders on their caseloads.

The Review Team investigated the appropriateness of this approach. It recognised that the youth under community corrections supervision are a heterogeneous group from various cultural and language groups, and that those from top end communities will have different needs to those from desert or island communities.

It concluded that these differences require an individualised approach, rather than a standardised approach to youth supervision - which may be more appropriate and more easily achieved in a jurisdiction such as Victoria. The Review Team found that the supervision of youth in the Northern Territory, while not utilising a specialised role, was being managed with sensitivity and a localised appreciation of the cultural and rehabilitation needs of the youth. However, in the longer term - as was recommended in relation to the management of youth detention services - the supervision of youth in the community under court orders is an issue that could be reviewed in consultation with other agencies.

The Youth Justice Framework 2015-2020 sets the service delivery agenda for the detention and supervision of youth in the Northern Territory. This whole-of-government framework has been prepared by the many government and non-government agencies involved in providing services to youth and their families, and it is the appropriate forum for cross government consideration of the future placement of services to youth in the criminal justice system.

Finding

62. That the approach to supervision of youth in the community under court orders is an issue that could benefit from review by NTDCS in consultation with other human service delivery agencies.

In the interim, Community Corrections has developed a draft Community Based Youth Supervision Model and Policy to guide the supervision of young people in the Northern Territory. The Review Team is advised that this model is being considered by NTDCS senior management at this time, and that further consultation with Indigenous stakeholders will be progressed.

Recommendation

134. That the Northern Territory Adult Corrections and Youth Justice Services Commission include relevant NT Government and non- Government agencies in its consultation with Indigenous stakeholders to ensure a holistic approach to working with youth subject to court orders under its proposed Community Based Youth Supervision model.

Rehabilitation programs for youth under supervision

Community Corrections does not directly provide rehabilitation programs for youth under supervision. Instead, a number of youth are able to access programs and services provided by external agencies, however these may not always be available. While youth remain under Community Corrections supervision, the Review Team considers this issue warrants prioritisation.

Recommendation

135. That Community Corrections in Alice Springs, Darwin and Katherine be funded to provide youth under supervision in those areas with access to the Step-Up program (for youth) and the Safe Sober Strong program (for youth).

Further Issue: Family Violence Program

The Review Team considered the Family Violence Program to be an innovative program for perpetrators of violence. It is conducted over five days and focuses on challenging attitudes and beliefs about violence in the family using a cognitive-behavioural approach. The Family Violence Program team comprises a manager and a number of program facilitators. These staff currently report to the Director, Indigenous Services and Community Engagement.

It was advised that facilitators of the Family Violence Program, who are based in Head Office, regularly travel by road to remote communities such as Borroloola or Lajamanu, to deliver the program. Often these officers travel alone for up to 10 hours each way, and deliver the program in these remote communities unassisted. This practice represents a significant risk to the individual and the organisation.

The program often includes folk who are not subject to the supervision of NTDCS. This is a generous gesture and no doubt assists with family and community strengthening. It is not known whether NTCC has in place protocols relating to the inclusion of people who are not subject to supervision orders.

Recommendations

136. That the Family Violence Program is only delivered where, and when, two facilitators are available. In some instances local Elders or Respected Persons based in the communities could be appointed as the second facilitator.

137. That where the Family Violence Program includes people who are not subject to supervision orders NTCC should ensure that appropriate protocols are in place relating to their inclusion.

138. That the Family Violence Team is jointly supervised by the Indigenous Services and Community Engagement Unit and the Offender Services and Programs Unit, so as to enable targeted clinical supervision and training to be provided to program facilitators.

139. That consideration be give to licensing and accrediting community organisations to deliver the Family Violence Program in the community, with ongoing quality assurance by NTDCS.

3.3 Youth Detention

3.3.1 Organisational Placement and Oversight

The *Youth Justice Act 2016* provides the head of authority for the detention of young people under the age of 18 years in the Northern Territory. The following are the general principles that must be taken into account in the administration of the Act:

- (a) if a youth commits an offence, he or she must be held accountable and encouraged to accept responsibility for the behaviour;*
- (b) the youth should be dealt with in a way that acknowledges his or her needs and will provide him or her with the opportunity to develop in socially responsible ways;*
- (c) a youth should only be kept in custody for an offence (whether on arrest, in remand or under sentence) as a last resort and for the shortest appropriate period of time;*
- (d) a youth must be dealt with in the criminal law system in a manner consistent with his or her age and maturity and have the same rights and protection before the law as would an adult in similar circumstances;*
- (e) a youth should be made aware of his or her obligations under the law and of the consequences of contravening the law;*
- (f) a youth who commits an offence should be dealt with in a way that allows him or her to be re-integrated into the community;*
- (g) a balanced approach must be taken between the needs of the youth, the rights of any victim of the youth's offence and the interests of the community;*
- (h) family relationships between a youth and members of his or her family should, where appropriate, be preserved and strengthened;*
- (i) a youth should not be withdrawn unnecessarily from his or her family environment and there should be no unnecessary interruption of a youth's education or employment;*
- (j) a youth's sense of racial, ethnic or cultural identity should be acknowledged and he or she should have the opportunity to maintain it;*
- (k) a victim of an offence committed by a youth should be given the opportunity to participate in the process of dealing with the youth for the offence;*

- (l) a responsible adult in respect of a youth should be encouraged to fulfil his or her responsibility for the care and supervision of the youth;*
- (m) a decision affecting a youth should, as far as practicable, be made and implemented within a time frame appropriate to the youth's sense of time;*
- (n) punishment of a youth must be designed to give him or her an opportunity to develop a sense of social responsibility and otherwise to develop in beneficial and socially acceptable ways;*
- (o) if practicable, an Aboriginal youth should be dealt with in a way that involves the youth's community;*
- (p) programs and services established under this Act for youth should: (i) be culturally appropriate; and (ii) promote their health and self-respect; and (iii) foster their sense of responsibility; and (iv) encourage attitudes and the development of skills that will help them to develop their potential as members of society;*
- (q) unless the public interest requires otherwise, criminal proceedings should not be instituted or continued against a youth if there are alternative means of dealing with the matter; and*
- (r) as far as practicable, proceedings in relation to youth offenders must be conducted separately from proceedings in relation to adult offenders.*

The above principles are highlighted here to serve as a backdrop to the Review Team's recommendations.

3.3.2 Organisational Placement

Across Australian jurisdictions, there is no consensus when placing youth justice services within government agencies. In Victoria these services sit within the Department of Human Services; in New South Wales, the Department of Justice has responsibility for youth justice services. In South Australia, youth justice services are administered by the Department of Communities and Social Inclusion, while in Queensland it is the Department of Justice and Attorney General which manages these services. In Tasmania it is the Department of Health and Human Services and in the Australian Capital Territory it is Community Services. In Western Australia Youth Justice Services fits within the Department of Corrective Services but is a separate division of the department.

The Northern Territory is the only jurisdiction that manages the detention and supervision of youth from within an adult custodial corrections division. The Review Team recognises the differing operational imperatives and philosophical underpinnings between youth justice and adult corrections, and notes that ideally, youth justice services would not be associated with adult corrective services.

Finding

63. That the Northern Territory is the only Australian jurisdiction that manages the detention and supervision of youth from within an adult custodial corrections division; due to differing operational imperatives and philosophical underpinnings between youth

justice and adult corrections, ideally, youth justice services would not be associated with adult corrective services.

In the past, NTDCS managed youth detention services under a separate youth justice division. However the Commissioner advised members of the Review Team that on taking up duty he found a lack of structure and organisation within youth detention, particularly, the Don Dale Centre. The Commissioner found this so worrying that he decided to place youth detention services under custodial operations as an interim measure to establish appropriate systems, processes and discipline. The Commissioner also directed that Correctional Officers were to be placed in youth detention centres to address the deficit in experienced Youth Justice Officers (Review Team members were told that at Don Dale 45% of Youth Justice Officers had less than 6 months' service, with 65% of Youth Justice Officers having less than 12 months' service).

The Review Team appreciates that this was done to deal with a high level risk to the organisation. However, it is our view that this organisational placement is inappropriate in the longer term.

Finding

64. That the new Commissioner placed youth detention services under custodial operations as an interim measure to mitigate serious risks associated with systems, processes and discipline. He also directed that Correctional Officers were to be placed in youth detention centres to address the deficit in experienced Youth Justice Officers which was appropriate in the circumstances.

It is recommended in Section 2.2.1 above that Youth Justice Services is included as a discrete division in a *Northern Territory Adult Corrections and Youth Justice Services Commission* under the leadership of a Deputy Commissioner responsible to the Commissioner (CEO) of the Commission.

The Commissioner has also advised members of the Review Team that a critical factor in the recruitment and retention of Youth Justice Officers is their salary level. Despite the level and the nature of the responsibility that accrues to the position of Youth Justice Officer, they are paid at around the level of an AO3 – AO4 position. It is the view of the Review Team that consideration should be given to increasing the salary levels of Youth Justice Officers to reflect the level of their responsibility for the safety and security of youth in detention.

Finding

65. That it appears Youth Justice Officers are not paid at a level commensurate with the responsibility of the position and that salaries should be increased to ensure recruitment and retention of staff.

Recommendation

140. That a work value assessment is conducted of the salary levels of Youth Justice Officer positions to ensure that salaries are appropriate for the level of responsibility carried.

There are several advisory committees contributing to the development of detention services for youth in the Northern Territory. These include the Youth Justice Advisory Committee, which is comprised of community representatives and government officers, and the Youth Detention Reform Advisory Group, which is chaired by the Commissioner and includes officers from legal aid agencies.

3.3.3 Current Statistics

As at 23 May 2016 there were 35 young people in detention at the Don Dale Youth Detention Centre and nine in detention at the Alice Springs Youth Detention Centre. The majority were male (90%) and 95% were Indigenous. A significant proportion of this number was on remand, as opposed to sentenced detainees (65%). The Review Team were advised that these statistics are not uncommon and that at times the youth population in detention has risen to nearly 60.

3.3.4 Don Dale Youth Detention Centre

Members of the Review Team visited the Don Dale Youth Detention Centre (DDYDC) in what was the old Darwin Correctional Centre at Berrimah and were dismayed by the conditions in which staff were working and the youth were living.

The Review Team understands the circumstances under which the youth offenders were transferred to the old Darwin Correctional Centre, and that the department has spent a considerable amount refurbishing the centre for occupation by youth, including what will be an excellent indoor recreation area. However, regardless of the amount spent, and the work undertaken, it is the view of the Review Team that accommodating youth offenders in a facility that was condemned when it housed adult prisoners is unacceptable, and nothing will make the old Darwin Correctional Centre suitable for youth offenders.

Amongst the issues observed at DDYDC was the number of hanging points in the cells and accommodation areas; the lack of suitable accommodation for the nurse who was in attendance at the time of our visit; the old welded, prison-made beds, and mattresses which needed replacing and did not appear to be fire retardant; the unacceptable shower facilities for girls and young women who have to shower in a shower room accessed by an open quadrangle, with only a plastic shower curtain (which blows open in the wind) for privacy; the isolation suffered by girls and young women at the centre; the lack of access to outdoor exercise areas, and the overwhelming impression of disrepair and despair.

Finding

66. That the current Don Dale Youth Detention Centre (DDYDC) is totally unacceptable accommodation for young people in detention.

The Review Team were informed that youth received into the centre were not necessarily medically assessed immediately after reception, and that this assessment may not occur for up to 24 hours or more, depending on availability of nursing staff (who attend Don Dale from the DCP) and court appearances of the youth.

It is our view that this is unacceptable, given the complex risks and needs of youth entering detention.⁵⁸

The Review Team observed a young detainee being interviewed by a nurse in a treatment/ interview room that was off a crowded corridor and which was totally unfit for purpose in our opinion. We were also informed that newly received detainees are not necessarily medically assessed immediately after reception due to Health Department staffing arrangements. We were informed that medical assessments take place up to 24 hours after reception. It is our view that this is unacceptable given the complex risks and needs of youth entering detention.

Finding

67. That the process for medical assessment for youth detainees on reception is unsatisfactory and presents a serious risk.

The Review Team observed a detainee being supervised in a secure area by two Correctional Officers. Given the relatively small, secured area in which this was occurring, the accordingly close proximity of the two officers to the detainee, the manner in which the two officers were standing as they supervised the detainee, observing but apparently not otherwise interacting with, or acknowledging him, the reasons for deploying Correctional Officers in the DDYC in the first place, this situation appeared to be very intimidating for the detainee, and was confronting to members of the Review Team.

NTDCS has advised that there are 13 staff vacancies at DDYDC and that 10 Correctional Officers are rostered to work at the facility. It is the view of the Review Team that the rostering of Correctional Officers from DCP to the DDYDC is unacceptable, as they have not had youth justice officer training, and because of the nature of the training they have undertaken during their Certificate III in Correctional Practice (referred to elsewhere in this document). However, we acknowledge this arrangement to be preferable to operating the centre critically short staffed, or with with an even higher proportion of inexperienced officers than it already has.

The Review Team noted the absence of female Youth Justice Officers at both Don Dale and Alice Springs Youth Detention Centres. It is our view, that while recruiting staff for the youth justice centres, NTDCS should strive to attract and appoint female Youth Justice Officers. It is our view that a mixed gender staff will contribute to normalising the environment of the youth justice centre, hopefully providing positive role models of

⁵⁸ This is reflected in the NTDCS At Risk Procedures Manual which indicates that high risk periods in which a detainee may be particularly at risk to self harm include: the first 48 hours after admission, on return from court, and after being sentenced to a term of detention.

both genders, and providing additional support for female detainees. Furthermore in our experience, female officers can have a calming influence on male offenders in that the male-on-male “supremacy contest” is effectively negated.

It is our view that recruiting and placing just one female Youth Justice Officer in a centre would neither contribute to a more normalised environment, nor provide adequate support for a lone female officer. Accordingly where vacant positions are available, more than one female Youth Justice Officer should be placed into each youth detention centre, subject of course to merit selection.

Finding

68. That the rostering of Correctional Officers to the DDYDC is unacceptable.

69. That the rostering of Correctional Officers to the Alice Springs YDC is unacceptable.

70. That female Youth Justice Officers would contribute to normalising the youth detention centre environment and provide positive female role models for both male and female youth detainees.

Recommendation

141. That NTDCS cease rostering Correctional Officers in youth detention centres and recruit sufficient numbers of female Youth Justice Officers to make a difference to the environment in the centres.

Members of the Review Team were told a number of times about how youth offenders had really tested the security at all the facilities they had recently been held, including the Complex Behaviour Unit at the DCP, the old Don Dale Centre and the old Darwin Correctional Centre (from which no adult prisoner had escaped).

Rather than a reflection of the increased dangerousness of the youth offenders, the Review Team is of the view that these incidents reveal flaws in the NTDCS approach to the management and rehabilitation of youth offenders; [REDACTED] a lack of leadership and supervision of staff; complacency and/or lack of staff training and understanding in the management of youth offenders:

‘Research shows that threatening and punitive interactions, incarceration, and punishment escalate the aggressive behavior of troubled youth.’⁵⁹⁶⁰⁶¹⁶²

⁵⁹Center on Early Adolescence. (2008). *Building a More Effective Juvenile Justice System* Accessed from https://www.earlyadolescence.org/juvenile_justice_system, in June 2016.

⁶⁰ Lipsey, M.W., & Wilson DB. (1998). Effective intervention for serious juvenile offenders: A synthesis of research. In R Loeber & DP Farrington. *Serious & violent juvenile offenders: Risk factors and successful interventions*, pp. 313-345. Thousand Oaks, CA: Sage.

⁶¹ Howell, J.C. (1995). *Guide for implementing the comprehensive strategy for serious, violent and chronic juvenile offenders*. Report. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

⁶² Greenwood, P.W., Model, K.E. (1996). *Diverting children for a life of crime: Measuring costs and benefits*. Santa Monica, CA: Rand.

Research studies on high-risk youth show that a system in which problematic youth are congregated increases the likelihood that youth will learn negative behaviors from one another, by reinforcing each other's deviant behaviors. ⁶³

Putting troubled youth into ever-more punitive, restrictive, and long-term environments goes against everything we know about the development of the adolescent brain and robs these youth of opportunities to learn new skills and ways of behaving that are more positive. Yet most states' emphasis on incarceration and punishment does just that, and interferes with effective diversionary, treatment, and rehabilitation practices. Most states only rarely implement evidence-based diversionary practices, mental health and substance use treatment, and rehabilitation practices.

Several steps can reduce offending and re-offending. We can reduce emphasis on incarceration and punishment; divert lower-risk youth from detention and incarceration; reduce contacts among juvenile offenders; increase offenders' interactions with and supervision from well-trained, positive adults; provide evidenced-based mental health and substance abuse treatments; and improve tracking and reporting procedures for what services are actually provided and the quality of their delivery.

The evidence is clear that incarceration, mandatory minimum sentences, and mandatory waivers to adult court make young people's long-term success much less likely.' ⁶⁴⁶⁵⁶⁶

Finding

71. That the incidents that occurred in Youth Detention at that time reveal flaws in the NTDCS approach to the management and rehabilitation of youth offenders; [REDACTED] a lack of leadership and supervision of staff; complacency and/or lack of staff training and understanding in the management of youth offenders.

The Review Team was so concerned by the conditions at DDYDC that we immediately reported those concerns to the Commissioner, stressing, in our opinion, the unacceptable level of risk presented by the continued use of the old Darwin Correctional Centre as a facility for youth offenders.

At the request of the Commissioner, members of the Review Team facilitated a workshop to identify the risks associated with the continued use of the Youth Detention facilities and identify risk reduction measures for the detention and management of Youth Offenders remanded or sentenced to custody.

A cross section of NTDCS staff either working directly with youth offenders in custody and community, as well as staff working in the enabling divisions of the department

⁶³ Dodge, K.A, Dishion, T.J., & Lansford, J.E. (2006). Deviant peer influences in programs for youth. New York. Guilford.

⁶⁴ Howell, J.C. (1995).

⁶⁵ Austin, J., Johnson, K.D. (2005). Alternatives to the secure detention and confinement of juvenile offenders. Washington DC, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention: 1-41.

⁶⁶ Greenwood, P.W., Model, K.E. et al. (1996).

were invited to attend. The workshop was conducted using a *World Café* process which engages participants in collaborative dialogue around *questions that matter*.⁶⁷

Thirty-one staff members attended the World Café. Feedback from the workshop reflected the views that the current facilities for youth detention centre were not fit for purpose; mandatory sentencing had increased and would continue to increase the number of youth in custody as would the new changes to the bail laws; there was a lack of (or lack of knowledge of) a model or philosophy for youth detention; services and programs for youth need to be expanded; and that it was now time for the oppressive, custodial regime to be lifted at DDYDC to allow more engagement with detainees, and to provide an environment and regime more suitable to young people.

A number of innovative ideas to deal with the current situation in the youth detention centres and alternative to youth detention were generated and were presented to the Commissioner by the Review Team.⁶⁸

The Review Team understands that the Deputy Commissioner is establishing working parties to review, plan and implement some of the suggestions arising from the World Café.

Finding

72. That following the Review Team alerting the Commissioner to a number of serious concerns relating to the accommodation and supervision of young people in detention at DDYDC he initiated a workshop of experienced staff to identify the risks associated with the continued use of the Youth Detention facilities and identify risk reduction measures for the detention and management of Youth Offenders remanded or sentenced to custody. Outcomes from this workshop are being actioned by NTDCS.

Recommendations

142. That NTDCS explore alternatives to the detention of youth offenders at the DDYDC as a matter of urgency, so that the facility can be closed as soon as practicable.

143. That the practice of rostering Correctional Officers at DDYDC is discontinued as soon as practicable.

144. That Youth Justice Officer vacancies at DDYDC are filled as a matter of urgency.

145. That the process for medical assessment for youth detainees on reception is addressed as a matter of urgency to mitigate the serious risk that currently exists. Additional funding may be required.

The Review Team learned of the practice of using spit hoods in response to youth spitting, or with a history of spitting at staff. In our view, the use of spit hoods is totally

⁶⁷ Brown, J. & Isaacs, D. (2005) *The world café – Shaping our futures through conversations that matter*. Berrett-Koehler Publishers, Inc. San Francisco.

⁶⁸ Report to the Commissioner – NTDCS Youth Justice Café – 19 May 2016.

unacceptable, as staff can and should protect themselves from spitting youths by wearing helmets equipped with visors.

Finding

73. The use of spit hoods on youth detainees is unacceptable.

The Review Team visited Don Dale again on 28 July 2016, and were advised that the Department of Infrastructure had conducted an audit of hanging points in the centre, and would provide a report by 4 August 2014.

While nothing had been done locally to rectify identified hanging points (other than saw off a tap which had been dislodged from the wall, creating an anchor for a ligature) other actions had been taken by the Commissioner to mitigate the risk. The Commissioner has directed that the “de-escalation” and observation cells are not to be used, and that an additional Correctional Officer be placed on the evening shifts at Don Dale to assist with the supervision of detainees, and provide additional response capacity in the event of an emergency. In addition, arrangements have been made for newly received youth to be assessed by a nurse at reception, to ensure their ongoing safety and well-being. The Commissioner has also been working with the Commissioner Children and Families to make arrangements for a community-based organisation to provide workers to act as observers and as proxy guardians for the young people at the centre.

During our visit to Don Dale on 28 July 2016, we spoke with centre management and staff, and made the following observations:

- Comments were again made regarding the capacity and propensity of youth (as compared to adult prisoners) to damage cell walls, taps and, light fixtures, and to kick out cell locks to escape from their cells.
- This damage was most notable in the cells used to “de-escalate” youth for up to 24 hours following a fight, assault or other behaviour considered to threaten good order and discipline and the safety of detainees or staff, and in the cells used to house and observe youth who are designated as “at risk”.
- We were advised that while youth were confined in the “de-escalation” or observation cells, staff made 15 minute observations of them via CCTV monitors in the Management and Assessment Unit control room (officers’ station).⁶⁹
- Although the psychologist engages with detainees housed in these cells, our discussions with staff led us to believe that other than to provide meals, supervise showers or respond to cell calls, there was little or no engagement by Youth Justice Officers with these youth.

⁶⁹ This practice does not comply with the requirements for monitoring at-risk youth prescribed in the NTDCS At Risk Procedures Manual which stipulates that CCTV monitoring must be continuous, otherwise physical checks should be conducted at intervals not exceeding 15 minutes.

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- It also appears as if the principle of using the least restrictive method is not applied to either youth who are acting out or youth at-risk at Don Dale.
- The Review Team understands all too well the responsibility of the duty of care to youth in custody, staff and the community; the need of staff to ensure that further harm or threat to security and good order is prevented and to “protect their own backs”. Under these circumstances, and in the absence of other, supportive resources and professional guidance, the “de-escalation” and observation cells will be the first recourse of staff.
- However, in our discussions with management and staff at Don Dale, it appeared that the “de-escalation” and observation cells are the only recourses of staff, and there is little or, no attempt to talk down or de-escalate youth who are involved in incidents or act out. At Don Dale, placement in a “de-escalation” cell is in effect separate confinement, with youth spending the maximum 24 hours in a “de-escalation cell, once placed in one.
- Members of the Review Team have considerable experience in corrections, and it is our understanding that separate confinement (or administrative segregation) is a procedure for isolating adult prisoners who are considered to threaten the safety of any person, and/or good order and discipline. It is not intended to be punishment for unacceptable behaviour or of proven breaches of prison conduct rules. Except for the provision of “hardened” cell fittings, prisoners under administrative segregation should not be deprived of normal prisoner entitlements, except insofar as they present a risk to safety and security,⁷⁰ have been withdrawn as a punishment administered for a proven prison discipline offence, or as part of a behavioural management plan.
- However, while the “de-escalation” cells in youth detention are not intended for either separate confinement or as punishment cells, they are certainly designed as such. Youth confined in these cells are deprived of normal entitlements such as access to a television (although radio is provided through the cell call system). With minimal interaction or engagement with staff or their peers, and very little to occupy their time, it is not hard to understand why youth would attempt to damage the cell and its fittings.
- What is difficult to understand is the levels of damage inflicted on cells (including those in the high security unit) which indicate to the members of the Review Team that staff fail to respond appropriately to youth who engage in this type of behaviour. It is our view that staff hearing youth acting out, or viewing this behaviour via the CCTV system, should respond in person to the cell to speak with the youth and identify what is wrong and attempt to calm the youth down.

⁷⁰ Standard Guidelines for Corrections in Australia (revised 2012).

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- As stated earlier in this report, the level of damage to the secure cells in Don Dale is evidence of inadequate leadership and supervision of detainees and staff.

While talking with management and staff at Don Dale, members of the Review Team were advised that the staffing levels on day and evening shifts in the maximum security area of the centre can delay response to a serious incident such as a fight, assault or incident of self harm, as all staff are generally involved in the supervision of discrete groups of detainees.

We were advised that until required to adjust staff levels to the funding provided, there were five Youth Justice Officers on duty on these shifts (a senior and four Youth Justice Officers), while now there are only four officers on these shifts.

Finding

74. That the post structure at Don Dale does not provide sufficient flexibility to enable a prompt response to serious incidents.

Recommendation

146. That the post structure at Don Dale on the day and afternoon shifts is reviewed to ensure that it provides an adequate response capacity.

While at Don Dale, members of the Review Team were shown the recreation area that has been constructed using prisoner labour, but which is still not quite ready for use. The Review Team considers this to be an excellent facility for youth, and the most promising feature of Don Dale Youth Detention Centre.

3.3.5 Alice Springs Youth Detention Centre

Members of the Review Team also visited the Alice Springs Youth Detention Centre (ASYDC), which despite having equally unsuitable accommodation, had a much better atmosphere than the DDYDC, perhaps reflecting a much less troubled recent history.

Members of the Review Team observed a dormitory type room for male detainees with insufficient toilets and showers for the number of detainees in the room. The beds were welded, prison-made mesh beds with mattresses that appeared to need replacing, and did not appear to be fire retardant. Like the adult correctional centre, ASYDC appeared to be run down.

No cells are provided with toilets, so detainees are required to contact staff through the cell call system to be taken to the toilet. This is an unsatisfactory situation that the Commissioner is already addressing.

Young people at ASYDC had access to an outdoor playing area, and we observed Youth Justice Officers engaged in outdoor activities with detainees, contrasting again with the oppressive atmosphere at DDYDC.

Finding

75. That Alice Springs Youth Detention Centre accommodation is also unsuitable accommodation for young people in detention.

Members of the Review Team visited Alice Springs Youth Detention Centre again on 29 July 2014. This visit was much more informative than our first visit as the acting manager was on duty.

We were favourably impressed with the energy and enthusiasm of the acting manager, who since our last visit to Alice Springs has initiated a number of actions to remove hanging point in cells – which included conducting an audit of the area, and taking action to have metal sheets welded onto the mesh bed bases, and arranging for industries at Alice Springs Correctional Centre to design cowls to cover exposed pipe and fittings.

The acting manager had also removed an iron bed that had been installed in the “de-escalation” cell and had some of the youth detainees paint a mural in the cell to “soften” the cell. It is the view of the Review Team that this initiative has made a significant difference to the environment in this cell. We also noted with approval that artwork of youth detainees has been used to decorate all areas of the centre.

The acting manager explained that his method of dealing with detainees who are at risk, or who need to be placed in the “de-escalation” cell - it is the practice at Alice Springs for staff to spend time talking to, and calming youth down so that they can be allowed to leave the “de-escalation” cell in the shortest possible time.

When dealing with detainees who have been designated at risk, the acting manager told us that he will place an officer in front of the youth’s cell to talk to, and calm the youth. He will also arrange for soothing music to be played outside of the cell. He also told us that he will also assign an officer to take a youth at-risk to school and remain there with him. Youth in the “de-escalation” cell will also be allowed visits, unless contraindicated for safety or security reasons.

The acting manager also described the networking they do to obtain information to support their management of the youth at the centre, for example liaising with staff from the Department of Children and Families and Forensic Mental Health.

The Review Team received an unsolicited reference for the acting manager from the Nursing Unit Manager (NUM) from the correctional centre who told us about the excellent work he had done managing an extremely challenged and challenging youth within the limited resources of the youth detention centre.

The NUM advised members of the Review Team that the clinic facilities at Alice Springs are unsuitable, as the space is shared with Youth Justice Officers. The room is crowded, and the examination bed is hard to access and unable to be used until items stored on it are moved. Further, the lack of privacy in her opinion, prevents youth from feeling safe enough to disclose issues to the nurse.

We were advised that youth generally do not remain at Alice Springs for long enough to participate in any programs. Furthermore, the centre is unable to offer any therapeutic programs. Accordingly, youth who need to undertake a therapeutic program are transferred to Don Dale.

While at Alice Springs Youth Detention Centre, we were shown a shipping container which had been turned into an industrial kitchen. We were told that once a week, youth were allowed to cook all their meals all day under the supervision of one of the Youth Justice Officers. This officer was enthusiastic about the benefits of this activity and strongly advocated for the centre to become self-catering, using the kitchen in the container. This officer explained to us that he was a qualified butcher, and as a Certificate IV Trainer and Assessor was qualified to provide training in Cookery levels 1 and 2, and Safe Food Handling 1 and 2. This officer told us that many of the youth in detention come from remote communities where people have to butcher their own meat, which was a skill he could train them in.

We were also shown the remains of vegetable gardens which staff told us they had to stop using, because they were considered a security risk.

Findings

76. That the acting manager and staff are proactively addressing issues arising from the first visit to Alice Springs Youth Detention Centre by the Review Team.

77. That the Don Dale Youth Detention Centre adopt the approach of the Alice Springs Youth Detention Centre in managing detainees who require placement in “de-escalation” cells, and in maintaining youth in the least restrictive environment possible.

78. That the “Alice Springs approach” should be further developed and documented as a good practice guide for all staff working in youth detention.

79. The clinic space at Alice Springs Youth Detention Centre is inadequate, and not fit for purpose.

80. That the proposal for Alice Springs Youth Detention Centre to become self catering, and re-establish the vegetable gardens as a program for detainees is a positive initiative.

Recommendations

147. That the approach taken at Alice Springs Youth Detention Centre to maintain at risk youth, and youth requiring placement in a “de-escalation” cell in the least restrictive environment possible, should be developed and documented as a practice guide for staff working in youth detention centres, and be included in the Youth Justice Officer training.

148. That the proposal for Alice Springs Youth Detention Centre to become self catering, as a program for youth be considered for approval and implementation.

149. *That consideration be given to providing a suitable clinic at the centre to better meet the needs of Health staff and detainees.*

150. *That infrastructure inadequacies at the Alice Springs Youth Detention Centre be addressed as soon as practicable*

151. *That future planning for youth justice in the NTDCS takes into consideration the following extracts from a paper from the Centre on Early Adolescence⁷¹:*

Research indicates that an effective juvenile justice system richly reinforces desirable behaviour. It clearly communicates expectations and rules and minimizes opportunities for youth to engage in problematic behaviour. Adults in an effective juvenile justice system consistently and fairly give negative consequences for rule infractions. However, an effective system also provides numerous opportunities for youth to engage in positive activities and creates meaningful roles for youth to build skills and motivation.

An effective juvenile justice system actively provides empirically titrated supervision to all youth in the system based on their risk for criminal behavior and their need - those diverted, those incarcerated, and those released.⁷²

An effective system works to build positive relationships between troubled youth and positive, caring, well-trained adults. It minimizes the congregation of juvenile offenders and separates high-risk youth from lower-risk youth.

It ensures that juvenile offenders, including lower-risk and first-time offenders, have appropriate levels of contact with well-trained adults rather than with other problematic peers. For example, lower-risk and a large majority of first-time offenders have better outcomes with lower levels of contact with the system, whereas higher-risk youth have better outcomes with a higher density of appropriate supervision and treatment.⁷³ Finally, an effective juvenile justice system provides evidence-based services in mental health and substance abuse treatment, as well as effective academic and social skills development.^{74 75 76 77}

⁷¹ Center on Early Adolescence. (2008). *Building a more effective juvenile justice system*. Accessed from https://www.earlyadolescence.org/juvenile_justice_system, in June 2016.

⁷² Lowenkamp, C.T., & Latessa, E.J. (2005). *Does correctional program quality really matter? The impact of adhering to the principles of effective interventions*. Unpublished manuscript, available from edward.latessa@uc.edu.

⁷³ *ibid*

⁷⁴ Bullis, M. & Yovanoff, P. (2004). The importance of getting started right: Further examination of the facility-to-community transition of formerly incarcerated youth. *The Journal of Special Education*, 38(2): 80-94.

⁷⁵ Hirschfield, P. & Maschi, T. (2006). "Mental health and juvenile arrests: Criminality, criminalization, or compassion?" *Criminology*, 44(3): 593-630.

⁷⁶ See footnote 2

⁷⁷ Lipsey, M.W., Wilson, D.B., & Cothorn, L. (2000). *Effective intervention for serious juvenile offenders*. *OJJDP Bulletin*, 181201. U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention Website. Available: www.ncjrs.gov/pdffiles1/ojjdp/181201.pdf.

Action steps needed

Ensure that effective interventions are available for multi-problem youth and their families before they encounter the juvenile justice system. This includes providing evidence-based treatments for those whose primary problem is a mental health or substance abuse problem.

- *Reduce reliance on incarceration and other strategies that congregate juvenile offenders together. Instead, provide a full continuum of research-based, effective juvenile diversion options in the community as alternatives to incarceration.*
- *Focus juvenile justice responses and interventions on individuals' actual risk factors for criminal behavior and their need, rather than the traditional approach of focusing simply on the crime committed.*
- *Implement evidence-based rehabilitation and treatment practices for incarcerated youth, making sure that all youth involved in the juvenile justice system have access to evidence-based mental health and substance abuse treatment as needed, as well as to an appropriate public education. Support better and more effective family involvement by keeping incarcerated youth as close to home as possible.*

3.3.6 Youth Detention Centre Emergency Response Procedures

NTDCS provided the review with copies of the DDYDC and ASYDC emergency procedures. The Review Team is of the view that while concise, the emergency procedures do not provide enough information to enable staff to respond effectively to any situation. For example, the Code Green (escape) and Code White (emergency lock down) procedures actually refer to actions that are, in the opinion of the Review Team, part of the same response. In delineating the roles of decision makers, the procedures appear to hinder a swift response to a situation.

Finding

81. That Don Dale Youth Detention Centre and Alice Springs Youth Detention Centre emergency procedures have some inadequacies.

Recommendation

152. That Youth Detention Centre emergency procedures are reviewed to ensure that they are clear enough for even the most inexperienced of Youth Justice Officers to understand, and clearly delineate operational responsibilities without hindering a swift response.

3.3.7 Youth Justice Officer Training

The Review Team understands that NTDCS has previously been criticised for the paucity of training provided to Youth Justice Officers. The department has provided the Review Team with a copy of the training outline for the Trainee Youth Justice Officer course to be conducted in Darwin through May to July 2016.

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The training provided is a CSC30115 - Certificate III in Correctional Practice with a Youth Custodial specialisation. The course consists of the five core units, five youth custodial specialisation units and six elective units. The elective units included by the department are *'Operate a central monitoring system, Process offender induction, Maintain security during escort, Demonstrate first attack firefighting equipment, Operate breathing apparatus and Control incidents using defensive tactics'*.

The Review Team has been informed by NTDCS that:

- There are 57 full time Youth Justice Officers employed at Alice Springs and Darwin Youth Detention Centres. This includes shift supervisors, Senior Youth Justice Officers and Youth Justice Officers.
- 18 Youth Justice Officers have completed the initial 8 week training of their Certificate III in Correctional Practice.
- Full time and casual Youth Justice Officers employed prior to the introduction of the Certificate III training, will complete the 8 week classroom training via a mixture of classroom and on the job training, as well as recognition of prior learning.

The Review Team has a number of concerns regarding the Youth Justice Officer Training:

- Although it is the same qualification as that required of Correctional Officers, the Trainee Youth Justice Officer course consists of only seven weeks in the classroom and one week of shadowing officers on shifts in the youth detention centre. The Trainee Correctional Officer course consists of eight weeks in the classroom and three weeks of shadowing officers on shifts in the correctional centre.
- None of the training sessions in the training guide for the Trainee Youth Justice Officer course are linked to the core, specialisation and elective units included in CSC30115, which does not provide confidence that the requirements for Certificate III in Correctional Practice are met.
- The Trainee Youth Justice Officer Course includes the custodial specialisation unit CSCSAS009 Control incidents using defensive tactics⁷⁸. It is the view of the Review Team that this unit should be replaced with unit CSCSAS015 Manage Threatening Behaviour⁷⁹ (see section on Correctional Officer Training elsewhere in this report for a detailed explanation for this recommendation).
- Four and a half days of Defensive Tactics are included in the Trainee Youth Justice Officer course.
- The Children's Commissioner's representative informed the Review Team that trainee Youth Justice Officers were taught the Correctional Officer Defensive Tactics (minus sessions on kicking, punching or striking). When this issue was raised with

⁷⁸ Industry Skills Council (2015) *CSCCSAS009 –Control incidents using defensive tactics (Release 1)*, Australian Government, 3 August 2015.

Accessed from <https://training.gov.au/Training/Details/CSCSAS009> in June 2016.

⁷⁹ Industry Skills Council (2015) *CSCCSAS015 –Manage threatening behaviour (Release 1)*, Australian Government, 3 August 2015.

Accessed <https://training.gov.au/Training/Details/CSCSAS015> in June 2016.

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members of the Review Steering Committee, the Review Team was informed that Youth Justice Officers were not trained in Defensive Tactics, but in another program similar to PART (Professional Assault Response Training).

However, in a discussion paper provided by the NTDCS, opportunities are explored for co-training Trainee Correctional Officers and Trainee Youth Justice Officers. This paper indicates they could be trained together in the introduction to Defensive Tactics, noting that parts of the Correctional Officer Defensive Tactics package are *'not covered by YJO Youth Justice Officers) as they don't use strikes, kicks and batons'*. This appears to confirm the information provided by the Children's Commissioner's representative to members of the Review Team.

- Despite majority Indigenous population in youth detention facilities, the elective CSCOFM005 *Protect the safety and welfare of Aboriginal and Torres Strait offenders* is not included as one of the elective units, despite 6 hours of training being devoted to *Indigenous Cultural Awareness*.
- Trainee Youth Justice Officers receive sessions on crime scene preservation, SMEAC, Riot Control, and first responding officers – sessions which are not evident in the course for trainee Correctional Officers.
- Trainee Youth Justice Officers receive a session on *grooming and manipulation* another session which is not provided to trainee Correctional Officers, and the relevance of which is difficult to understand. It almost appears as if the youth justice officer training is conflating youth offenders (children) with child sex offenders.

Finding

82. *That there are matters pertaining to Youth Justice Officer Training that require attention, particularly in relation to managing detainees with challenging behaviour.*

Recommendations

153. *That the NTDCS Certificate III in Correctional Practice (Trainee Youth Justice Officer) is reviewed to ensure that the six elective units included in the syllabus are the most appropriate, given the issues that have confronted NTDCS.*

154. *That the content of each of the sessions included in the Trainee Youth Justice Officer course is reviewed to ensure that they address each of the elements and each of the performance criteria for units in the NTDCS Certificate III in Correctional Practice (Trainee Youth Justice Officer Training).*

155. *That sessions that that don't comply with the Industry specified elements and performance criteria are amended, and new sessions included if necessary, to achieve compliance with the requirements for Certificate III in Correctional Administration (Youth Justice).*

156. That CSCSA009 Control Incidents Using Defensive Tactics is replaced with CSCSAS015 Manage Threatening Behaviour which provides skills more relevant to trainee Youth Justice Officers.

157. That Sessions on motivational interaction⁸⁰ are included in the Trainee Youth Justice Officer course.

158. That NTDCS expedite the delivery of the eight week classroom component of the Certificate III in Correctional Practice (Trainee Youth Justice Officer) so that the remainder of staff employed in the youth detention centres are appropriately trained.

3.3.8 Case Management Assessment and Throughcare Services

The Review Team have reviewed the Case Management Assessment and Throughcare Services Interim Practice manual, and are favourably impressed by the procedures and assessments outlined in this document.

However, the Review Team is concerned by the lack of involvement of Youth Justice Officers in the case management of detainees and the extent to which case management is actually practiced. In our view is a wasted opportunity to improve the supervision and management of detainees, and give Youth Justice Officers greater confidence when dealing with detainees.

Information was received by the Review Team that case management processes and outcomes within Youth Detention Centres are not joined up with case management systems in the Department of Children and Families. This is a matter of concern as the majority of young offenders are in youth detention for relatively short periods and there is a high recidivism rate. There would appear to be potential benefits if an appropriate level of integration could be achieved in case management by youth detention services and the Department of Children and Families.

Finding

83. That there is a lack of involvement of Youth Justice Officers in the case management of detainees and that case management processes and outcomes within Youth Detention Centres are not joined up with case management systems in the Department of Children and Families.

Recommendations

159. That Youth Justice Officers are trained, and participate in the case management of detainees.

160. That NTDCS and the Department of Children and Families consider an integrated approach to case management of young people in detention.

⁸⁰ Birgden A. (2013). Brief interactions to encourage the detainee towards positive change. *Finding the will and the way in drug-related offenders: Protecting the community and offender rights*. ACSO presentation.

3.3.9 Coordination of Forensic Mental Health Services

According to Stathis, Harden, Martin & Chalk (2013)⁸¹ young people in the youth justice system are among the most marginalized in Australia given their experiences of childhood neglect, poverty, violence and social adversity. Koyama (2012)⁸² notes that youth in detention have experienced high rates of emotional trauma, come from unstable homes and frequently exhibit behavioural disorders and cognitive disabilities.

Despite these challenges, and the high incidence of mental health problems in this group, forensic mental health services in juvenile or youth detention centres have been, historically, fragmented and limited. Stathis et.al. (2013) identified services that were uncoordinated and often failed to recognise the relationship between mental health problems and drug use. They describe systemic issues associated with the delivery of piecemeal services which were often hampered by concerns that these services would interfere with custodial processes associated with programming and risk assessment. In the past these services lacked sound links with external agencies, which were often informal, and lacking in procedural and professional rigour.

The provision of effective mental health services for young people in detention is often hampered by the young person's availability; given most remain in detention centres for less than three months and are likely to return to environments which contributed to their problems. Given these constraints, it is imperative that treatment targets need accurately and in a timely manner. Assessment and intervention by experienced clinicians is necessary to maximise the *therapeutic moment* that detention provides so that young persons can be engaged in treatment without delay.

Given the high rates of youth recidivism, best practice would require that youth in need of mental health services would be allocated to the same clinician each time they returned to the detention centre. This not only saves time, but ensures a continuity of care, and facilitates closer links with external agencies so as to maximise community-based treatment and follow-up support. As young people are vulnerable to escalating offending upon release (Standing Committee on Social Issues, 2008⁸³), it is imperative that the treatment of identified mental health needs is seamless between youth detention and community agencies.

At this time the provision of mental health services at the Don Dale Youth Detention Centre and the Alice Springs Youth Detention Centre are provided by the Forensic Mental Health Service, auspiced by the Department of Health. This service provides specialist services upon request, and service delivery is dependent upon mental health issues being identified by nursing staff during the initial reception process.

⁸¹ Stathis, S.L., Harden, S., Martoin, G. & Chalk, J. (2013). Challenges in establishing adolescent forensic mental health services within Australian youth detention centres. *Psychiatry, Psychology and Law*, 20:6. 899-908.

⁸² Koyama, P.R. (2012). The Status of education in pre-trial juvenile detention. *The Journal of Correctional Education*, 63(1).

⁸³ Standing Committee on Social Issues. (2008). *Overcoming Indigenous Disadvantage in New South Wales, Report no 40*. (2008). Sydney, Legislative Council, Parliament of New South Wales.

Also there is no specialist child and youth forensic psychiatrists available to treat any young people with mental health needs, and therefore services are provided by nursing staff and general practitioners. In addition, limited liaison between nursing staff and NTDCS psychological staff, who provide case management services to all young people in detention, was observed at DDYDC. Indeed DDYDC nursing staff were unaware that a psychologist was employed at the centre.

Given that medical staff are the gatekeepers for the provision of forensic mental health services at DDYDC, it is essential that a coordinated approach to managing the mental health needs of detainees is developed, which includes consultation with NTDCS staff and educators at the centre. Once a youth is opened to the Forensic Mental Health Service it is essential that other centre staff interacting with that young person are apprised of his/her mental health issues. It is no longer acceptable practice to cocoon specialist information when a multi-disciplinary approach is required.

In addition to the provision of general mental health treatment, the Forensic Mental Health Service leads the assessment and management of any at-risk behaviours demonstrated by detainees at the Don Dale YDC. Again, referral is facilitated through the initial medical assessment which occurs during the reception process. It would be expected that nursing staff would identify a young person coming into detention who was either self-harming or contemplating such, and that a referral to the FMHS would ensue. However, were self-harming thoughts or behaviours to develop after this initial reception assessment, the identification of such may not occur in a timely manner.

It is essential therefore, that all staff, including Youth Justice Officers, Correctional Officers, Case Management staff and Teachers assigned to the centre, are trained in the identification of at-risk behaviours, and are aware of the process to refer a young person to the Medical Centre for assessment.

At this time, it was observed that psychological staff based at the DDYDC have no involvement in the management of at-risk youth accommodated at the centre. As all functions associated with the identification and management of at-risk youth are outsourced to the FMHS, centre-based case management staff or psychologists are likely to be unaware of presenting risks.

Best practice would require a 'joined-up' case-management approach be developed when a young person is in receipt of forensic mental health services, or is managed under an at-risk regime.

Finding

84. That there is a need for a joined-up case-management approach when a young person is in receipt of forensic mental health services, or is managed under an at-risk regime.

Recommendation

161. That the Forensic Mental Health Service (Department of Health) as lead agent, develop a process of regular consultation with NTDCS case management officers and

Department of Education teaching staff, to share diagnostic and treatment information, including any at-risk assessment and management information, to ensure the mental health needs of young people in detention are recognised and prioritised in all educational and programmatic interventions.

3.3.10 Education of Young People in Detention

Children involved in the youth justice system are more likely than others to have had a disrupted or irregular education prior to entering a youth detention centre. Hence their admission to a centre may represent an opportunity to catch up on educational lessons they have missed, and to acquire numeracy and literacy skills akin to their aged peers. This is important as research has shown that academic failure and offending are linked and that educational achievement can reduce a youth's propensity to offend (Koyama, 2012).

Therefore the recognition of the importance of education within a detention facility, and its significance within the day to day operations of a detention centre, is integral to the overall rehabilitative impact of the facility. It stands to reason that centres should strive for best practice where the needs of the detainees are prioritised and that support systems are designed around those needs.

Young people admitted to the Don Dale Youth Detention Centre are classified as high, medium or low security detainees. The delivery of educational classes and other programs is based on a detainee's security classification. This means that for operational security reasons, regardless of age or current educational level, all high security detainees share a classroom and so forth. Youth Justice Officers or Correctional Officers sit in on all classes and provide security for the teaching staff and students. Classes and programs are also divided along gender lines.

The *Youth Justice Act 2016* provides direction in the form of a number of principles to guide service delivery. Section 4 specifies that these principles must be taken into account in the administration of the Act. It notes that:

'(n) punishment of a youth must be designed to give him or her an opportunity to develop a sense of social responsibility and otherwise to develop in beneficial and socially acceptable ways.'

The Review Team believes that in order to optimise the development of detainees in beneficial and socially acceptable ways, and ensure that their education mirrors community based schooling approaches, opportunities for detainees to be grouped and educated according to their educational level should be considered. This will undoubtedly require a more flexible security regime than that which is currently in place. It may, for instance, be conceivable that detainees assessed as low risk and assigned a low security classification, do not require a security detail in their classroom, and officers can be reassigned to classrooms accommodating higher risk students.

Finding

85. That education services provided to young people in detention should mirror community based schooling approaches with opportunity for detainees to be grouped and educated according to their educational level.

This approach de-emphasises a detainee's security classification and re-emphasises his or her educational needs. In a significant study reviewing the concerns of 340 administrators of educational facilities within juvenile detention centres across the United States, Koyama (2012) found that the challenges associated with educating groups of great disparity in age, learning ability and educational achievement could be successfully addressed by shifting this emphasis.

Recommendation

162. That NTDCS, in conjunction with the Department of Education, restructure the delivery of educational classes at the Don Dale Youth Detention Centre according to age and educational level, to better meet the needs of detainees, and design security systems and procedures accordingly, around the new structure.

3.3.11 Rehabilitation Programs

The Review Team were impressed with the suite of programs available for youth in detention in Darwin, particularly the Changing Habits and Reaching Targets program (CHART), the Step-Up Youth Family Violence Program, the DAISY Drug and Alcohol Program delivered by Catholic Care NT, and the Safe Sober Strong – Youth Program. It was beyond the scope of this review to evaluate individual programs and the Review Team noted that a number of programs, including the Early Intervention Youth Boot Camp program, have been evaluated by external consultants in recent years.

While these programs were available, the Review Team noted that several were either not being facilitated at this time or had been postponed for various reasons, including insufficient staffing. Also, few rehabilitation opportunities were observed for youth in detention at the Alice Springs Youth Detention Centre.

Recommendation

163. That the Youth Justice Division (creation of which is recommended in this report) develop a 12-month plan for the delivery of rehabilitation programs across both youth detention centres and monitor detainee commencements and completions to ensure rehabilitation programs form a central plank in the delivery of services to youth in detention.

3.3.12 Elders Visiting Programs

Procedures are in place for local Indigenous Elders to visit youth in detention. The Elders Visiting Program was originally established in response to the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) and focused on adult facilities, but it is now inclusive of youth detention centres. The Elders Visiting Program objectives are:

1. To support the mental health and wellbeing of Indigenous prisoners/detainees maintaining links to community and culture while in prison/detention; and
2. To improve the reintegration prospects of Indigenous prisoners/detainees by talking about behaviours that led to their incarceration and discussing their post release plans, obligations and expectations upon returning to community.

While the program has been formally evaluated several years ago, anecdotal information from officers suggests that at times the youth are reluctant to engage with these visiting Elders, such that the program is at risk of declining, in terms of the frequency of the visits and therefore the benefits of establishing strong connections to the young people.

The Review Team was concerned that the Elders Visiting Programs in the youth sector were not as well supported organisationally, as they were in the adult sector, and that efforts to engage youth in detention was not prioritised at a local level or at a whole of department level.

Finding

86. That the Elders Visiting Programs in the youth sector were not as well supported organisationally, as they were in the adult sector.

Recommendation

164. That following establishment of the recommended Youth Justice Division, the funding available, and organisational support, for the Elders Visiting Program is reviewed to ensure its continued priority at the Don Dale Youth Detention Centre and the Alice Springs Youth Detention Centre.

3.3.13 Alternatives to Detention

The *Youth Justice Act 2016* provides for several options that may be utilised as alternatives to the detention of young people. For instance, Part 6A provides a head of authority for Family Responsibility Agreements, which are drawn up between the parents of a young person who has come to the attention of police and appropriate community agencies, to work together in the best interests of the young person.

The agreement may require the parent/s to engage in counselling and activities to facilitate their capacity to best assist or support their son or daughter. This may involve parental education or treatment for substance abuse. It may also require the parent/s to take greater responsibility for their child's attendance at school, or to ensure their child does not attend certain places or associate with certain others.

As a potentially useful mechanism for intervention with young people whose engagement in criminal activity is not yet well established, Family Responsibility Agreements are currently underutilised across the Northern Territory. This is consistent with one of the guiding principles from the *Youth Justice Act 2016*, which states –

'(l) a responsible adult in respect of a youth should be encouraged to fulfill his or her responsibility for the care and supervision of the youth'.

Another option to the full-time detention of young people in custody is periodic detention, where appropriate facilities exist for a young person to be accommodated in lieu of the detention centre. Periodic detention whereby a young person is allowed to reside within the community to attend school during the week, and then report to the detention centre for weekend detention, may well serve the communities need for protection during high risk periods (weekends), while simultaneously imposing a less restrictive alternative form of punishment. This option may be best suited to those young people who are assessed as low to medium risk of further offending, who are considered likely to offend in company.

A representative of the Office of the Children's Commissioner advised the Review Team that there are no secure therapeutic accommodation facilities for children in the Northern Territory.

Lastly, the *Act* provides the Superintendent of a youth detention centre with the power to permit a detainee to be absent from the centre for up to 12 hours to participate in educational training, or in social/recreational or vocational activities. Longer periods are permissible if the detainee is under supervision.

Finding

87. That there is an urgent need to address the issue of alternatives to the current youth detention model within the Northern Territory.

Recommendation

165. That NTDCS establish a working group to explore and assess the utility of alternative options to the detention of young people, for implementation in (1) the greater Darwin area, (2) Alice Springs area, and (3) in remote communities across the Northern Territory.

This adds to the suite of options that the Commissioner is already keen to have considered by a working group following the youth justice workshop in May 2016, and as these options require no legislative amendments, they should be considered first.

Chapter 4: Whether resources, financial and personnel, are appropriately directed and sufficient for the efficient delivery of current services and achievement of the outcomes required

4.1 Financial Management

4.1.2 Operating Budget Deficit

The NTDCS has had a number of budget issues which resulted in a detailed budget request being considered by the Government in the recent 2016-17 budget deliberations.

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The following table outlines the value of the budget request for NTDCS:

NTDCS Budget Request (part of 2016-17 Budget request)

Item/Years	2015-16 \$'000	2016-17 \$'000	2017-18 \$'000	2018-19 \$'000
Committed and One Off Funding Requirements				
Contractual Commitment	3,070			
Erosion of base funding	2,000	2,000	2,000	2,000
Non-Discretionary				
Savings not able to be achieved and other costs where funding was not provided	20,293	13,287	12,287	12,820
Discretionary				
NTDCS asked to undertake but funding not provided	290	2,885	2,885	2,885
TOTAL	25,653	18,172	17,172	17,705

The budget request was the culmination of issues some of which arose in 2012, others which arose as a result of the building of the new Darwin Correctional Precinct and others which relate to services being provided where the funding had not been sourced and agreed.

Of concern during the interviews with key staff and Treasury is the lack of clarity around the size of the budget deficit and in particular the understanding and movement in the value of the actual deficit over the past six months.

The department's Chief Financial Officer (CFO) produces a monthly summary financial report for both Treasury and the Executive Leadership Group.

The summary shows that:

1. The variance in July was already expected to be \$17.8m. From discussions with the CFO a budget submission was put up in the 2015-16 budget process but not approved. The department was advised that funding would be provided, through a Treasurer's Advance, later in the year once the costs associated with the new Darwin Correctional Centre were known.
2. The January figures reflect the mid-year review budget rather than BP3. It is not clear why the mid-year review budget figures did not reflect both the expected EOY projection position in the two areas with significant budget overruns (custodial services and youth detention).
3. The financial position for youth detention blew out by a further \$6m during the November to January period from an estimated \$3.9m to \$10.2m.

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From a review of the information provided the reports have consistently highlighted the potential position to both Treasury and the ELG. What is concerning is the change in the figures over the November to January period particularly in the Youth Detention area.

Was this over expenditure lost in the financial position surrounding the DCC?

Was it clear between Treasury and the Department on how this over expenditure would be funded?

What actions were the Department taking to reduce expenditure or in gaining agreement on the funding of the deficit?

The reason not to show the estimated expenditure for the DCC in the 2015-16 budget was presumably a decision of Treasury and influenced by the impact this would have had on the overall budget figures for the Northern Territory Government.

There is always a danger in managing funding issues this way, particularly when the fiscal situation turns. It can also cause an organisation to be complacent and perhaps not pay enough attention to the financial management in other areas within the budget.

Whilst it seems that the overrun for the DCC was well known the cost pressures in the youth detention area in both Alice Springs and Darwin have not been well understood.

There are a number of cost drivers which influence the actual expenditure for the department and these need to be better understood by the both the department and Treasury. That said it cannot be assumed that an increase in prisoner numbers (as an example) will automatically trigger additional funding from government, particularly in times of fiscal constraint. The same can be also be said for large expenses items like overtime which can and must be subject to scrutiny and strongly managed.

The new Commissioner has commenced the work of improving budget management in the department by focusing managers on the task of managing within their limits and reviewing the budget parameters for key expenses such as overtime. The improvement in budget management needs to continue.

The management of the budget in a large department such as NTDCS is a significant risk and consideration should be given to creating a Finance Committee within NTDCS which provides detailed oversight to the financial management within the Department.

Financial management in an organisation should be a shared responsibility. Whilst the CFO is the custodian of the financial information and responsible for providing the systems, reporting of financial information, analysis and advice, the Directors and Managers also play a significant role in the financial management of an organisation. Directors and Managers should be involved in the development of the budget, the monitoring of the financial information and in assisting the CFO in analysing the variances against budget targets. To do this effectively Directors and Managers need appropriate training and guidance in the financial management processes of the agency.

It is not clear to the Review Team what training has been provided to staff in financial management or whether staff are aware of their responsibilities in financial

management. Given the issues with the operating deficit and the size of the NTDCS budget the training needs of staff in Finance should be assessed. It is also recommended that NTDCS review the department's delegations manual in relation to the accountability and responsibilities for financial management.

The Review Team also recommends that the Finance training needs for staff be identified and a training plan established to update or improve the skills of all staff with financial management responsibility.

Recommendations

166. That NTDCS establishes a dedicated Finance Committee to effectively monitor the financial position of NTDCS and provide appropriate strategic financial advice to the Commissioner.

167. That the finance training needs for staff be identified and a training plan established to improve the skills of all staff with financial management responsibility.

4.1.3 Personal leave, annual leave and overtime

Management of leave

The Review Team has reviewed the monitoring and management of both personal leave and annual leave within NTDCS. The Human Resources team produces a quarterly report which includes information on sick leave and annual leave across the department.

The quarterly report provides detailed information on personal leave for each Division including the number of days of sick leave with a certificate and the number of days of sick leave without a certificate. It also includes information on the average days of absence per FTE for the quarter. The quarterly report is provided to ELG who discuss the information. The Review Team has been advised that:

- This information is being reviewed and actions taken where appropriate.
- Directors and Managers are monitoring the use of sick leave and particularly those individuals that regularly use their annual entitlements and those that have accumulated sick leave.
- NTDCS is taking an employee welfare approach to the use of sick leave
- Sick leave use is being discussed as part of performance reviews.
- Formal letters are being developed for management to discuss with unions in regard to the management of sick leave.

The report on the use of personal leave is very useful and the monitoring and management of personal leave by ELG, Directors and Managers is considered to be appropriate.

In terms of annual leave the quarterly report provides detailed information by Division which includes the number of employees who have annual recreation leave balances between 12 and 18 weeks, the number of employees who have annual recreation leave

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balances in excess of 18 weeks and the % of staff who have leave in excess of 12 weeks in the Division.

Significant amounts of annual recreation leave have been accumulated particularly in the Custodial Operations Division. The report as at 31 March shows that almost 200 staff in Custodial Operations has accumulated annual recreation leave in excess of 12 weeks. The total value of the accumulated leave is \$10.4m.

Some of the excess leave in Custodial Operations is a result of the building and commissioning of the Darwin Correctional Centre which has necessitated staff having reduced amounts of leave during this period. The large balances are also a legacy issue and a result of ineffective monitoring and management in the past.

From discussion with NTDCS Directors the management of annual leave is a key priority for the Department. Reports are provided to Managers listing those staff with excess leave and Managers are discussing appropriate leave plans with those staff.

Finding

88. That the reporting of annual recreation leave is appropriate and that the NTDCS management is actively monitoring and managing the leave.

Overtime

Overtime is a significant expense for NTDCS and needs to be properly managed to ensure that the financial impacts of overtime are understood and that other options rather than overtime are considered by management.

The financial benefits for employees conducting overtime are significant and staff can become reliant on the additional income. In some cases as a result of this reliance, staff can see overtime as a sense of entitlement that comes with the job. This can become as cultural issue within an organisation.

The Finance team produces monthly and quarterly Consolidated Finance report which includes detailed information on overtime hours and value. The reasons for the use of overtime are also identified for each pay period in the quarter in the report.

From discussions with the Commissioner the management of overtime is and will remain a focus for NTDCS. The dollar budget for overtime needs to be better defined in terms of hours and Managers need to manage this expense. Other options to overtime need to be considered as part of the overall management of this expense.

Finding

89. That the reporting of overtime in NTDCS is appropriate and that management is actively monitoring and managing this expense.

Chapter 5: Services provided that no longer offer a public value

This review has not identified any services that no longer offer a public value. However, given NTDCS' challenging budget circumstances the Commissioner as part of the current process of developing the new 2016-2020 Strategic Plan is requiring all Business Units to take a zero based analysis approach to questioning the need for all services in the light of the Strategic Priorities in the new Strategic Plan.

The Commissioner has indicated to the Review Team that it is likely some hard decisions will need to be taken in relation to some services. This will occur through NTDCS Finance Committee and Executive Group processes.

Finding

90. That while the review has not identified any services that no longer offer a public value the Commissioner as part of the current process of developing the new 2016-2020 Strategic Plan is requiring all Business Units to take a zero based analysis approach to questioning the need for all services in the light of the Strategic Priorities in the new Strategic Plan. It is likely that this process will require some hard decisions to be taken in relation to some services.

PART 2 A POTENTIAL FUTURE STATE FOR NTDCS

Current operations

As covered earlier in this Report, the new Commissioner very early in his tenure identified that the absence of a strategic plan was a significant risk for NTDCS. He is leading the Executive group through a process to achieve a robust Strategic Plan for the period 2016 -2020. The Commissioner has provided the Review Team with documentation that establishes the structure for the Strategic Plan as follows (this structure is a draft and could change as further development occurs):

'Our Vision:

A safer Northern Territory through correctional interventions

Mission (or Our Purpose)

The Department of Correctional Services contributes to community safety by providing custodial interventions through programs and services for people who have offended or are at risk of offending, or who need assistance to live cooperatively and effectively in the community.

Our Strategic Priorities:

- | | |
|-------------------|--|
| Priority 1 | Expanding alternative custodial and community corrections opportunities |
| Priority 2 | Reducing criminogenic risk factors that lead to re-offending |
| Priority 3 | Strengthening intervention programs and services for young offenders |
| Priority 4 | Building partnerships through community and stakeholder engagement |
| Priority 5 | Investing in innovation as a cornerstone of our organisation and workplace culture |
| Priority 6 | Developing our people through workforce planning and management' |

Within each of the above priorities the documentation identifies:

- Priority actions
- Key deliverables and
- Measures of successful outcomes

When complete the strategic Plan will provide connectivity between the Business Plans of directorates/service areas and the Strategic Intent document with regard to defined strategic action plans and inputs, activity, or performance measures. As noted earlier in this report a lack of connectivity between these important management tools was identified by the Commissioner shortly after he took up duty. As commented earlier in this Report the strategic planning process being led by the Commissioner conforms to good planning practice.

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The *future state of current operations* will be enhanced and driven by the new Strategic Plan. In this regard we suggest that the current work in progress on each of the Strategic Priorities in the NTDCS Strategic Plan for 2016–2020 takes account of the Findings and Recommendations contained in this Review Report.

The Review Team believes that the work currently being led by the Commissioner working with the Executive Group and incorporating the Findings and Recommendations contained in this Review Report will result in a *future state* where current operations are characterised by:

- A mature strategic planning process which incorporates quality audit, project management and risk management systems,
- A robust, best-practice performance monitoring system utilising a suite of Key Performance Indicators covering adult and youth custodial centres and community corrections services,
- A tightly managed budget and finance system which promotes the shared responsibility for financial management across NTDCS,
- Quality operational directives that provide clear and consistent guidance to all staff involved in the management of offenders,
- An individualised security classification system for prisoners based on sound risk management principles,
- A comprehensive prisoner case management system that incorporates input from a variety of sources, including correctional and Youth Justice Officers,
- A training program for trainee Correctional Officers that is based on a best-practice syllabus,
- An improved mental health service for prisoners and youth detainees,
- An expanded Work Camp program and other options for managing offenders, and Indigenous offenders in particular, outside the traditional prison environment,
- Empowered Indigenous communities working with NTDCS to deliver services that reduce Indigenous people's contact with the criminal justice system,
- A system which ensures that best-practice treatment and rehabilitation programs are provided in a timely manner by appropriately qualified staff to all prisoners and detainees who are assessed as being in need of program interventions,

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- A focus on the rehabilitation needs of Indigenous prisoners, offenders and detainees, that is culturally safe and is delivered to maximize responsiveness,
- A Darwin Correctional Centre that is “fit for purpose”,
- Meaningful work, education and training opportunities for all (male and female) prisoners at the Darwin and Alice Springs Correctional Centres,
- Staffing models at the Darwin and Alice Springs Correctional Centres that provide a clear management and accountability structure and deliver required services in accordance with budget and in a cost-effective manner,
- An Alice Springs Correctional Centre that provides amenities to prisoners consistent with contemporary correctional standards for the care of prisoners,
- [REDACTED]
- Alternatives to the co-location of females in prisons with males and options for accommodating children with their mothers in safe, child-friendly environments,
- A separate youth justice division either within NTDCS or elsewhere within the Public Sector if that is deemed appropriate following consideration by government of available options,
- Alternatives implemented to the continued operation of the Don Dale (Darwin) and Alice Springs Youth Detention Centres,
- Correctional Officers in Youth Detention Centres replaced by specialist Youth Justice Officers,
- A training program for Youth Justice Officers that is based on a best-practice syllabus,
- Youth Justice Officers who are trained to actively participate in the case management of detainees,
- Youth detainees are educated in classes which are configured to better accommodate their age and educational levels,
- Indigenous Elders from the community are actively engaged in supporting youth detainees,
- NTDCS has the funding, capacity and appropriately qualified staff to deliver best-practice therapeutic programs in a timely manner to community corrections offenders who are assessed as being in need of program interventions, and

- Indigenous people from remote communities are empowered to be employed as fully trained and authorised Probation and Parole Officers in *their* communities, where the community is amenable, to provide local supervision and support to offenders.

Future operations - Planning for a new approach

In this report we have commented that the Northern Territory prisoner population is unique amongst the States and Territories in Australia due to the overwhelming majority of Indigenous people in custody. The Northern Territory is also unique in that there are more people in prison than are under the supervision of community corrections, and that the majority of these offenders are also Indigenous.

We have also commented on the tragic circumstances which have contributed to this situation including the economic disadvantage and social dysfunction impacting on Indigenous people. There is also the community and government expectation that '*Once offenders are sentenced, corrections is expected to redress long-standing inadequacies of education, housing, social welfare and discrimination*'.⁸⁴

It is the view of the Review Team that this particular confluence of circumstances places the NTDCS in a position from which it could become the leader in Australia in the management of Indigenous offenders, and in the development and implementation of evidence based programs, designed by and for Indigenous people, to address offending in Indigenous people.

It may be, that like Canada in the 1990s, when the Correctional Service of Canada, with First Nation people, developed and implemented the Healing Lodges for federal prisoners, the Northern Territory Department of Corrective Services could become a world leader in this area.

NTDCS has already taken positive steps in this direction, with the establishment of the Work Camps which have been so favourably commented on by stakeholders interviewed during this review, and plans for a property within 100 kilometres of Katherine. The work camp concept has potential to be developed into a *cultural healing and rehabilitation* model that could be utilised as a diversionary program to reduce reliance on secure custody and provide a vehicle for Indigenous people to provide rehabilitation services.

In responding to the needs of Indigenous offenders it must be recognised that they often come from disadvantaged families and socially dysfunctional communities and will generally return to those families and communities when released from prison. The best efforts of corrections to provide training and rehabilitative programs for offenders and the best efforts of prisoners to address their offending behaviour can be thwarted when the offender returns home.

⁸⁴ *Towards Improved Corrections; A Strategic Framework. (1993).* The International Centre for Criminal Law Reform and Criminal Justice Policy and the Correctional Service of Canada. The University of British Columbia, Vancouver.

We believe that work with offenders must be supported by work with offenders' families and communities to address disadvantage and the causes of offending and to build social capital to support offenders to make pro-social choices and maintain a crime-free lifestyle.

Working with communities means empowering communities to help themselves. It means bringing everyone to the table – not just the policy makers or service providers but representatives of all sections of the community. It means working within an appreciative framework, recognising that there is something (or many things) that work well in every community, helping the community to identify and build on those strengths. It also means working with the community and providers of services and programs to achieve a joined up approach to service delivery in and with the community.

The approach must be evidence-based, with emphasis on the training and skills staff need to increase the effectiveness of correctional programs. However, offender responsivity is a critical factor in the success of any correctional program.

Before many Indigenous offenders can really begin to work on their offending behaviour, they need healing - time *on-country*, re-connection with the land, traditional culture and spirituality; recognition of the effects of rejection, loss and grief, with time for reflection and healing supported by others who understand and who have had similar life experiences and yet have come out the other side stronger.

The foregoing cannot be achieved through the current structures of the criminal justice and human service delivery systems. It requires a new way that is Indigenous owned and led that empowers and rewards them to provide the above culturally appropriate responses and services to their people.

Earlier in this report we made a Finding *'that a paradigm shift is required in NTDCS to recognise that the services NTDCS delivers in its correctional centres, community corrections and in youth justice are essentially for a majority of Indigenous people and a non-Indigenous minority population, rather than the opposite'*.

We also made a recommendation that *'the Northern Territory Government continues to explore initiatives in accordance with the objectives of the Aboriginal Affairs Strategy for a holistic, whole-of-government and community approach that empowers Indigenous people to be part of the solution to their gross over representation within the Territory's criminal justice system.'*

From discussions with the Commissioner it is clear that he is fully cognisant of the need for the *paradigm shift* referred to above and that this will be taken into account in developing the NTDCS Strategic Plan to finality.

Concerning the recommendation for a *'holistic whole of government and community approach that empowers Indigenous people to be part of the solution..., NTDCS is uniquely*

placed to be a facilitator of this recommendation due to the authority it holds to undertake initiatives that reduce offending and in particular recidivist behaviour.

We are also of the view that NTDCS can contribute to lasting societal change through facilitating partnerships with Indigenous leaders, other government agencies, and NGOs to influence the development of public policy and empower Indigenous people and communities to *become part of the normal economy*⁸⁵ and start to reverse the debilitating effects of years as victims of (well-meaning) government policy.

In this future state, NTDCS will not only contribute to the safety of the community by reducing risks of re-offending, it will also be playing a part in addressing the underlying causes of crime.

To take itself to this future, it is the Review Team's view that NTDCS should embrace and rigorously implement evidence based practice throughout the organisation; actively engage with unions and staff; enlist the support of universities and academics with demonstrated expertise in corrections and working with Indigenous people; consult widely with stakeholders; engage and work closely with other government and non-government agencies and Indigenous organisations such as NAAJA and CAALAS.

As a first step towards the future, it is recommended that NTDCS conduct a workshop to envisage the future state and develop the "bones" of a plan to achieve that future. This workshop should be attended by a cross section of staff at all levels from all areas of the department; service provider representatives; external stakeholders or their representatives, Indigenous organisations, and Indigenous Elders with cultural authority. It is recommended that this workshop be planned and conducted as an *appreciative inquiry* intervention, to ensure that the future is built upon the best of the past, and staff do not feel that all of their previous work has been devalued.

If practicable, the workshop should be preceded by the opportunity for participants to hear thought provoking presentations from respected Indigenous people speaking of how corrections could best work with them to reduce re-offending and make change in communities as well as from academics and other practitioners presenting examples of best practice and promising approaches.

This workshop will signify to all stakeholders that NTDCS is set on a new direction, and will inspire them and departmental staff alike with the opportunity to contribute to a new vision for the department, and set the course to achieve it. Of course, the workshop must be followed by ongoing, consistent and concerted, collaborative work with the Indigenous people and organisations, and government and non-government agencies.

In envisaging a future state for Northern Territory Corrections it is germane to reflect on the following extract from a paper prepared by The International Centre for Criminal

⁸⁵ Commissioner Mark Payne, personal conversation with Review Team.

Law Reform and Criminal Justice Policy and the Correctional Service of Canada in 1993⁸⁶:

This document is intended to contribute to:

- *A greater emphasis on crime prevention to clarify for members of the public, politicians and the other components of the criminal justice system how corrections contributes to society's efforts to achieve domestic peace and justice and **the limitations of that contribution**; (added emphasis by Review Team),*
- *Systemic improvements in corrections and criminal justice policies and legislation through a consistent approach to offenders based upon shared values and principles,*
- *The appropriate use of imprisonment though a stronger emphasis on community corrections and non-custodial measures combined with effective programs to safely reintegrate offenders into society,*
- *The development of improved risk assessment tools and risk management strategies through on-going research and sharing of information nationally and internationally,*
- *Increased staff professionalism; and*
- *A clearer understanding of, and commitment to the responsibilities of the following in contributing to an effective corrections system:*
 - *Society, which provides the mandate, resources, and support;*
 - *Corrections, which provides programs, expertise and professional, committed personnel;*
 - *Offenders, who choose the programs that will assist them to become law-abiding citizens.*

Corrections faces a number of challenges that are unlikely to change in the short term:

- *There are public demands for more punitive sanctions and increasing reliance on incarceration as the crime control measure of choice. This hinders the development of meaningful community sanctions,*
- *There are unrealistic expectations that corrections alone can solve the crime problem. Public confidence in the criminal justice system is limited and fragile and there is a general intolerance of any failure. Adding to the problem is a lack of understanding about corrections, a view that "nothing works", and a reticence to support alternative sanctions and a more judicious use of imprisonment,*
- *A continued denial of community responsibility for crime prevention and control leads to expectation that corrections alone will provide a solution....These expectations are compounded by public perceptions of*

⁸⁶ *Towards Improved Corrections; A Strategic Framework. (1993). The International Centre for Criminal Law Reform and Criminal Justice Policy and the Correctional Service of Canada. The University of British Columbia, Vancouver.*

increasing violent crime, which in many countries are unfounded. Nevertheless, fear of crime is a reality that must be addressed if corrections is to gain credibility and public support,

- There is a clear need for better public education about corrections. The public needs to understand the roles to be played the community, the criminal justice system, and corrections in striving for a safer and more peaceful society. The community must participate in the correctional process. Leaders in the corrections field must become actively involved in the development of public policy, and*
- Incarceration is costly and demands resources that would be better invested in social programs that have a more direct impact on crime prevention.While good correctional practice contributes to crime prevention other social programs can have a greater effect in addressing the underlying causes of crime.*

An approach as discussed throughout this section of the report would provide the basis for a *future state* for NTDCS that, as commented above, has the potential for NTDCS to become the leader in Australia in the management of Indigenous offenders, and in the development and implementation of evidence based programs, designed by and for Indigenous people, to address offending in Indigenous communities.

Findings

91. That the current confluence of circumstances places the NTDCS in a position from which it could become the leader in Australia in the management of Indigenous offenders, and in the development and implementation of evidence based programs, designed by and for Indigenous people, to address offending in Indigenous people.

92. That the work camp concept has potential to be developed into a cultural healing and rehabilitation model that could be utilised as a diversionary program to reduce reliance on secure custody and provide a vehicle for Indigenous people to provide rehabilitation services.

93. That work with offenders must be supported by work with offenders' families and communities to address disadvantage and the causes of offending and to build social capital to support offenders to make pro-social choices and maintain a crime-free lifestyle.

Recommendation

168. That as a first step for the Northern Territory Government to explore options for a holistic whole-of-government and community approach to the gross over representation of Indigenous people in the criminal justice system, NTDCS is funded to conduct a conference and workshop to envisage a future state for NTDCS, Indigenous and other government and non-government stakeholders where Indigenous people are empowered and working as part of the solution to this challenge.

Chapter 6: Other or alternative services that should be provided to meet the public value expectation

As stated earlier in the Report the greatest drivers of inefficient and ineffective outcomes in NTDCS and in the Territory's criminal justice system and human service delivery agencies generally, incurring huge cost to the taxpayer, is the excessive number of prisoners, the high recidivism rate and the gross over representation of Indigenous people in contact with the criminal justice system and corrections.

We have said that it is not fanciful to suggest that the Northern Territory's imprisonment rate is primarily the tragic outcome of extreme social dysfunction and economic disadvantage in the Territory's Indigenous communities and that the cycle of crime and imprisonment impacting on these communities results in horrific outcomes for families, individuals and in particular children with enormous adverse social and economic consequences for the Territory as a whole.

In terms of public value high priority should be given to initiatives to overcome the extreme social dysfunction and economic disadvantage in the Territory's Indigenous communities. The Review Team believes that this significant challenge must be addressed within a framework of Indigenous empowerment where Indigenous people work in partnership with government and other enablers.

In this regard the following extract from the *Empowered Communities: Empowered Peoples Design Report* is relevant:

'35. Within the framework of Indigenous Empowerment, the role for governments under the new Empowered Communities partnership must change. Government at the macro level sets the policy frameworks for the country, makes laws, addresses market failure and manages the finances. Without government as a partner, the fundamental reforms sought in Empowered Communities will falter. However, with the adoption of a policy of Indigenous Empowerment, the role of government and its representatives is fundamentally different to the role it has historically played in Indigenous affairs. Government and its representatives need to come to the table willing to act as enablers and facilitators in an Indigenous-led process, not as the primary fixers of problems.

36. This requires a radical shift not just in responsibilities, but in behaviours and attitudes of the key partners. Indigenous reform leaders are expected to step up and assume the lead role in driving challenging reforms in their regions and collaborating across opt-in organisations. Government partners, on the other hand, need to take a step back and participate in support of Indigenous leaders and their place-based development agendas. This does not mean that government takes a passive role. Government is an active partner. Its representatives come with valuable knowledge, experience and responsibilities that the other partners do not have.

37. The role of enabler is not a natural fit for most government ministers or public servants who are used to leading from the front. It requires an ability to listen and understand what is being proposed from outside government—to create the environment in which

Indigenous people can act as the senior partner in negotiations and to drive outcomes, and initially at least, a preparedness to help bridge knowledge and capability gaps if they exist. It requires a capacity to recognise good strategies and proposals developed by others and a willingness to actively look for ways to add value, to make government work as it should in support of good reform ideas. It may mean tackling government silos and blockages to pave the way, identifying funding sources, garnering support from key agencies.

An effective enabler also has the capacity and integrity to be honest and open about perceived shortcomings in strategy or performance, and the ability to provide constructive advice that strengthens confidence rather than undermines it'.⁸⁷ The Empowered Communities: Empowered Peoples Design Report also deals with the need for an inside-out, not top-down or bottom-up approach and the three voices that must be involved in inside-out collaborations; i.e.:

- 1. The voice of 'intent'—those who will be affected by change and who intend to play a role supporting and driving the changes over the long term. Government and service providers cannot possess this intent for Indigenous peoples and places; whereas senior women who are advocates for change possess intent, even though they may not hold formal organisational leadership positions.*
- 2. The voice of 'experience'—this includes people who are the end users, and must include the (often bitter) experience of those at the grassroots level who have 'been there and done that'—individuals, families, communities, organisations.*
- 3. The voice of 'design'—this may include people from government or academia who understand government, systems, power and politics, and who can assist with the development of policy and initiatives.⁸⁸*

Finding

94. That Empowered Communities: Empowered Peoples Design Report has valuable insights to inform the conference and workshop proposed in Recommendation No. 168 to envisage a future state for NTDCS, Indigenous and other government and non-government stakeholders where Indigenous people are empowered and working as part of the solution to this challenge. The outcomes of this workshop will contribute significantly to NTDCS efforts to meet the public value expectation.

In terms of other or alternative services that should be provided to meet the public value expectation there is a need for NTDCS to focus on diversionary options to reduce reliance on secure custody. NTDCS' Strategic Plan for the period 2016 -2020 currently under development has Strategic Priority 1 as 'expanding alternative custodial and community corrections opportunities "with a Key Deliverable of "alternative custody models that reduce demands on correctional and detention facilities"'

87 Wunan Foundation Inc. (2015). Empowered Communities: Empowered Peoples Design Report 2015, Chapter 3, Page 41.

88 Wunan Foundation Inc. (2015). Empowered Communities: Empowered Peoples Design Report 2015, Chapter 3, Page 44.

The Measures of successful outcomes under the above Strategic Priority all relate to improved *public value outcomes*.

In fact all six Strategic Priorities proposed in NTDCS' Strategic Plan for 2016-2020 include measures to *meet the public value expectation*

Finding

95. *That NTDCS' proposed Strategic Plan for 2016-2020 addresses the need to meet the public value expectation.*

Chapter 7: The cost of recommended changes and or services required to improve the effectiveness, efficiency or resource utilisation to deliver services

In the time available for this review it has not been possible to cost the changes recommended in this report. There will be both additional costs and savings arising from the report's recommendations.

The Review Team has been advised by NTDCS that Head Office costs are very lean. Currently Head Office costs represent only 4% of the NTDCS budget compared to an average 6% cost for other Territory government departments.

As covered in *Section 4.1.2 - Operating Budget Deficit*, NTDCS has had a number of budget issues which resulted in a detailed budget request being considered by the government in the recent 2016-17 budget deliberations. It is clear that NTDCS does not have the financial capacity to fund any net increase in cost due to changes recommended in this report.

However, the report identifies that NTDCS has the task of administering a correctional system with a staggering imprisonment rate of around 840 prisoners per 100,000 of adult population compared to the Australian national imprisonment rate of 187 per 100,000 of adult population. Clearly there is potential for huge savings in expenditure in NTDCS and across the Territory's budget as a whole through reducing the imprisonment rate. This should be a focus not only by NTDCS but across government.

Many of the changes recommended in this report are essential to position NTDCS to better contribute to the task of reducing the imprisonment rate which in turn will result in significant savings. The cost of recommended changes should be considered as an investment to achieve future savings.

With regard to future savings, the following considerations drawn from experience in Northern European countries that have the lowest imprisonment rates in the world are relevant:

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- To reduce social breakdown and crime, societies need to place emphasis on good social policy that protects and nurtures children and facilitates optimal development of their potential,
- The functioning of the criminal justice system should reflect the higher order goal of *keeping peace in society* and therefore should fulfill its *punitive* function within a *restorative* framework that seeks, if possible, to restore something to the victim, restore something to society if appropriate and if possible restore the offender to a law abiding lifestyle, that is, a *restorative justice* model,
- There is a time lag between implementation of social policy impacting on young children and the assessment of outcomes on their adult lives,
- There is a need for a 15 year business plan driven by government that takes a whole of community approach. The plan must be based on objective data on the current cost of crime, the extrapolated cost of crime over the life of the plan under current policies and the expected savings and benefits to be achieved over the life of the plan due to proposed policies and initiatives. Key achievement milestones can be assessed in line with the ongoing election cycle,
- The development of such a plan requires high level conceptual input from across a range of disciplines including economists, criminologists, social demographers, sociologists, educationalists, child and family psychologists, correctional, police and family welfare practitioners, judges, the legal profession and politicians, and
- There is a need to achieve community understanding and support for the appropriate balance between good social policy and the role and outcomes of the criminal justice system as reflected in the business plan. This is achieved through factual information being disseminated by governments, elements of the criminal justice system, social/ community support agencies and academia concerning:
 - the underlying causes of crime and social breakdown,
 - statistics showing what is occurring where and trends, and
 - information concerning world's best practice in addressing these issues, including what works and what does not work.⁸⁹

Findings

96. *That NTDCS does not have the capacity within existing budget to fund the changes recommended in this report.*

97. *That there is potential for significant savings in expenditure in NTDCS and across the Territory's budget as a whole through a reduction in the imprisonment rate; this should be a focus not only by NTDCS but across government.*

⁸⁹Discussion between the Project Team Leader and Dr Pfeiffer, Criminologist, Hanover, Germany.

98. *That experience in Northern European countries that have the lowest imprisonment rates in the world is that a business planning approach driven by government that takes a whole-of-community approach founded in objective data on the cost of crime and expected savings and benefits to be achieved over the life of the plan is an effective way to reduce imprisonment rates. This approach has applicability to the Northern Territory.*

99. *That there is a need to achieve community understanding and support for the appropriate balance between good social policy and the role and outcomes of the criminal justice system as reflected in the business plan. This should be done through factual information being disseminated by governments, elements of the criminal justice system, social/community support agencies and academia concerning the underlying causes of crime and social breakdown statistics showing what is occurring where, trends and information concerning world's best practice in addressing these issues, including what works and what does not work.*

Recommendations

169. *That the Northern Territory Government agrees in principle to adopt a business planning approach for a whole-of-government and community approach to reduce Indigenous contact with the criminal justice system and the Territory's imprisonment rate and establish an Inter Departmental Committee (IDC) of relevant agencies.*

170. *That the Business Planning IDC's considerations are informed by outcomes of the conference and workshop recommended in this report to envisage a future state for the Northern Territory Adult Corrections and Youth Justice Services Commission, Indigenous and other government and non-government stakeholders where Indigenous people are empowered and working as part of the solution to the challenge of Indigenous contact with the criminal justice system and the Territory's imprisonment rate.*

171. *That subject to the recommendations in this report being adopted, NTDCS develops a budget submission for government consideration that identifies the total cost of recommendations, and prioritises the need for additional funding having regard to criteria of enhanced governance within NTDCS, public safety, duty of care to all people subject to NTDCS services and an overarching goal to reduce Indigenous contact with the criminal justice system and the Territory's imprisonment rate.*

PART 4 A SUGGESTED IMPLEMENTATION/CHANGE STRATEGY

The Findings and Recommendations of this Review Report require an implementation strategy for NTDCS that addresses:

- The need to achieve a high performance culture within the existing operating environment of NTDCS that ensures services are delivered efficiently and effectively under a strong governance framework including strategic planning, risk management, best practice programs and operations, performance measurement and accountability; while

- *Reinvention* of the way correctional services is delivered (see Section Future operations - Planning for a new approach above) to more effectively contribute to '*a safer Northern Territory through correctional services*' which is NTDCS' vision.

Note: Given the need for legislation to establish a Commission, issues involving the Royal Commission and the upcoming Northern Territory election, there could be a significant time delay in forming a Commission if this is ultimately the approved approach. Therefore, planning will need to take account of the need for urgency in responding to a number of the recommendations in this Report, particularly in relation to Youth Justice. The Review Team strongly encourages the Northern Territory government to proceed with the operational recommendations contained in this report at the earliest opportunity, without waiting for the organizational structural changes to be implemented.

Obviously enthusiasm and commitment by the Northern Territory Government to the need for change is fundamental. Assuming that this exists, key elements in such a strategy are as follows:

A plan for the change strategy

This *change strategy plan* will be authorised under NTDCS' Strategic Plan.

Inspired leadership

This will be required from the responsible Minister, the Commissioner and the Executive Group. As recommended above the Review Team believes it is essential for the current Commissioner to continue to lead the Executive Group in the wide ranging change process he has commenced. Leadership will need to focus on continuous improvement, innovation and a requirement for NTDCS leaders to engage in personal development to ensure their leadership skills are of the highest order.

A dedicated team to support the Commissioner and Executive Group in designing and leading change

Funding of additional resources in the Commissioner's Office recommended elsewhere in this Report to drive Strategic Planning, Continuous Improvement and Corporate Innovation will be essential to the success of the change strategy.

Appropriate funding

As reported elsewhere NTDCS does not have funds available within its current budget to implement the required change strategy.

Introduction of Indigenous people into the NTDCS organisation structure and formal engagement with Elders and communities in the change strategy

Recommendations relating to this have been included above in this Report.

Cross agency collaboration and support

Given the whole of government and community implications of the change strategy there will be a need for mechanisms to facilitate input and support from other government agencies as well as from the non-government sector.

An effective and appealing narrative

There needs to be articulation of an effective alternative narrative to current practice that is understood and accepted by the staff of the agency and the wider community on the basis that it will be a more effective way of doing business and will add value to the Government's and NTDCS' desire to achieve '*a safer Northern Territory through correctional service*'.

This narrative can be developed from:

- The Strategic Plan 2016-2020,
- This Review Report,
- Northern Territory Government commitment to a business planning approach for a whole of government and community approach to reduce Indigenous contact with the criminal justice system, and
- Outcomes of the conference and workshop recommended above to envisage a future state for NTDCS, Indigenous and other government and non-government stakeholders where Indigenous people are empowered and working as part of the solution to the challenge of Indigenous contact with the criminal justice system and the Territory's imprisonment rate.

A communication and engagement plan

This plan will need to take account of the needs of:

- Minister and Government,
- Staff and their industrial representatives,
- Indigenous leaders, organisations and communities,
- External stakeholders including other government agencies and Non-Government Organisations,
- Media as a conduit to the wider community, and
- Prisoners and offenders under community supervision.

Recommendation

172. That the key elements covered in this section of the report are taken into account in development of an implementation/change strategy.

Appendix 1

LIST OF STAKEHOLDERS INTERVIEWED AND WRITTEN SUBMISSIONS RECEIVED

1. John Elferink	Minister for Correctional Services
2. Craig Jones	Advisor to the Minister for Correctional Services
3. Mark Payne	Commissioner, Department of Correctional Services
4. Rob Steer	Deputy Commissioner, NTDCS
5. Ros Lague	Executive Director, Corporate and Strategic Services, NTDCS
6. Tracy Luke	Executive Director, Community Corrections NTDCS
7. Amanda Nobbs-Carcuro	Executive Director, Correctional Programs and Services, NTDCS
8. Vanessa Bates	Executive Officer to the Commissioner, NTDCS
9. Bill Carroll	Executive Director, Custodial Operations, NTDCS
10. Jodie Ryan	Treasurer, Department of Treasury and Finance
11. David Braines-Mead	Deputy Under-Treasurer, Department of Treasury and Finance
12. Kevin Raby	General Manager, Regional Operations, NTDCS
13. Robyn Hopkins	Principal Health Advisor, NTDCS
14. Carolyn Whyte	Director, Criminal Justice Research and Statistics, NTDCS
15. Victor Williams	General Manager, Youth Detention, NTDCS
16. Salli Cohen	Director Social Policy, Department of the Chief Minister
17. John Coleman	CEO, Department of the Chief Minister
18. John Fattore	General Manager, Community Corrections, NTDCS
19. Janet Anderson	Deputy CEO, Department of Health
20. Louise Blacker	Regional Manager Alice Springs Community Corrections, NTDCS
21. Peter Curwen-Walker	Regional Manager Casuarina Community Corrections, NTDCS
22. Andrew Pike	Regional Manager Palmerston Community Corrections, NTDCS

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23. Garry Bennett	Regional Manager Katherine Community Corrections, NTDCS
24. Barbara Sampson	Director Offender Programs, NTDCS
25. Meg Friel	Director Indigenous Services and Community Engagement
26. Cameron Tyrrell	Director, Human Resources and Staff Development, NTDCS
27. Helena Glew	Manager Workforce Relations, NTDCS
28. Alan Buckingham	Chief Finance Officer, NTDCS
29. Jessica Marin-Ulloa	Director, Policy Coordination Unit
30. Karen Weston	Chief Information Officer, NTDCS
31. Franck Alcidi	Director, Major Projects and Infrastructure
32. Tracy Watkins	Superintendent, Darwin Correctional Centre, NTDCS
33. Bill Yan	Superintendent, Alice Springs Correctional Centre
34. Maria Derrington	Manager Operational Support , NTDCS
35. Dave Ferguson	Director, Professional Standards and Intelligence Unit, NTDCS
36. Janette Galton	Manager Organisational Performance, NTDCS
37. Peter Shoyer	Northern Territory Ombudsman
38. Julie Carlsen	Office of the Ombudsman for the NT
39. Simone Jackson	Department of Children and Families
40. Julie Crisp	Auditor General for the NT
41. Priscilla Collins	CEO, NAAJA
42. Jared Sharp	Northern Territory Barrister
43. Shahleena Musk	NAAJA
44. Erina Early	Branch Secretary, United Voice
45. Tony Pearce	Chief Correctional Officer, NTDCS
46. Chris Lyons	Chief Correctional Officer, NTDCS
47. Geoff Weir	Deputy Superintendent, NTDCS
48. Phil Tilbrook	President, NT Prison Officers Association
49. Daniel Symes	Vice President, NT Prison Officers Association
50. Neil Coleman	
51. Mark Nayda	
52. Daniel Rose	Community and Public Sector Union
53. Eileen Van Iersel	CEO, CAALAS

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54. Lauren Macaulay	Social Justice Legal Officer, CAALAS
55. Mark O'Reilly	Principal Lawyer, CAALAS
56. Antoinette Carroll	Youth Justice Advisory Coordinator, CAALAS
57. Stephen Dunham	Health and Community Services Complaints Commissioner
58. Phil Brown	Former Executive Director Custodial Operations
59. Ashley Marion	Manager Electronic Monitoring, NTDCS
60. Desmond Campbell	Manager Family Violence Program, NTDCS
61. Marea Handley	Manager Forensic Mental Health Services, Department of Health
62. Margaret Farrell	Department of Health

Special thanks to all the other NTDCS staff not listed above who contributed to or prepared information for the Review Team.

Written Submissions received from:

1. Anti-Discrimination Commission
2. Auditor General for the NT
3. Northern Territory Coroner
4. Northern Territory Information Commissioner
5. Northern Territory Children's Commissioner
6. NT Police
7. Central Australian Aboriginal Legal Aid Service
8. North Australian Aboriginal Legal Aid Service
9. Northern Territory Council of Social Services
10. Northern Territory Ombudsman
11. Community and Public Sector Union
12. United Voice and the NT Prison Officers Association (joint submission)

Appendix 2

SCOPE OF REQUIREMENTS OF REVIEW

Purpose

A review of the Northern Territory Department of Correctional Services (NTDCS) is required in order to determine how NTDCS could improve the public value proposition in the delivery of correctional supervision and services for adults and youth in the Northern Territory in an environment of fiscal restraint. These services include those delivered within correctional or detention facilities and those delivered to supervised/monitored persons in the community. The review will also be required to consider and report on the resource impost and the utilisation of those resources by the department.

NTDCS seeks the skills and services of suitably qualified consultant/consultants to undertake this review and provide an interim written report by 30 June 2016 and provide a final report by 31 July 2016.

In conducting the review, the consultant/consultants should give consideration to:

- the current services provided by NTDCS;
- how those services are provided and to whom;
- the current structures and systems to provide those services;
- the processes and accountabilities involved in the provision of services;
- the outcomes or outputs delivered through those services;
- whether the organisational structures support good governance and effective management and oversight of the operations of the department;
- the capacity of the department to effectively and efficiently monitor, manage and deliver services;
- whether systems and processes in use are effective in delivering the service, provide appropriate governance and reporting and are able to be interrogated to the satisfaction of government;
- whether resources provided, both financial and personnel, are appropriately directed and sufficient for the efficient delivery of services and achievement of the outcomes required ;
- the cost of services and any recommended changes required to improve the effectiveness, efficiency or resource utilisation to deliver services; and
- an appropriate accountability and reporting framework.

The consultant is required to consult with the identified stakeholders, review the organisational structures, systems, processes and resources and to provide a written report.

The consultant/consultants are also invited to provide comment on whether there are:

- services provided that no longer offer a public value;
- other or alternative services that should be provided to meet the public value expectation; and

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- sufficient resources available to the department currently for the services they provide, or are recommended to offer and if not, recommendation/s on what resources would be required.

Background

NTDCS was formed in 2012, having previously provided the portfolio responsibilities as a division within the then Department of Justice.

The Minister for Correctional Services directs the priorities of government in relation to and has overarching responsibility for, the Department of Correctional Services.

In November 2015, after a number of incidents involving escapes and incidents within the youth detention centre and a number of public criticisms regarding prisoners with open ratings having access to the community, the Minister for Correctional Services announced a 'root and branch' review of the department would be undertaken.

In addition the government is concerned at substantial recent increases in costs within the Department and is seeking an assessment of the efficiency and effectiveness of services currently provided, and a review of the current corporate governance and financial management structures and systems in managing these services. The Government is also seeking opportunities for alternative delivery methods that will reduce the financial pressures on the Budget.

NTDCS has a new Commissioner who commenced in November 2015 and with effect 1 March 2016 have a new senior executive structure with some functional realignment occurring as a result.

Further information on the current operational environment and structure of the Department is provided in Attachment A.

Deliverables

The consultant is required to consult with the identified stakeholders, review the organisational structures, systems, processes and resources and to provide a written report detailing whether the:

- organisational structures support good governance and effective management and oversight of the operations of the department;
- the capacity of the department to effectively and efficiently monitor, manage and deliver services;
- systems and processes in use are effective in delivering the service, provide appropriate governance and reporting and are able to be interrogated to the satisfaction of government;
- resources provided are sufficient to deliver the services currently required by government together with options for efficiencies in a fiscally challenging environment;

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- resources provided, both financial and personnel, are appropriately directed to the efficient delivery of services and achievement of the outcomes required;
- a recommended accountability and reporting framework; and
- a suggested implementation/change strategy.

Requirements:

The successful consultant will be provided with all the documents and reports referenced above.

The successful consultant will be required to:

- furnish the names and CVs of all personnel who will be engaged/contracted by them to undertake the review;
- agree to all personnel participating in the review undergoing a criminal history check (if one has not already been undertaken);
- sign confidentiality agreements;
- provide an interim written report outlining key findings and recommendations by 30 June 2016; and
- provide a final report no later than 31 July 2016.

The successful consultant will be required to participate in an initiating interview with the Minister for Correctional Services and with the Commissioner for Correctional Services on commencement of the review. The consultants are required to commence at the earliest opportunity, recognising the limited timeframe for the review.

Stakeholders

Internal: Commissioner
Deputy Commissioner
Executive Directors
Directors
Staff

External: Minister for Correctional Services
Department of the Chief Minister
Department of Treasury and Finance
Office of the Commissioner for Public Employment
Unions
Prisoner and detainee advocacy groups
Legal bodies
Other government departments (Children and Families; Health; Police, Fire and Emergency Services; Education; Business etc)
Non-government organisations (a list of which will be provided but include organisations such as Anglicare, Mission Australia, Catholic Care, NTCOSS, Red Cross, Kalano, etc)

Timeframe

The consultant's final report is required by no later than close of business 31 July 2016.

Appendix 3

NTDCS OPERATING ENVIRONMENT

OVERVIEW

The Northern Territory's population was estimated at 244,500 people in September 2015 making it the least populous of Australia's eight states and territories.⁹⁰ Approximately 60% of the resident population lives in the Greater Darwin area followed by 12% in the Alice Springs area, 5% in the Katherine area and 4% in the Tennant Creek area. The remaining population is spread in small pockets over the 1.42 million square kilometres of the NT giving it the nation's lowest population density of 0.2 people per square kilometre. As at June 2011 Aboriginal and Torres Strait Islander (Indigenous) Australians comprised 30% of the population of the Northern Territory, the highest proportion of any state or territory. Tasmania was the next highest with around 5% of its population being Indigenous people.⁹¹

NTDCS *delivers* correctional services in the Northern Territory, but like its counterparts in other jurisdictions, it has little or no influence over the size and nature of the corrections' population. That population is shaped by numerous "drivers" external to NTDCS such as:

- Policing strategies and activities,
- Legislation,
- The Courts,
- Poverty and social conditions,
- Unemployment, and
- Drug and alcohol abuse.

As each jurisdiction may have different drivers, a cautious approach needs to be taken when comparing jurisdictions.

Notes about Data in this Report

Wherever possible the most recent available data has been used in this report. In some cases (e.g. national comparative data) 'most recent' may be one to two years old, and in that regard, the reader should be mindful that some data may not be a completely accurate reflection of the current (May 2016) environment in the NT or nationally. The reader should also be aware that national data referred to in a number of the following tables/figures may have definitions and counting rules that are different to those used in individual jurisdictions, and as such, that data should not be viewed as anything other than an indication of the broader national environment in which the NTDCS operates.

⁹⁰ Australian Bureau of Statistics - 3101.0 - *Australian Demographic Statistics, Sep 2015*.

⁹¹ Australian Bureau of Statistics - 3238.0.55.001 - Estimates - *Aboriginal and Torres Strait Islander Australians, June 2011*.

The Northern Territory is the most “policed” jurisdiction⁹² in Australia and has the highest ratio of judicial officers⁹³:

Figure 1: Police staff per 100 000 population, 2014-15

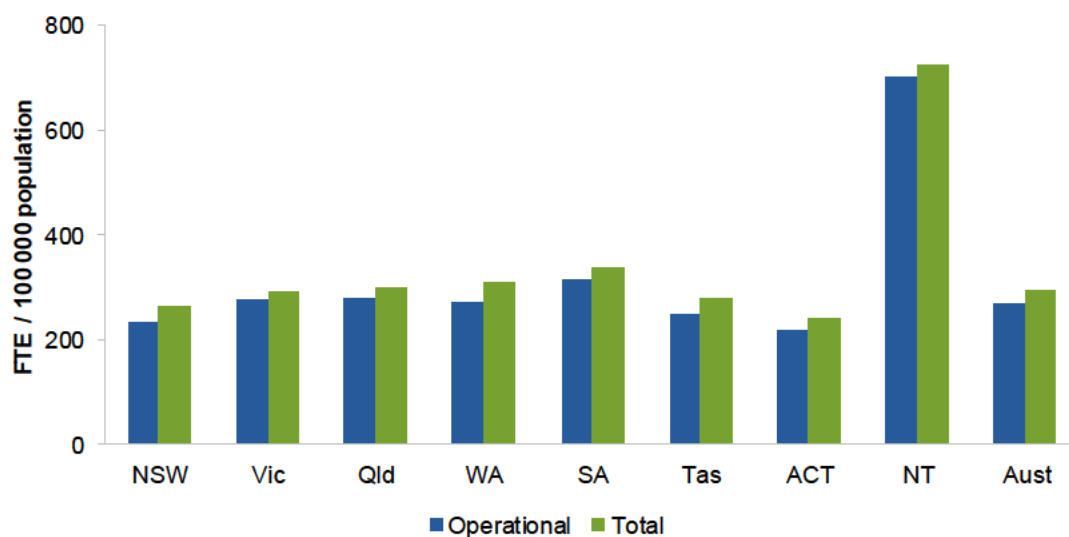
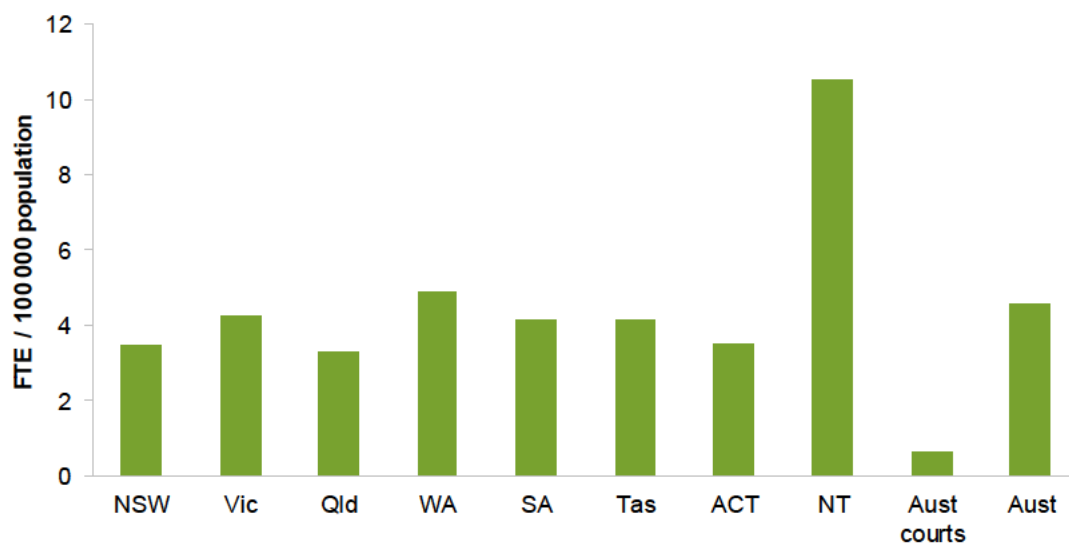


Figure 2: Judicial officers per 100 000 population, 2014-15



⁹² *Report on Government Services 2016*, Part C, Figure C8.

⁹³ *Report on Government Services 2016*, Part C, Figure C9.

Crime trends in the Territory are inevitable *drivers* of the correctional services' environment. For example:

Figure 3: Estimated victims of break-in, attempted break-in and motor vehicle theft, 2013-14⁹⁴

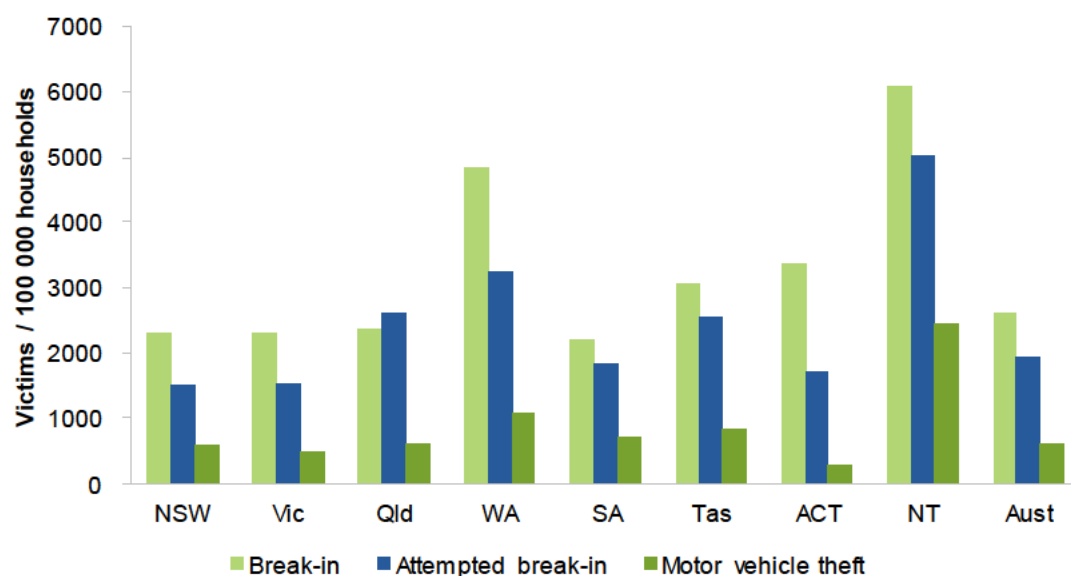
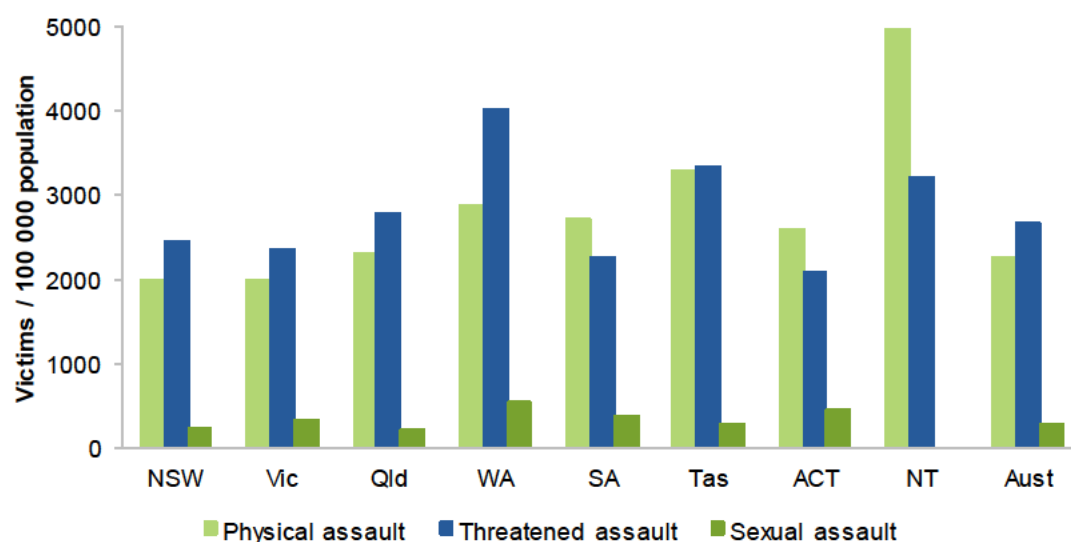


Figure 4: Estimated victims of assault and sexual assault, 2013-14⁹⁵



⁹⁴ Report on Government Services 2016, Part C, Figure C7.

⁹⁵ Report on Government Services 2016, Part C, Figure C6.

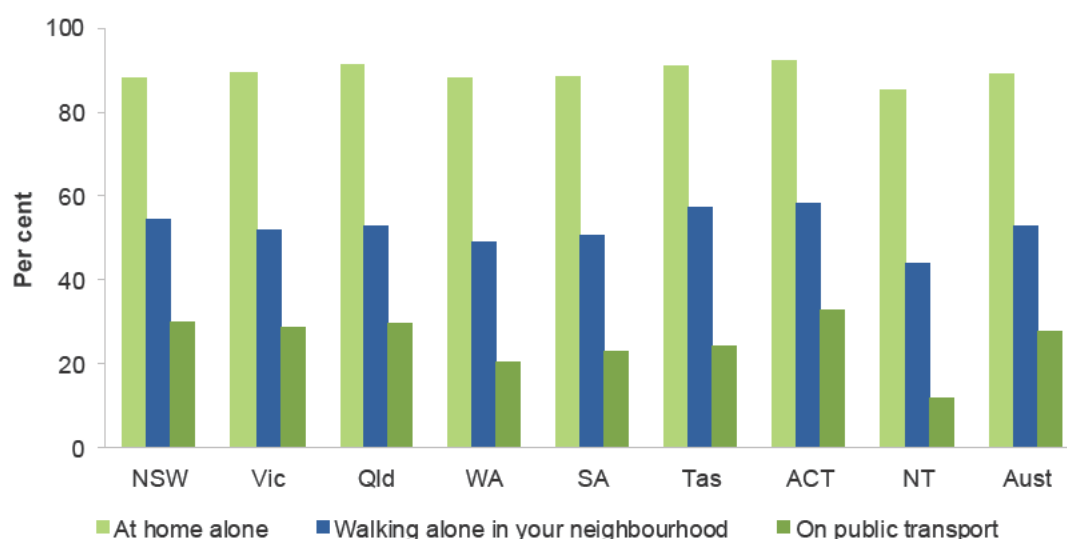
Public perceptions of personal safety can be a *driver* of political, judicial and police responses to crime and justice. For example:

Figure 5: Proportion of people (15 years +) who felt 'safe' or 'very safe' at home alone in 2013-14⁹⁶



NB: This data was not published by ROGS in 2016

Figure 6: Perceptions of safety in public places during the night in 2014-15⁹⁷



⁹⁶ Report on Government Services 2015, Part C, Figure C4.

⁹⁷ Report on Government Services 2016, Part C, Figure C5.

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Much is said and written about recidivism in the criminal justice system and it is often wrongly taken to be a “measure” of how successful correctional services agencies are at rehabilitating offenders. The Productivity Commission is careful to not make that mistake: *‘Repeat offender data are difficult to interpret. A low proportion of repeat offenders may indicate an effective justice system discouraging repeat offending. However, a high proportion of repeat offenders may indicate more effective policing’*. With that caveat in mind, the following data is of interest but should be viewed with caution:

Table 1: Prisoners released during 2012-13 who returned to prison with a new correctional sanction within two years (per cent)⁹⁸

NSW	VIC	QLD	WA	SA	TAS	ACT	NT	AUS
48.1	44.1	40.9	36.2	38.1	39.9	38.7	57.5	44.3

Table 2: Offenders discharged from community corrections orders during 2011-12 who returned with a new correctional sanction within two years (per cent)⁹⁹

NSW	VIC	QLD	WA	SA	TAS	ACT	NT	AUS
21.5	20.8	na	12.8	22.4	22.9	18.0	33.6	21.1

NB: This data was not published by ROGS in 2016

The above data shows that the NT had the highest return-to-corrections (prison/community corrections) of all jurisdictions, and indeed significantly higher than the [next highest](#).

NORTHERN TERRITORY CORRECTIONAL SERVICES

In 2014-15 there were over 92,000 adults under some form of correctional services’ management in Australia, of whom 2764 (3%) were the responsibility of NTDCS¹⁰⁰:

Table 3: Prisoners and Community Corrections Offenders 2013-2014 (average Daily State)

	NSW	VIC	QLD	WA	SA	TAS	ACT	NT	AUS
CCS offenders	16391	10815	16332	4156	5623	1983	964	1165	57429
Prisoners	11011	6350	7167	5402	2644	468	342	1599	34982
Total	27402	17165	23499	9558	8267	2451	1306	2764	92411
% Prisoners	40.2	37.0	30.5	56.5	32.0	19.1	26.2	57.9	37.9

It is of interest that the Northern Territory and Western Australia had the highest proportions of prisoners in their total offender populations (57.9% and 56.5%, respectively) while the other jurisdictions were all below 41%.

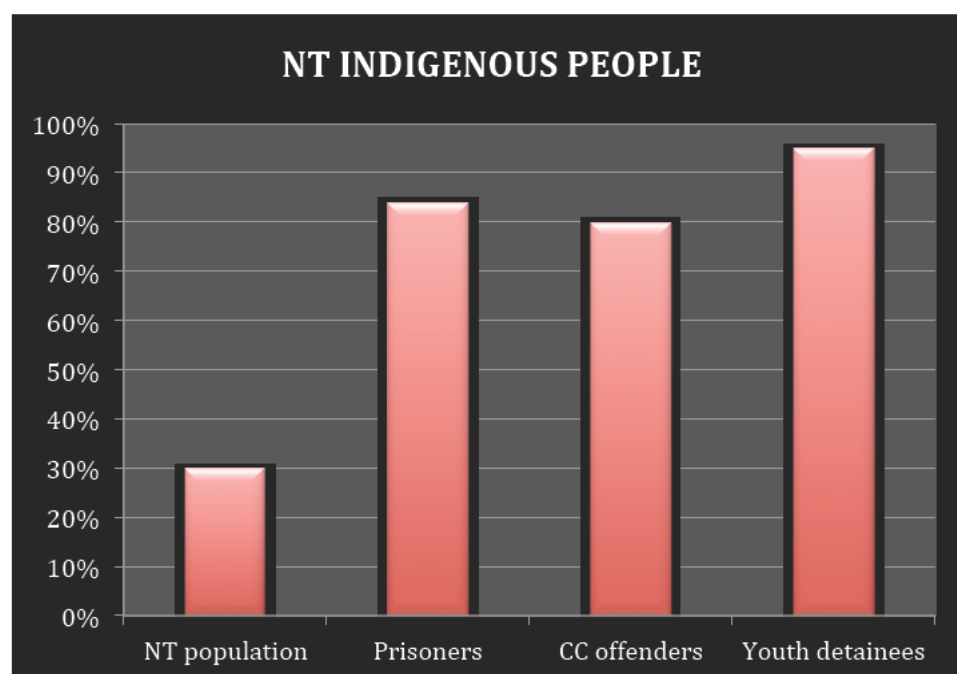
⁹⁸ Report on Government Services 2016, Part C, Table C4.

⁹⁹ Report on Government Services 2015, Part C, Table C6.

¹⁰⁰ Report on Government Services 2016, Chapter 8, Tables 8A.1 & 8A.3.

While Indigenous people comprise about 30% of the NT population they account for about 85% of all prisoners compared to next highest jurisdiction (WA) at about 40%. There were 93 adult female prisoners in custody on 30 June 2015 of whom 85 (91%) were Indigenous. Similar high level Indigenous representation applies to youth detainees and the community corrections offenders.

Figure 7: Indigenous Representation in NT Offender Population



Percentages approximate for 2016

CUSTODIAL SERVICES

Prisoner Numbers

In 2014-15 the Northern Territory recorded the highest adult imprisonment rate of all jurisdictions in Australia and the second highest imprisonment rate for Indigenous people after WA¹⁰¹:

Table 4: Imprisonment Rates All People (per 100,000 adults) 2014-15

NSW	VIC	QLD	WA	SA	TAS	ACT	NT	AUS
187.4	138.0	194.3	271.1	198.5	116.7	113.5	884.9	190.3

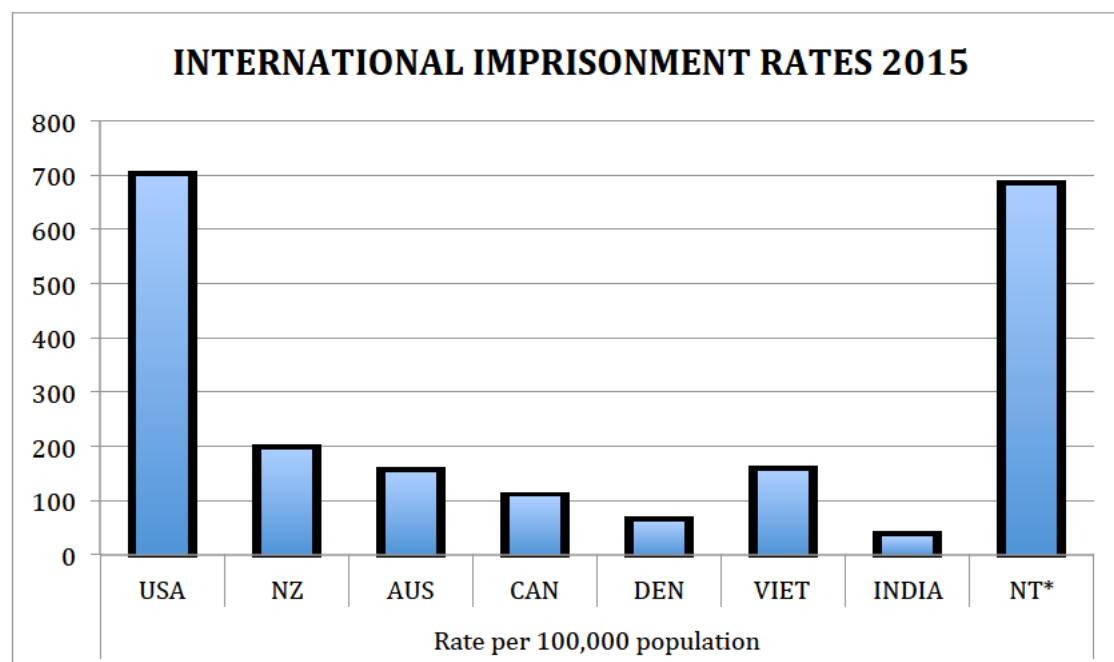
Table 5: Imprisonment Rates Indigenous People (per 100,000 adults) 2014-15

NSW	VIC	QLD	WA	SA	TAS	ACT	NT	AUS
1962.0	1631.1	1830.8	3635.0	2473.4	471.1	1520.3	2924.5	2196.1

¹⁰¹ Report on Government Services 2016, Chapter 8, Table 8A.4.

Available international data¹⁰² on imprisonment uses a rate *per 100,000 population* rather than the above data which uses a rate of *per 100,000 adults*, however it is still of interest in gaining an understanding of imprisonment in the NT:

Figure 8: International Imprisonment Rates



*Assuming the NT has a current population of about 250,000 and a prison population of about 1700.

It should be noted that the NT as a *jurisdiction* can only be compared to *single jurisdiction* countries e.g. New Zealand. Multiple jurisdiction countries (e.g. USA) may have “states” with higher or lower imprisonment rates than the national rate. In that regard, the chart is for illustrative purposes only.

The high imprisonment rate in the Territory has placed considerable strains on NTDCS custodial facilities resulting in overcrowding¹⁰³:

Table 6: Prison/detention centre design capacity utilisation (per cent) 2014-15

	NSW	VIC	QLD	WA	SA	TAS	ACT	NT	AUS
All prisons	112.0	na	103.5	100.7	na	78.4	126.8	107.2	106.1
Open custody	106.2	na	84.5	84.5	na	100.0	73.1	93.0	97.2
Secure custody	115.5	na	106.8	105.1	na	77.9	130.0	120.8	109.3

For 2015-16, NTDCS reported¹⁰⁴ an average occupancy level of 98% comprising:

¹⁰²

http://www.prisonstudies.org/sites/default/files/resources/downloads/world_prison_population_list_11th_edition.pdf

¹⁰³ Report on Government Services 2016, Chapter 8, Table 8A.23.

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- Alice Springs Correctional Centre (Secure) 122%
- Darwin Correctional Centre (Secure) 85%
- Barkly Work Camp (Open) 136%
- Datjala Work Camp (Open) 93%

From the March quarter in 2013 the daily average of sentenced prisoners increased by 3% (31) from 1171 to 1201 to the March quarter 2016 (71% of the daily average prison population). In the same period, the daily average of unsentenced prisoners increased by 43% (160) from 372 to 532 (29% of the daily average prison population)¹⁰⁵.

There were 4128 prison receptions in 2014-15 (up 3% from 2013-14) and 4044 releases (98% turnover)¹⁰⁶. As the reception and discharge of prisoners are labour-intensive and costly processes, this high turnover rate ("churn") for a relatively small daily prisoner population represents a considerable burden for NTDCS over which it has no control.

Sentences

As at 30 June 2015¹⁰⁷, prisoners with an aggregate sentence of less than 12 months comprised 39% of all sentenced prisoners compared to 20% in NSW in 2014.¹⁰⁸ The average aggregate sentence for NT adult prisoners held in 2014-15 was 497 days (median of 161 days).¹⁰⁹

The proportion of unsentenced prisoners in the total prison population stayed relatively static between March 2008 (23%) and September 2013 (26%) but has since climbed to 31% in March 2016. As unsentenced prisoners tend to be more labour and cost intensive than sentenced prisoners due to their legal status and special needs, this increase in the unsentenced population creates an additional burden for NTDCS.

Security Classifications

NTDCS operates a four-tier security rating system for prisoners: High, Medium, Low1/Low2 and Open. Darwin Correctional Centre (DCC) and Alice Springs Correctional Centre (ASCC) accommodate prisoners of all four ratings while the Barkly and Dajala Work Camps are for Open rated prisoners only. As at 3 May 2016 the four facilities were accommodating 1709 prisoners with the following security ratings¹¹⁰.

Table 7: Security Ratings of Prisoners as at 3 May 2016

¹⁰⁴ NTDCS, *Annual Statistics 2014-15*, Table 1.

¹⁰⁵ NTDCS, *Northern Territory Daily Average Prisoner and Youth Detainee Numbers*, March Quarter 2016.

¹⁰⁶ NTDCS, *Annual Statistics 2014-15*, Table 13.

¹⁰⁷ NTDCS, *Annual Statistics 2014-15*, p.5.

¹⁰⁸ *NSW Inmate Census 2014*, p.7.

<http://www.correctiveservices.justice.nsw.gov.au/Pages/CorrectiveServices/related-links/publications-and-policies/corrections-research-evaluation-and-statistics/nsw-offender-census.aspx>

¹⁰⁹ NTDCS, *Annual Statistics 2014-15*, p.28.

¹¹⁰ Data provided to the Review by NTDCS, by email on 06/05/16.

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Centre	High (%)	Medium (%)	Low (%)	Open	Total
Alice Springs	53 (9)	241 (42)	170 (29)	118 (20)	582
Darwin	42 (4)	436 (42)	428 (41)	127 (12)	1033
Barkly	n/a	n/a	n/a	65 (100)	65
Djala	n/a	n/a	n/a	29 (100)	29
Total	95 (6)	677 (39)	598 (35)	339 (20)	1709

There appears to be a disproportionately large number of High/Medium classified prisoners (45% of total) given that about 40% of prisoners serve sentences of less than one year.

Although the annual Report on Government Services (ROGS) provides data on security ratings of prisoners for all jurisdictions¹¹¹ the data is not particularly informative because it aggregates various jurisdictions' ratings into Secure and Open categories that don't necessarily align with ratings system used in individual States and Territories. For that reason the Review Team did not think it helpful to provide an inter-jurisdictional comparison.

Escapes

In the period 1997-98 to 2012-13 a total of 84 adults and youths escaped lawful custody, representing an average of 5.25 persons per year with the highest number (15) in 2011-12. Commencing in 2013-14 there has been a marked increase in escapes, averaging 24.7 per year over the three year period.¹¹² Escapes by youths in this period (21) accounted for 28.4% of all escapes but they made up only about 3% of all persons in custody.

The recent increase in escapes cannot be explained by changes in prisoner/detainee numbers¹¹³ during the period given that adult prisoners averaged about 1500 per day in 2012-13 (9 escapees – rate of 0.60¹¹⁴) and about 1600 per day in 2014-15 (12 escapees – rate of 0.75). Similarly, youths in custody in 2012-13 averaged about 50 per day (2 escapees – rate of 4.0) and about 42 per day in 2014-15 (17 escapees – rate of 40.5). The escape rates for 2015-16 are currently trending at about 0.9 for adults and 7 for youths.¹¹⁵

¹¹¹ *Report on Government Services 2016*, Chapter 8, Table 8A.1.

¹¹² Data provided to the Review by Director, Criminal Justice Research and Statistics Unit, 30/05/16.

¹¹³ NTDCS, *Northern Territory Daily Average Prisoner and Youth Detainee Numbers*, March Quarter 2016, Chart 1.

¹¹⁴ Escape rate (as used by ROGS) calculated as the number of escapees divided by the average prisoner/detainee population x 100.

¹¹⁵ Estimate only based on about 1700 adult average daily state and 50 youth average daily state for 2015-16 and actual escapees as at 30/05/16.

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The most recent national data on adult escape rates (2014-15) showed that the NT had the highest escape rate from Open custody (1.33) and the highest rate (0.11) from Secure custody. The national rates (all jurisdictions combined) were 0.43 for Open custody and 0.01 for Secure custody. In that year, VIC, QLD, TAS and the ACT reported no escapes from Secure custody and TAS, and the ACT reported no escapes from Open custody.¹¹⁶

The security ratings of escapees shows a disproportionate number of High, Medium and Unclassified¹¹⁷ youth escapees compared to the adult escapees:

Table 8: Security Ratings of all Escapees¹¹⁸

Year	High	Medium	Low	Open	Unclassified	Total
2015-16*	1	2	1	14	2	20
2014-15	6	2	2	11	8	29
2013-14	0	1	16	7	1	25
Total	7	5	19	32	11	74
% Total	9.5	6.8	25.7	43.2	14.9	100

* Year to date as at 30/05/16

Table 9: Security Ratings of Adult Escapees

Year	High	Medium	Low	Open	Unclassified	Total
2015-16*	0	1	0	14	1	16
2014-15	1	0	0	11	0	12
2013-14	0	1	16	7	1	25
Total	1	2	16	32	2	53
% Total	1.9	3.8	30.2	60.4	3.8	100

* Year to date as at 30/05/16

Table 10: Security Ratings of Youth Escapees

Year	High	Medium	Low	Open#	Unclassified	Total
2015-16*	1	1	1		1	4
2014-15	5	2	2		8	17
2013-14	0	0	0		0	0
Total	6	3	3		9	21
% Total	28.6	14.3	14.3	n/a	42.9	100

There is no Open rated facility for youths

* Year to date as at 30/05/16

Imprisonment Costs

In 2014-15 imprisonment costs in the Northern Territory¹¹⁹ were above the national average but below a number of other jurisdictions:

¹¹⁶ Report on Government Services 2016, Chapter 8, Table 8A.17.

¹¹⁷ Unclassified means the person's security rating has not yet been assessed – usually treated as High until assessed otherwise.

¹¹⁸ Data provided to the Review by Director, Criminal Justice Research and Statistics Unit, 30/05/16.

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Table 11: Total expenditure, per prisoner, \$ per day (including capital costs) 2014-15

NSW	VIC	QLD	WA	SA	TAS	ACT	NT	AUS
237	361	296	359	264	420	422	322	301

NB: This data as published by ROGS may differ from data published by individual jurisdictions due to different methods of calculating costs.

COMMUNITY CORRECTIONAL SERVICES

NTDCS Community Corrections (NTCC) is responsible for managing both adult and youth offenders on non-custodial orders.

Offender Numbers

In 2014-15 the Northern Territory recorded the highest adult community corrections rate for males and females of all jurisdictions in Australia¹²⁰

Table 12: Community Corrections Offenders (per 100,000 adults) 2014-15

	NSW	VIC	QLD	WA	SA	TAS	ACT	NT	AUS
All offenders	278.9	235.0	442.7	208.6	422.1	494.6	319.6	644.7	312.5
Male offenders	484.8	393.6	706.8	318.4	708.8	775.7	544.6	984.8	517.0
Female offenders	79.3	82.8	185.2	97.1	144.8	221.2	101.5	257.0	113.1

The Northern Territory also recorded the highest proportion of Indigenous offenders on community-based orders of all jurisdictions of 77.6%, with WA the next highest (32.6%) and a national result of 20%:¹²¹

Caseload

As at 30 June 2015 the NTCC caseload comprised 933 adults and 137 youths:

Table 13: Community Corrections Program Caseload as at 30/06/15¹²²

Order Type	Adults	Youths	Total	% All Orders
Probation	659	75	734	69
Community Work	136	58	194	18
Parole	84	4	88	8
Community Custody	42	0	42	4
Home Detention	7	0	7	1
Community Based	2	0	2	0
Mental Impairment	2	0	2	0
Final Supervision	1	0	1	0
Total	933	137	1070	100

¹¹⁹ Report on Government Services 2016, Chapter 8, Table 8A.7.

¹²⁰ Report on Government Services 2016, Chapter 8, Table 8A.4.

¹²¹ Report on Government Services 2016, Chapter 8, Table 8A.3.

¹²² Data derived from Tables 29 & 30, NTDCS, Annual Statistics 2014-15.

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Table 14: Adult caseload by office as at 30/06/15¹²³

Location	Number	% Total
Alice Springs	217	23.3
Casuarina	125	13.4
Groote Eylandt	59	6.3
Katherine	192	20.1
Nhulunbuy	56	6.0
Palmerston	176	18.9
Tennant Creek	69	7.4
Wadeye	39	4.2
Total	933	100

Table 15: Youth caseload by office as at 30/06/15¹²⁴

Location	Number	% Total
Alice Springs	34	24.8
Casuarina	35	25.5
Groote Eylandt	12	8.8
Katherine	17	12.4
Nhulunbuy	4	2.9
Palmerston	25	18.2
Tennant Creek	6	4.4
Wadeye	4	2.9
Total	137	100

Table 16: Total caseload by office as at 30/06/15

Location	Number	% Total
Alice Springs	251	23.5
Casuarina	160	15.0
Groote Eylandt	71	6.6
Katherine	209	19.5
Nhulunbuy	60	5.6
Palmerston	201	18.8
Tennant Creek	75	7.0
Wadeye	43	4.0
Total	1070	100

The Greater Darwin area (Palmerston & Casuarina) accounted for about 60% of the NT population and 33.8% of the NTCC caseload. Conversely, the Alice Springs area with about 12% of the NT population, accounted for 23.5% of the NTCC caseload.

¹²³ NTDCS, *Annual Statistics 2014-15*, Table 29.

¹²⁴ NTDCS, *Annual Statistics 2014-15*, Table 30.

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Table 17: Community Corrections Program Caseload Commencements by Gender 2014-15¹²⁵

Order Type	Male Adults	Male Youths	Female Adults	Female Youths	Total
Probation	663	106	138	17	924
Community Work	331	120	81	21	553
Parole	118	4	9	0	131
Community Custody*	55		31		86
Home Detention#	20	4	3	0	27
Community Based*	1		1		2
Mental Impairment	0	0	0	0	0
Final Supervision*	0		0		0
Total All	1188	234	263	38	1723
Total Adults	1451				
Total Youths	272				

* Applies to adults only

Home detention or youth alternative detention

Community Corrections Costs

Community corrections costs in the Northern Territory¹²⁶ are well above the national average but are comparable to WA, the most similar jurisdiction in terms of size and population distribution (small, remote communities etc.).

Table 18: Total expenditure, per offender, \$ per day 2014-15

NSW	VIC	QLD	WA	SA	TAS	ACT	NT	AUS
27	28	14	47	18	13	32	44	23

NB: This data as published by ROGS may differ from data published by individual jurisdictions due to different methods of calculating costs

NT staff-to-offender ratios are significantly higher than other jurisdictions and the national average:¹²⁷

Table 19: Community corrections offender-to-all staff ratios 2014-15

NSW	VIC	QLD	WA	SA	TAS	ACT	NT	AUS
16.7	13.5	23.9	9.5	17.5	24.8	12.5	9.2	16.4

Table 20: Community corrections offender-to-operational staff ratios 2014-15

NSW	VIC	QLD	WA	SA	TAS	ACT	NT	AUS
20.8	16.3	35.1	12.6	23.6	29.6	16.1	11.7	21.2

While a smaller case load per officer can be viewed as a *positive* (closer supervision of offenders) it can also be viewed as a *negative* (higher costs) unless it can be demonstrated that smaller case loads translate into better outcomes for NTDCS.

¹²⁵ Derived from Table 32, NTDCS, *Annual Statistics 2014-15*.

¹²⁶ *Report on Government Services 2016*, Chapter 8, Table 8A.7.

¹²⁷ *Report on Government Services 2016*, Chapter 8, Table 8A.22.

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Available data suggests that NTDCS is not performing as well as other jurisdictions despite having small case loads and high costs:

Table 21: Completion of community corrections orders (per cent) 2014-15¹²⁸

NSW	VIC	QLD	WA	SA	TAS	ACT	NT	AUS
75.8	66.5	75.6	61.2	67.5	87.6	79.9	69.0	72.9

In terms of cost-per-offender-per-day, QLD is the best performing jurisdiction (\$14 per day) compared to the NT at \$44 per day and yet QLD achieved a completion result of 75.6% compared the NT's 69% i.e. QLD achieved a 6.5% better completion result than the NT at 30% of the cost-per-offender-per-day. However, completion rates need to be viewed with caution because it may be that some jurisdictions are "tougher" than others at enforcing order conditions (breaches) which will result in fewer completions. Unfortunately there is no national comparative data on breach rates.

YOUTH DETAINEES

In the Northern Territory, the *Youth Justice Act* provides the legal basis for the detention of persons between 10 and 18 years of age ('youths').

Table 22: Population: Quarterly Average of Youth Detainees¹²⁹

DETAINEES	MARCH 2011	MARCH 2012	MARCH 2013	MARCH 2014	MARCH 2015	MARCH 2016
Sentenced	20	13	23	17	9	17
Unsentenced	29	23	35	33	34	41
Total	49	36	58	49	44	58
% Unsentenced*	59	64	60	67	77	71

* The proportion of unsentenced youth offenders is more than double that of the adult prison population (about 30%).

Offence Profile

The most common offence type for all youth receptions (all age groups) was 'Acts intended to cause injury' (36%) followed by 'Break & enter' type offences (27%).¹³⁰

Sentence/Remand Profile¹³¹

For youths who commenced a sentenced episode in 2014-15:

- Of the 69 sentenced episode commencements, the average aggregate sentence length was 225 days whilst the median was 142 days

¹²⁸ *Report on Government Services 2016*, Chapter 8, Table 8A.19.

¹²⁹ *NT Quarterly Daily Average Prisoner and Youth Detainee Numbers March Quarter 2016*, Chart 13.

¹³⁰ NTDCS, *Annual Statistics 2014-15*, Table 28.

¹³¹ Data provided to the Review by Director, Criminal Justice Research and Statistics Unit, 16/05/16.

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- The median aggregate sentence length for those with a most serious offence of 'Acts intended to cause injury' was 210 days; 182 days for those with a most serious offence of 'Unlawful entry with intent / burglary / break and enter' and 54 days for 'Illegal use of motor vehicle'
- 60 (87%) of the youth sentence commencements had an aggregate sentence of less than 12 months.

During 2014-15 there were 462 youth receptions where 453 included a remand component:

- Average stay on remand was 22 days
- Median stay on remand was 9 days

Age profile

Of distinct youths admitted in 2014-15, 28% were aged 10-14 years, 43 % were aged 15-16 and 29% were aged 17.¹³²

Turnover ("churn")

In 2014-15 there were 462 distinct youth episode commencements¹³³ and 461 releases.¹³⁴ This high churn is a reflection of short episodes of detention (average length of stay was 32 days):

Table 23: All youths (sentenced/unsentenced) released in 2014-15¹³⁵

Length of Stay (days)	Number	Percentage
<=30	333	72.2
31<=90	89	19.3
91<=180	28	6.1
181<=365	9	1.9
366<=731	2	0.4
> 731	0	0
Total	461	

Indigenous Status

¹³² NTDCS, *Annual Statistics 2014-15*, Table 27.

¹³³ NTDCS, *Annual Statistics 2014-15*, p.35.

¹³⁴ NTDCS, *Annual Statistics 2014-15*, p.34.

¹³⁵ Data provided to the Review by Director, Criminal Justice Research and Statistics Unit, 16/05/16.

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On average, Indigenous youths comprised 95% of all detainees over the past 3 years (95% in March 2016)¹³⁶ compared to the 85% proportion of Indigenous prisoners in the adult prison population.

Females

Female youth numbers ranged from 3 to 6 over the past 3 years, with an average of 5 in the March 2016 Quarter¹³⁷

Community of Origin

There were 232 receptions in 2014-15 comprising¹³⁸:

- Alice Springs 59 (25%)
- Casuarina 31 (13%)
- Palmerston 30 (13%)
- Darwin 19 (8%)
- Wadeye 8 (3%)
- Remainder (70) came from 27 other communities (+ 13 'Unknown')

Youth Detention Costs

Youth detention cost about \$960 per detainee per day in 2014-15.¹³⁹

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¹³⁶ *NT Quarterly Daily Average Prisoner and Youth Detainee Numbers March Quarter 2016*, Chart 11.

¹³⁷ *NT Quarterly Daily Average Prisoner and Youth Detainee Numbers March Quarter 2016*, Chart 14.

¹³⁸ NTDCS, *Annual Statistics 2014-15*, p.36.

¹³⁹ *NTDCS Annual Report 2014-15*, pp. 46-47.