



Summary

Special report on corrections

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Introduction

The corrections sector is an essential part of Victoria's justice system and its employees perform a vital and challenging role. In the past decade the sector has experienced enormous change. There has been an 80 per cent increase in the size of Victoria's prison population, and as a result, an increase in the number and size of prisons, more corrections officers and an increased reliance on privately managed prisons. These factors, coupled with the unique and complex nature of prison environments, means the sector faces significant corruption risks.

IBAC has exposed serious corrupt conduct in Victoria's private and publicly managed prisons through its investigations and research. The *Special report on corrections* focuses on four of IBAC's investigations and highlights corruption risks including excessive use of force, inappropriate strip-searching practices and the introduction of contraband.

More broadly, IBAC has concerns about workplace cultures within the sector that discourage the reporting of suspected corrupt conduct. These concerns are shared by the Victorian Ombudsman (VO). The Department of Justice and Community Safety (the Department) and Corrections Victoria need to ensure that corrupt conduct is detected and prevented.

This report represents the first phase of work to expose significant systemic corruption risks across the sector and outlines the measures critical to preventing misconduct and corruption. The next phase involves a joint initiative by IBAC and the VO aimed at exposing and preventing misconduct and corruption in corrections environments. This will build on the work of this special report and ensure the sector strengthens its culture, policies, systems and practices to improve corruption detection, reporting and ultimately prevention.

Preventing corruption is essential to achieving the aim of rehabilitating offenders and keeping Victoria safe. Where corrections staff fail to act with integrity, these aims are compromised. IBAC encourages the Department and Corrections Victoria to build on the preventative actions already undertaken, and to use this report to support much needed integrity reform across the sector.

This is a summary of IBAC's *Special report on corrections*. The full report is available on IBAC's website.¹

Investigations

The special report features four IBAC investigations that highlight a range of serious systemic corruption vulnerabilities across the corrections sector:

- **Operation Rous** investigated allegations of assault by officers at Port Phillip Prison against three prisoners. IBAC substantiated the allegations in two of the three cases, however the evidence was not sufficient to pursue criminal prosecution. IBAC identified systemic issues and risks related to the use of force, strip searching, use of body-worn cameras (BWCs), and how the incidents were reported and investigated in the prison.
- **Operation Nisidia** investigated allegations of corrupt conduct by a welfare officer at Loddon Prison Precinct. IBAC found the welfare officer had arranged for contraband to be trafficked into the prison and unlawfully received bribes from prisoners' family members. IBAC identified systemic issues and risks with the detection of trafficking activity and the supervision of welfare officers. The welfare officer pleaded guilty to one count of bribery and one count of misconduct in public office and was sentenced to 15 months' imprisonment, reduced to 13 months on appeal.
- **Operation Molara** investigated allegations that a corrections officer at Dhurringile Prison had introduced contraband into the facility in exchange for payments from prisoners' families, and had maintained inappropriate relationships with prisoners and their associates. IBAC substantiated these allegations and identified systemic issues and risks related to the detection of smuggling activity, declarable associations and conflicts of interest. The corrections officer pleaded guilty to one consolidated count of bribery and one count of misconduct in public office and was sentenced to six months' imprisonment with a 12-month corrections order.
- **Operation Caparra** investigated allegations that a property officer at the Melbourne Assessment Prison failed to disclose associations with current and former prisoners and misused Corrections Victoria databases. IBAC substantiated these allegations however the evidence was not sufficient to pursue criminal prosecution. IBAC identified systemic issues and risks related to vetting of corrections employees and misuse of information.

¹ www.ibac.vic.gov.au/publications-and-resources/article/special-report-on-corrections.

Corruption risks



Excessive use of force

Corrections officers are authorised to use force in particular circumstances, including restraining prisoners to prevent violent incidents. However, misuse of force can lead to prisoners being seriously harmed, can undermine prisoners' human rights and can increase safety risks within prisons, including to corrections staff.

In Operation Rous, IBAC substantiated allegations of misuse of force by corrections officers against two prisoners, one of whom has an intellectual disability.

Prevention measures to reduce the risk of corrections officers using excessive force include:

- reducing blind spots in CCTV coverage in prisons
- promoting the use of BWCs and providing clear instruction on when activation is required
- ensuring officers are trained to report on use of force incidents accurately and independently
- implementing a staff rotation policy to reduce corruption risk, promote professional development and enhance performance.



Inappropriate strip-searching practices

Corrections officers may strip search a prisoner for security and safety reasons, but strip searches must be conducted in a way that complies with regulations and guidelines, and human rights obligations.

In Operation Rous, IBAC found the strip search of a male prisoner took too long and was conducted in the presence of a female officer, contrary to policy. The strip search of a second male prisoner was also conducted in the presence of a female officer.

Prevention measures to reduce the risk of inappropriate strip-searching practices include:

- ensuring corrections officers are familiar with strip-searching policies and procedures
- ensuring all corrections officers regularly undertake human rights training
- using alternative security measures where possible to detect contraband and drug use, such as saliva testing and body scanning technology.



Conflicts of interest

A conflict of interest arises when a public officer's private interest conflicts with their public duties and their responsibility to act in the public interest. Conflicts of interest can lead to corruption risks when they are either fully or partially concealed, or not managed properly.

In Operation Caparra, IBAC found that a corrections staff member failed to disclose associations with current and former prisoners. In Operation Molar, IBAC found that a corrections officer failed to take reasonable steps to avoid conflicts of interest and did not fully report their declarable associations.

Measures to reduce corruption risks associated with conflicts of interest include:

- ensuring staff understand their obligations to report conflicts of interest
- implementing a coordinated approach to gathering, assessing and managing information related to conflicts of interest
- ensuring that a centralised electronic system is used to record conflicts of interest, which allows declared conflicts and associated management plans to be appropriately monitored.



Inappropriate relationships

Inappropriate relationships between corrections staff and prisoners can lead to corrupt conduct such as trafficking of contraband and misuse of information. Such relationships are often cultivated and maintained through manipulation, intimidation and threats.

In Operations Nisidia and Molar, IBAC identified inappropriate relationships between corrections staff and prisoners, and between corrections staff and prisoners' family members and associates.

In addition to proper declaration and management of conflicts of interest, the following measures can help prevent the development of inappropriate relationships:

- reducing exposure of new recruits to higher-risk environments and providing adequate support, training and oversight
- implementing a staff rotation policy or tenure system to prevent staff developing inappropriate relationships with prisoners
- reviewing CCTV footage to observe staff interactions with prisoners, identifying potential at-risk behaviours and intervening early.

Corruption risks (cont)



Introducing contraband into prisons

Within prison environments there can be significant demand for contraband such as alcohol, tobacco, illicit drugs and mobile phones. Prisoners can pay a premium for smuggled goods, and corrupt corrections staff can make considerable profits for facilitating access to these items.

In Operations Nisidia and Molar, IBAC found corrections staff at two Victorian prisons had been involved in introducing contraband into their workplaces over an extended period.

Strategies to reduce the risk of staff introducing contraband include:

- ensuring effective search and screening procedures are used when staff enter prisons
- ensuring staff lockers are placed before security screening points
- rotating assignments of security personnel
- ensuring a CCTV camera is positioned to record footage of staff searches on entry to corrections facilities and that footage is regularly reviewed by management.



Misuse of information

A wide range of information is held by prisons including legal information, court orders, information about prisoners' physical and mental health, and details about prisoners' family and friends. Improper access to and release of prisoners' confidential information can have serious consequences for safety and security in prisons.

In Operation Caparra, IBAC found that a property officer at the Melbourne Assessment Prison had misused Corrections Victoria's computer systems on multiple occasions by accessing restricted information outside the scope of their official duties.

Measures that prisons can implement to prevent misuse of information include:

- ensuring databases holding confidential information have unique user identification logins
- requiring staff to record a justification when conducting searches or accessing information
- conducting periodic audits of users' access to information databases
- providing regular training about information access policies and procedures to staff.



Interference with body worn cameras

BWCs are used in prisons to promote security, safety and as a de-escalation tool during incidents. While BWCs can improve transparency and accountability, they also present unique integrity challenges.

Victorian corrections officers are required to use a BWC or some other type of camera when they believe an incident (such as use of force) may occur. The wearer must announce when they have activated their camera and the recording should continue uninterrupted until the incident is resolved.

In Operation Rous, IBAC identified the apparent deliberate interruption of BWC recordings during use of force incidents, including by covering the BWC lens and coughing when force was being applied.

Measures to help prevent misuse of BWCs include:

- providing clear instruction to corrections officers about when activation of BWCs is required
- ensuring that prison control rooms direct officers to 'activate body-worn cameras' when tasking officers to respond to an incident
- addressing incidents where corrections staff seek to interfere with BWC recordings to cover up corrupt conduct by themselves or their colleagues.

Corruption risks (cont)



Incident investigation and reporting in prisons

Accurate reporting and proper investigation of use of force incidents and suspected corrupt conduct is essential to build a strong integrity culture in corrections environments. Deficiencies in incident reporting and investigation can compromise the security, safety and welfare of prisoners and staff, by preventing concerning conduct from being identified and addressed.

In Operation Rous, IBAC found that two officers involved in a use of force incident were also present during the post-incident prisoner interview, when the prisoner should have been able to convey their account independently. Following a second incident, the supervisor directly involved in the incident submitted the incident report, contrary to policy.

Measures to ensure incident investigations and reports are completed appropriately include:

- ensuring any corrections officers who were involved in or who witnessed a use of force incident are not responsible for reviewing or responding to incident reports
- informing corrections officers about the consequences of colluding, submitting false reports or omitting material facts
- ensuring staff can confidentially report officers suspected of misconduct (including any officers who attempt to conceal or misreport an incident)
- ensuring all use of force incident reports, including any surveillance footage, are centrally reviewed.

Recommendations

In response to these and other IBAC investigations, the Department and Corrections Victoria have taken action to address identified corruption risks, including reviewing and revising relevant policies and procedures, providing training to corrections staff, and restructuring reporting lines to allow greater operational oversight.

IBAC's special report makes further recommendations to address ongoing corruption risks in the sector and promote a culture of integrity across the corrections system. IBAC has recommended that corrections officers be obliged under law to report suspected corrupt conduct. Such an obligation must be accompanied by cultural reform within the corrections sector to ensure staff understand the importance of reporting suspected corrupt conduct and how they will be supported and protected when they do so.

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IBAC is Victoria's anti-corruption agency responsible for preventing and exposing public sector corruption and police misconduct. We do this by:

- investigating serious corruption and police misconduct
- informing the public sector, police and the community about the risks and impacts of corruption and police misconduct, and ways in which it can be prevented.

To report corruption now, visit www.ibac.vic.gov.au or call **1300 735 135**.

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