

## **Public examinations into misconduct risks in prisons**

### **Opening Address by Counsel Assisting**

#### **Prisons in Western Australia**

Western Australia has fifteen public prisons, two private prisons and five work camps. These facilities are located across a vast geographical area, from Wyndham in the far north to Warburton in the east and Albany in the south. Each prison poses unique challenges as prisons differ in their size, security classification, physical environment and population. Despite these differences, prisons face common problems as they battle budget pressures, contraband entering the prison, illegal drug use by prisoners, the influence of outlaw motorcycle gang members and steadily increasing prisoner populations. Within this environment, prison staff on the frontline work day-to-day to ensure the security of the prison and the welfare and rehabilitation of prisoners.

#### **Commission's reports into serious misconduct in prisons**

In 2018, the Commission tabled six reports in Parliament that identified misconduct and misconduct risks in Western Australian prisons.

The Commission's reports brought to light some stark examples of prison officers exploiting weaknesses in systems and processes.

A prison officer at Acacia Prison smuggled drugs into the prison by secreting them down the front of his pants. At Karnet Prison Farm, a prison officer made unauthorised stops while transporting prisoners, including, on one occasion stopping at Hungry Jacks where a prisoner attended a pre-arranged meeting with a woman in the toilets. The woman later told

Commission investigators she did not supply contraband to the prisoner but that they had had sex in the toilets. At the Eastern Goldfields Regional Prison, Bunbury Regional Prison and Hakea Prison, the Commission found examples of prison officers failing to make independent and accurate reports after they had used force against prisoners.

These cases pointed to wider misconduct risks in prisons and across Corrective Services, the division of the Department of Justice that is responsible for the custodial estate. The Commission found a poor reporting culture, with many examples of prison officers being reluctant to 'dob in mates'. When officers did report misconduct, investigations were often unsatisfactory. More broadly, the Department of Justice had no overarching corruption prevention framework or adequate processes for identifying misconduct risks.

The Commission addressed 51 recommendations to the Department of Justice.

Those recommendations ranged from high-level actions, such as implementing a corruption prevention framework and reviewing policies, to practical measures dealing with the screening, drug testing and training of prison staff. A summary of these recommendations is available on the Commission's website.<sup>1</sup>

The Commission noted that the issues confronting Corrective Services are longstanding. The solutions will require wholesale change of culture, improvements in technology, simplification of policies and procedures, and a commitment at all levels, not just the top, to address and reduce serious misconduct risks in prisons.

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<sup>1</sup> [www.ccc.wa.gov.au](http://www.ccc.wa.gov.au).

## **Purpose of public examinations**

The Commission's work does not end once it has made its recommendations.

The Commission evaluates how an agency has responded to its recommendations by carrying out a review process, usually a year after it has made recommendations.

Along with considering a vast number of documents provided by the Department of Justice, the Commission's Oversight team has engaged with staff at all levels, from operational staff on the frontline to executive staff who lead and implement change across the Department.

To its credit, the Department of Justice has accepted the Commission's recommendations and made significant progress in implementing them.

The Commission has decided to open these examinations to the public.

Corrective Services employs about 4,500 staff and has an operating budget of almost \$1 billion, supplemented by prison industries which provide more than \$11 million worth of produce and services.<sup>2</sup> Staff within prisons are entrusted with considerable powers to manage prisoners, including the power to use force, and staff have access to sensitive information and intelligence. The Department says it is committed to maintaining high standards of professional and ethical practices across its operations.<sup>3</sup> The public is entitled to know how the Department intends to do so.

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<sup>2</sup> *Department of Justice Annual Report 2018/19*, 17. <https://department.justice.wa.gov.au/files/annual-reports/DoJ-Annual-Report-2018-2019.pdf>

<sup>3</sup> *Media Release: Launch of the Justice Integrity Framework*, 4 September 2019. <https://www.wa.gov.au/government/announcements/launch-of-justice-integrity-framework>.

## **Witnesses**

Today, the Commission will hear from the Commissioner for Corrective Services, Mr Tony Hassall, who leads the division and assists the Department in the management, control, and security of prisons and the welfare and safe custody of all prisoners.

Tomorrow, Mr Shayne Maines will appear before the Commission. Mr Maines is the Executive Director of the Professional Standards Division. The Department established the Professional Standards Division in January 2019 to deliver a coordinated, system-wide approach to the prevention, education, early intervention and management of corruption and misconduct risks.

On Wednesday, the Commission will hear from Mr Richard Elderfield, the Deputy Commissioner of the Operational Support directorate in Corrective Services.

The final witness on Thursday is Dr Adam Tomison, the Director General, who is ultimately accountable for the Department to the Attorney General and Minister for Corrective Services.

Through these witnesses, the Department of Justice will have a chance to present the improvements it has made in response to the Commission's recommendations, such that the public can have confidence that prison staff, prison management, and those answerable to the Government, as well as the community of Western Australia, are able to keep prisons free from corruption.