

REPORTS AND RECOMMENDATIONS 2018

Department of Justice - Misconduct Risks in WA Prisons

Report One - Tabled in Parliament 11 May 2018

Report into inadequate supervision of prisoners whilst in the community

Recommendation 1	DoJ implements mechanisms to improve driver safety when s 95 prisoners are present.
Recommendation 2	DoJ implements mechanisms to improve the ability to track and monitor its vehicles.
Recommendation 3	DoJ provides relevant staff with specific training on supervising prisoners outside of prisons.
Recommendation 4	Given the obvious risks associated with s 95 prisoners spending time outside of prison, DoJ carefully consider the disciplinary record of staff appointed to these duties. Where failure of supervisory duties is identified, consideration should be given to the offending staff member/s being removed from high risk duties.
Recommendation 5	DoJ consider rotating s 95 prisoners through placements to avoid staff spending long periods of time along with the same prisoners.
Recommendation 6	Random search of DoJ vehicles after delivery runs be initiated.

Report Two - Tabled in Parliament 26 June 2018

Report on corrupt custodial officers and the risks of contraband entering prisons.

Recommendation 1	The current search and screening procedures use on entry to prisons be reviewed to assess compliance and measure effectiveness of those systems, policies and procedures in preventing the entry of drugs into the prison environment.
Recommendation 2	Officers receive better education and training about the illegality of steroids and their deleterious effects on the body.
Recommendation 3	DoJ drug testing regime be reviewed and its effectiveness in deterring drug use in prisons and amongst prison staff be measured
Recommendation 4	Periodic professional review of frontline prison staff be provided to identify vulnerabilities with a view to providing support and managing risk
Recommendation 5	Processes for identifying common themes within security reports about a particular officer be reviewed to: <ul style="list-style-type: none"> ▪ Identify potential at risk behaviours ▪ Allow for early intervention; and ▪ Deter corrupt or improper activity

Report Three - Tabled in Parliament 27 June 2018

Report into inadequate force reporting at Hakea Prison on 21 March 2016

Recommendation 1	Consider whether specialised training is needed for officers assigned to specialised units
Recommendation 2	<p>Conduct mandatory training for prison officers in relation to independent, accurate and factual reporting of use of force incidents that includes:</p> <ul style="list-style-type: none"> ▪ the use which can be made of a prison officer's report in legal, administrative, disciplinary and prison offence proceedings; ▪ the consequences of colluding, making false or inaccurate statement or omitting material matter; and ▪ the interrelation between reporting on use of force incidents and an officer's duties and oath under the Prisons Act.
Recommendation 3	Continue to take action against prison officers who make inaccurate statements or material omissions from IDRs, or who do not submit an IDR when required to do so and maintain a register of the action taken.
Recommendation 4	Update, monitor and audit systems (including TOMS), processes and physical spaces to reduce the opportunity for prison officers to collude about their IDRs or otherwise view or copy the IDRs of others
Recommendation 5	Support and regularly promote awareness of confidential mechanisms for staff to report potential criminal activity and misconduct concerning prison officers using force against prisoners.

Report Four - Tabled in Parliament 27 June 2018

Report into inadequate use of force reporting at Eastern Goldfields Regional Prison on 27 March 2017 and Bunbury Regional Prison on 14 November 2016.

Recommendation 1	Support and regularly promote awareness of confidential mechanisms for staff to report potential criminal activity and misconduct concerning officers using force against prisoners.
Recommendation 2	<p>Update PDs to provide clarity on the independent review of use of force incidents by DoJ personnel outside of the prison facility where the incident occurred. The policy should include, but not be limited to:</p> <ul style="list-style-type: none"> ▪ Identifying a position that is responsible for the review process; ▪ Identifying who will conduct reviews; ▪ Establishing a framework for conducting review (including a mandatory requirement to review CCTV footage of the incident, where available); ▪ Providing mechanisms to convey the review results to designated Superintendents; and ▪ Outlining the designated Superintendent's responsibilities when they receive the review results.
Recommendation 3	<p>Conduct mandatory training for prison officers in relation to independent, accurate and factual reporting of use of force incidents that includes:</p> <ul style="list-style-type: none"> ▪ The use which can be made of a prison officer's reports in legal, administrative, disciplinary and prison offence proceedings ▪ The consequences of colluding, making false or inaccurate statements or omitting material matters; and ▪ The interrelation between reporting on use of force incidents and a prison officer's duties and oath under the Prisons Act.
Recommendation 4	Update PDs to provide clarity on who receives notifications about use of force incidents, what responsibilities must be discharged and how DoJ records the notification process.
Recommendation 5	Update, monitor and audit systems (including TOMS), processes and physical spaces to reduce the opportunity for prison officers to collude about their IDRs or otherwise view or copy the IDRs of others.
Recommendation 6	Provide an appropriate physical environment for staff to prepare their IDRs independently of each other.

Report Five - Tabled in Parliament 27 June 2018

Report into inadequate use of force reporting at Eastern Goldfields Regional Prison in May 2017

<p>Recommendation 1</p>	<p>Modify DoJ's processes and practices to ensure a separation of use of force reporting duties, including:</p> <ul style="list-style-type: none"> ▪ Prohibit the primary user of force from reviewing or auctioning the Incident Description Reports of other prison officers who witnessed, or were involved in the incident; ▪ Remove the ability for the primary user of force to prepare or be involved in the preparation of DoJ records concerning the use of force, save for their own Incident Description Report; and ▪ Highlight mechanisms for staff to confidentially report officers who are suspected, on reasonable grounds, of not completing Incident Description Reports independently.
<p>Recommendation 2</p>	<p>Support and regularly promote awareness of confidential mechanisms for staff to report potential criminal activity and misconduct concerning officers using force against prisoners.</p>
<p>Recommendation 3</p>	<p>Conduct mandatory training for prison officers in relation to independent, accurate and factual reporting of use of force incidents that includes:</p> <ul style="list-style-type: none"> ▪ The use which can be made of a prison officer's reports in legal, administrative, disciplinary and prison offence proceedings ▪ The consequences of colluding, making false or inaccurate statements or omitting material matters; and ▪ The interrelation between reporting on use of force incidents and a prison officer's duties and oath under the Prisons Act.
<p>Recommendation 4</p>	<p>Take action against prison officers who make inaccurate statements or material omissions from Incident Description Reports, or who do not submit an Incident Description Report when required to do so. Maintain a register of the action taken.</p>
<p>Recommendation 5</p>	<p>Update Policy Directives to provide clarity on who receives notifications about use of force incidents, what responsibilities must be discharged and how DoJ records the notification process.</p>

<p>Recommendation 6</p>	<p>Update Policy Directives to provide clarity on the independent review of use of force incidents by DoJ personnel outside of the prison facility where the incident occurred. The policy should:</p> <ul style="list-style-type: none"> ▪ Identify a position that is responsible for the review process; ▪ Identify who will conduct reviews; ▪ Establish a framework for conducting review (including a mandatory requirement to review CCTV footage of the incident, where available); ▪ Provide mechanisms to convey the review results to designated Superintendents; and ▪ Outline the designated Superintendent's responsibilities when they receive the review results.
<p>Recommendation 7</p>	<p>Update, monitor and audit systems (including TOMS), processes and physical spaces to reduce the opportunity for prison officers to collude about their IDRs or otherwise view or copy the Incident Description Reports of others.</p>
<p>Recommendation 8</p>	<p>Take action against prison officers who use force against prisoners in circumstances where they have not completed a DoJ approved training program or have not discharged mandatory requirements to refresh their annual training.</p>
<p>Recommendation 9</p>	<p>Consider introducing stricter controls over the storage, issue, possession and use of chemical agency, a controlled weapon.</p>

Report Six - Tabled in Parliament 26 October 2018

Report into misconduct risks in WA prisons

Recommendation 1	Develop and implement a corruption prevention framework as a matter of priority.
Recommendation 2	Consider creating a board of management to oversee corruption prevention strategies across DoJ.
Recommendation 3	Finalise and implement the new structure for the investigations and intelligence units as a priority.
Recommendation 4	Recruit appropriate staff to substantively fill available FTEs in the investigations and intelligence units, particularly in the roles of Director Investigations and Director Intelligence.
Recommendation 5	Review policies and procedures, orders and directions, giving priorities to PDs 26 and 41.
Recommendation 6	Continue to remodel and refine the triage and assessment process, giving consideration to implementing a corruption prevention early intervention model for 'at risk' staff.
Recommendation 7	Increase record keeping and reporting requirements for matters dealt with by local intervention to improve the investigation unit's oversight.
Recommendation 8	Continue to review the current search and screening procedures used on entry to prisons, assess compliance and measure effectiveness of those systems and trial, assess and implement new technologies where appropriate.
Recommendation 9	Implement recommendations from the OAG 2017/2018 Information Systems Audit Report when it is released.
Recommendation 10	Facilitate sharing of key information from all relevant systems to the investigations unit and the respective prisons, including but not limited to, CCTV footage, drug testing, PTS, TOMS audit and intelligence databases.
Recommendation 11	Review DoJ's drug testing regime and implement performance measures to gauge impact and effectiveness over time.

Recommendation 12	Improve security screening processes for current and potential new employees, giving consideration to more regular screening of staff and better sharing of screening information.
Recommendation 13	Reconsider implementing negative vetting security screening for persons routinely working with high risk prisoners.
Recommendation 14	Consider implementing a 'tenure' system whereby front line staff are regularly rotated to avoid relationships developing with prisoners.
Recommendation 15	Regularly review CCTV footage in all prisons to support observations of staff conduct, to identify potential 'at risk' behaviours, allow early intervention and be a deterrent for corrupt or improper activity.
Recommendation 16	Review CCTV facilities to identify 'black spots' in all prisons and increase CCTV cameras wherever possible, with priority to higher risk areas like drug distribution areas.
Recommendation 17	Consider centralized access to CCTV products by the investigations unit.
Recommendation 18	Address all outstanding recommendations outlined in reports from the Commission, WA Police Force, OAG and Public Sector Commission.
Recommendation 19	Consider pursuing legislative changes to expand the drug testing program to all staff who have consistent contact with prisoners.
Recommendation 20	Introduce a system to track and measure the effectiveness of serious misconduct strategies that can be used for high level and operational reporting, to measure staff performance and compliance, to inform staff training and to identify where early intervention is needed to fill knowledge or security gaps and measure effectiveness of policies and procedures.