

Review of recommendations made to the Department of Justice arising from six reports

25 June 2020



ISBN: 978-0-6485674-8-6

© 2020 Copyright in this work is held by the Corruption and Crime Commission (the Commission). Division 3 of the *Copyright Act 1968* (Cth) recognises that limited further use of this material can occur for the purposes of 'fair dealing', for example, study, research or criticism. Should you wish to make use of this material other than as permitted by the *Copyright Act 1968* please write to the Commission at the postal address below.

This report and further information about the Commission can be found on the Commission website at www.ccc.wa.gov.au.

Corruption and Crime Commission

Postal Address	PO Box 330 Northbridge Post Shop WA 6865	Email	info@ccc.wa.gov.au
		Website	www.ccc.wa.gov.au
Telephone	(08) 9215 4888 1800 809 000 (toll free for callers outside the Perth metropolitan area)	Twitter	@CCCWestAus
		Office Hours	8.30 am to 5.00 pm, Monday to Friday
Facsimile	(08) 9215 4884		

Special Needs Services

If you have a speech or hearing difficulty, contact the Commission via the National Relay Service (NRS) on 133 677 for assistance or visit the NRS website, www.relayservice.com.au. NRS is an Australia-wide telephone service available at no additional charge. The Commission's toll-free number is 1800 809 000.

If your preferred language is a language other than English, contact the Translating and Interpreting Service (TIS) for assistance on 13 14 50. TIS provides a free, national, 24 hours a day, seven days a week telephone interpreting service. TIS also provide on-site interpreters for face-to-face interviews by contacting 1300 655 082.

TABLE OF CONTENTS

CHAPTER ONE.....	1
Introduction.....	1
Past reports	1
This review.....	2
This report	3
CHAPTER TWO.....	5
The new Department of Justice structure.....	5
Misconduct framework and strategies	5
Corruption prevention governance.....	7
Confidential mechanisms for reporting misconduct.....	7
Misconduct assessment and investigations.....	7
Sharing of information and intelligence.....	9
Corruption Prevention and Education Directorate	10
Employee screening	11
CHAPTER THREE.....	13
Policies and procedures	13
Custodial Operating Policies and Procedures Project.....	13
CHAPTER FOUR.....	15
Use of force and incident reporting	15
Incident reporting and collusion	15
Review of use of force incidents and actions taken.....	15
Chemical agents	16
CHAPTER FIVE.....	19
Prison officer training.....	19
Mandatory and refresher training.....	19
CHAPTER SIX.....	21
Reducing drugs in WA prisons.....	21
Entry search and screening procedures	21
Employee drug testing and legislative changes	22
CHAPTER SEVEN.....	25
Section 95 prisoners and activities outside the fence.....	25
Supervision of external activities	25

Prisoner grooming and tenure	26
Employee performance management	27
Searching vehicles	28
CHAPTER EIGHT	31
CCTV footage within WA prisons	31
Availability and use of CCTV footage.....	31
CHAPTER NINE	33
Conclusion	33
APPENDIX.....	35

CHAPTER ONE

Introduction

- [1] The prison population of WA is housed in sixteen public prisons, one private prison and five work camps (the custodial estate) located across a vast geographical area. While each prison poses unique challenges dependent on size, security classification and population, serious misconduct risks exist across the custodial estate.

Past reports

- [2] In 2016, the Commission commenced a cooperative investigation with the Department of Justice (DoJ) and WA Police Force, pursuant to the *Corruption, Crime and Misconduct Act 2003* s 33(1)(b).
- [3] This investigation exposed five incidents of serious misconduct involving prison officers and vocational support officers (VSOs) across both public and private prison facilities.
- [4] In 2018, the Commission reported to Parliament on each of those incidents.
- [5] On 11 May 2018, the Commission reported on the conduct of Mr David Northing, VSO, employed at Karnet Prison Farm.¹ The report detailed multiple occasions when Mr Northing failed to supervise prisoners participating in community based rehabilitation programs.
- [6] The Commission made six recommendations for improvements to the monitoring and management of VSOs, and vehicle safety and searching.
- [7] On 26 June 2018, the Commission reported on the actions of former Acacia Prison custodial officers, Mr Jason Hughes and Mr William Hutton.² The report detailed how they used their knowledge of security and screening processes to smuggle prohibited drugs into the prison in exchange for cash and drugs.
- [8] The Commission made five recommendations for improvements to search and screening procedures, staff drug testing and the implementation of processes to identify and manage at-risk officers.

¹ Corruption and Crime Commission, *Report into inadequate supervision of prisoners whilst in the community*, 11 May 2018.

² Corruption and Crime Commission, *Report on corrupt custodial officers and the risks of contraband entering prisons*, 26 June 2018.

- [9] On 27 June 2018, the Commission reported on three separate incidents, each involving the use of force by prison officers against prisoners. The incidents exposed policy deficiencies which enabled officers to influence or alter the reporting process, to minimise or justify the level of force used.
- [10] The first of these reports³ detailed how, at Hakea Prison, Prison Officer Zainal Omar Matter and other officers, failed to accurately record or report an incident.
- [11] The second report⁴ detailed how Senior Prison Officer, Scott Mortley, and other officers in senior management positions, used their positions to influence and control the reporting process.
- [12] The third report⁵ detailed how Senior Prison Officer, Gary Hawthorn, used his position to review and endorse the reports submitted by his colleagues, to minimise his involvement in a use of force incident.
- [13] The Commission made 20 recommendations for improvements to use of force and misconduct reporting systems, officer training and the management of officers who submit inaccurate reports.
- [14] The comprehensive work undertaken by the Commission went beyond identifying the serious misconduct risks arising from each incident.
- [15] On 26 October 2018, the Commission reported to Parliament on the scope and extent of DoJ's serious misconduct risks⁶ identified through the Commission's year-long joint investigation.
- [16] In this final report, the Commission made an additional 20 recommendations to DoJ to enhance its ability to identify, manage and respond to serious misconduct.
- [17] Across the six reports, the Commission made a total of 51 recommendations to DoJ.

This review

- [18] The Commission has the power⁷ to review the actions taken by an agency in response to the Commission's recommendations. This function serves

³ Corruption and Crime Commission, *Report into inadequate use of force reporting at Hakea Prison on 21 March 2016*, 27 June 2018.

⁴ Corruption and Crime Commission, *Report into inadequate use of force reporting at Eastern Goldfields Regional Prison on 27 March 2017 and Bunbury Regional Prison on 14 November 2016*, 27 June 2018.

⁵ Corruption and Crime Commission, *Report into inadequate use of force reporting at Eastern Goldfields Regional Prison in May 2017*, 27 June 2018.

⁶ Corruption and Crime Commission, *Report into misconduct risks in WA Prisons*, 26 October 2018.

⁷ *Corruption, Crime and Misconduct Act 2003* s 41.

to ensure that the agency maintains responsibility for its serious misconduct risks and implements changes to improve its ability to detect, deter and prevent serious misconduct from reoccurring.

- [19] On 16 April 2019, the Commission commenced a 12-month review of DoJ's response to all 51 recommendations.
- [20] During this review, the Commission received comprehensive submissions and supporting evidence from DoJ, outlining the numerous initiatives being implemented, or proposed, to address each recommendation.
- [21] The Commission reviewed these submissions and commenced a series of review activities designed to evaluate DoJ's response. This included regular meetings with representatives from the newly established Professional Standards Division (PSD). PSD is now primarily responsible for the management of DoJ's serious misconduct risks.
- [22] Commission officers observed a range of nominated operational practices at six prisons and met with officers from non-custodial and operational support areas within the Corrective Services Division (Corrective Services) who are responsible for the development and implementation of some of DoJ's initiatives.
- [23] The Commission also conducted private and public examinations to further appraise DoJ's progress.
- [24] Throughout this review, DoJ displayed a willingness to work with the Commission by facilitating review activities and encouraging engagement between the Commission and officers from Corrective Services. The various prison sites were accommodating and Commission officers were provided with the opportunity to engage actively with a broad range of operational staff.
- [25] As a result of these activities, the Commission has independently and comprehensively reviewed the action taken by DoJ in response to each of the 51 recommendations.

This report

- [26] This report will summarise the actions and progress of DoJ and Corrective Services together with results of the Commission's review across a number of key themes:
 - Structural and governance changes
 - Amendments to policies and procedures

- Improvements in prison search and screening procedures and staff drug testing
- Management of staff, including those responsible for supervising prisoners on community based programs
- Improved education and training.

[27] This report is but a brief snapshot of the work undertaken by DoJ to address their serious misconduct risks, and by the Commission in reviewing that work.

[28] The results of the Commission's review into the implementation of each of the recommendations are detailed in the appendix to this report.

[29] Thirty-seven of the recommendations made in 2018 have been finalised. Fourteen recommendations require further work by DoJ and will remain open.

[30] The Commission will conduct another review of the outstanding recommendations in 12 months.

[31] The Commission commends DoJ for the progress made in the last 18 months to implement significant changes in response to the Commission's recommendations, while also recognising that some changes will take more time to complete.

CHAPTER TWO

The new Department of Justice structure

Misconduct framework and strategies

- [32] One of the most significant findings of the Commission's initial investigations was that DoJ had no corruption prevention framework or coordinated approach to the management of serious misconduct risks. This resulted in a lack of adequate support for basic misconduct prevention strategies.
- [33] In response, DoJ advised that in January 2019, the Director General, Dr Adam Tomison, committed to re-establishing PSD to deliver a department-wide approach to the prevention, education and management of misconduct risks.
- [34] In February 2019, DoJ commenced the recruitment and substantive appointment of 20 FTE positions to support the effective operation of PSD's three functional areas:
- Integrity and accountability
 - Corruption prevention and education
 - Performance, assurance and risk.
- [35] DoJ advised that one of the key priorities for PSD was to develop the Justice Integrity Framework which would outline the whole of department approach for improving ethical behaviour and preventing misconduct. On 12 August 2019, the Justice Integrity Framework was released across DoJ.
- [36] As the majority of the Commission's engagement with prisons took place before 12 August 2019, its influence at an operational level was not seen. The Commission however acknowledges DoJ's commitment to set clear ethical standards and expectations for all its employees.
- [37] In February 2020, DoJ advised that since the establishment of PSD, the following policies and procedures have also been developed or are in development for release across DoJ:
- In May 2019, the 'Guide for Reporting Misconduct in the Department of Justice' was released, providing staff with new guidelines and advice for identifying and reporting misconduct.

- In June 2019, an updated Code of Conduct was released, with further updates scheduled for mid to late 2020.
- In October 2019, an updated version of the Accountable and Ethical Decision Making online training module was released.
- In December 2019, an updated Public Interest Disclosure Policy and supporting procedures were released.
- In February 2020, an updated Gifts and Benefits Policy and Procedure were released together with a newly developed online declaration form.
- In April 2020, DoJ's Fraud and Corruption Control Plan was released.
- DoJ is progressing the amalgamation of the Conflict of Interest and Secondary Employment policies into one policy, anticipated for release in June 2020.

[38] The Commission recognises the significant amount of work being undertaken by DoJ to develop policies and procedures designed to support the Justice Integrity Framework and ensure a coordinated approach to the management of serious misconduct risks within DoJ.

[39] DoJ operational staff raised concerns with the Commission about the level of assistance and communication being provided by PSD to the prison sites.

[40] In response to these concerns, the PSD Executive Director, Mr Shayne Maines, told the Commission:

We deal with matters that meet the threshold of minor or serious misconduct.

There is still more for us to do in actually being engaged ... We want to be able to provide solutions but not all matters need to actually be dealt with by Professional Standards. Some of it is really about the person's performance, behaviour or conduct which can be dealt with at a local level.⁸

[41] The Commission acknowledges the significant outcomes already achieved by PSD. They are encouraging. However, the Commission strongly suggests that PSD continues to actively engage with operational staff to ensure its initiatives are, and continue to be, practical and contemporary.

⁸ S Maines transcript, public examination, 11 February 2020, pp 14, 36.

Corruption prevention governance

- [42] When the Commission's reports were released, DoJ was already the subject of numerous recommendations arising from other agencies including the Public Sector Commission, Office of the Auditor General and WA Police Force. The Commission recommended that DoJ address the outstanding recommendations from all agencies.
- [43] In response, DoJ implemented three governance groups to improve DoJ's oversight and communication for the continued implementation of recommendations made by these agencies and the Commission. These are the Director General's Governance Group, the Professional Standards Advisory Group and the Professional Standards/Corrective Services Operations Group.
- [44] The Commission has reviewed the Terms of Reference and minutes for these groups and acknowledges DoJ's coordinated approach to the consideration and management of all outstanding recommendations.

Confidential mechanisms for reporting misconduct

- [45] The Commission's reports demonstrated, on multiple occasions, a lack of confidence by staff to report misconduct due to the fear of victimisation and repercussion, not only by colleagues but also by senior management.
- [46] In response, DoJ advised that in May 2019, to coincide with the release of the 'Guide for Reporting Misconduct in the Department of Justice', it implemented new reporting mechanisms to enable staff to anonymously report misconduct through a dedicated 1300 telephone number.
- [47] During the Commission's engagement, a mixed level of confidence and caution was shown by staff across the custodial estate on the topic of reporting suspected misconduct.
- [48] The Commission recognises that overcoming staff reluctance to report misconduct will require a significant cultural shift within DoJ. It will take time to achieve.
- [49] The functions of the newly created Corruption Prevention and Education Directorate include engagement across DoJ to raise awareness of misconduct reporting mechanisms. The progress of the Corruption Prevention and Education Directorate in this area and others will be explored further in this report.

Misconduct assessment and investigations

- [50] The Commission's reports identified broad concerns about the ability of DoJ to identify, manage and investigate misconduct based on the

structure, capability and capacity of the Investigations and Intelligence Units.

- [51] In response, DoJ reconfigured and rebranded the former Corrective Services Investigations Services to create the Integrity and Accountability Directorate.
- [52] DoJ advised that the assessments and investigations teams within the Integrity and Accountability Directorate have implemented a number of initiatives in response to the Commission's recommendations, including:
- development and implementation of new Case File Management and Assessments operating procedures;
 - streamlining database systems and development of a new online misconduct reporting case management system;
 - secondment of two WA Police Force officers, providing DoJ with priority resourcing for matters involving criminality;
 - redefined investigative thresholds to align with the *Public Sector Management Act 1994* and to ensure only disciplinary matters are considered for investigation;
 - reinvigorated loss of confidence processes for prison officers; and
 - increased oversight and monitoring of actions taken by local prisons for matters that fall under the threshold for investigation.
- [53] In addition, DoJ advised that an intelligence team within the Integrity and Accountability Directorate has been established, to focus solely on the collation, analysis and recording of all employee related intelligence.
- [54] Commission officers were invited to attend briefings by PSD and the Integrity and Accountability Directorate, including observing a triage meeting. The briefings were informative and gave the Commission greater understanding of the progress being made.
- [55] In February 2020, DoJ advised that the streamlining of processes by the Integrity and Accountability Directorate had resulted in a 75 per cent reduction in the number of active case files between February and December 2019.
- [56] The Commission recognises that while a large proportion of those files are historic in nature, this achievement goes some way to demonstrating the positive impact and future direction of the Integrity and Accountability Directorate.

Sharing of information and intelligence

- [57] The Commission's reports identified the limited or complete absence of communication and information sharing practices, not only between the Investigations and Intelligence Units, but also across the custodial estate.
- [58] In response to the Commission's concerns and to align with the new role and functions of PSD, DoJ restructured the Corrective Services Intelligence Services Directorate and its reporting processes.
- [59] DoJ stated that the sharing of information and intelligence has been improved through the following initiatives:
- the Intelligence Services Directorate monthly reports about employee integrity or misconduct related intelligence being distributed to PSD for action;
 - increased access by PSD to information captured across the custodial estate, including CCTV footage, prisoner telephone system records and records within the Total Offender Management System (TOMS), the database used to record the management of prisoners; and
 - future amalgamation of the primary case management and analytical database systems used by PSD and the Intelligence Services Directorate, into one system.
- [60] In February 2020, DoJ informed the Commission of the options being considered to improve access to, and sharing of CCTV footage. This included a shared storage agreement to facilitate the retrieval of CCTV footage by the Integrity and Accountability Directorate, if and when required.
- [61] While the Commission reviewed the documentation provided to support the increased sharing of information between PSD and the Intelligence Services Directorate, concerns remain about the sharing and provision of information to the wider custodial estate.
- [62] During the Commission's engagement with the various prison sites, a significant number of operational staff questioned the effectiveness of information sharing practices, noting little to no practical improvement from the reported changes.

[63] In response to these concerns, the Deputy Commissioner Operational Support, Mr Richard Elderfield, told the Commission:

I think that has been addressed in part, but ... we've certainly got an opportunity to continue to improve as the intelligence services structure is completely filled ... communicating with all staff in prisons ... so that they understand the way the intelligence cycle works, how they can contribute to it and what they should expect from it.⁹

[64] The Commission also noted a level of frustration with the lack of information provided to superintendents about misconduct risks or allegations involving their staff. Superintendents expressed an inability to respond with appropriate risk mitigation strategies, despite retaining management responsibility for those staff.

[65] The Commission strongly suggests DoJ continues to define, communicate and reinforce the intelligence functions of both the Intelligence Services Directorate and newly implemented PSD.

[66] The Commission will continue to monitor DoJ's progress in sharing information, not only between PSD and the Intelligence Services Directorate, but also with the wider custodial estate.

Corruption Prevention and Education Directorate

[67] The Commission's reports highlighted concerns with DoJ's lack of an early intervention model to identify and manage staff who may be at an increased risk of engaging in misconduct.

[68] In response, DoJ established the Corruption Prevention and Education Directorate which is responsible for the development and implementation of innovative corruption prevention strategies and the delivery of educational programs across DoJ.

[69] DoJ advised the key functions of the Corruption Prevention and Education Directorate include:

- conducting employment and integrity screening checks within the Employee Screening Unit;
- reviewing and refining contemporary integrity related policies and procedures, such as the Conflict of Interest Policy; and
- developing systems and processes to identify staff considered at risk of engaging in misconduct.

⁹ R Elderfield transcript, public examination, 12 February 2020, p 10.

- [70] In response to the Commission's 2018 reports, Acacia Prison, a privately managed State prison, informed the Commission of its proactive implementation of a number of corruption prevention initiatives, including the creation of the Acacia Corruption Prevention Committee (the Corruption Prevention Committee).
- [71] During the review, Commission officers went to Acacia Prison to see the work of the Corruption Prevention Committee. The Corruption Prevention Committee consolidated a range of misconduct related intelligence activities and stakeholders into a single focused setting.
- [72] DoJ confirmed the Corruption Prevention and Education Directorate acknowledged the positive work and value of the Corruption Prevention Committee and have adopted that model to create corruption prevention/integrity and ethics committees. The Corruption Prevention and Education Directorate will assist prisons across the custodial estate to implement committees whose primary focus is to identify staff who display early warning signs of fraudulent or corrupt behaviour.
- [73] DoJ informed the Commission that between August 2019 and January 2020, the Corruption Prevention and Education Directorate delivered 37 integrity and ethical awareness sessions to 736 staff across DoJ.
- [74] In the Commission's view, DoJ's implementation of an early intervention model to identify at-risk staff is a positive development but it is still in its infancy.
- [75] This position was supported by Mr Maines, who confirmed: "We are in the early stage of that ... and taking a more preventative approach is something that we will mature at over the coming year".¹⁰
- [76] The Commission will seek an update in 12 months on the progress of the Corruption Prevention and Education Directorate and more broadly, across DoJ, in the identification and management of at-risk officers.

Employee screening

- [77] The Commission's final report¹¹ raised concerns about DoJ's employee screening. The report noted that initial screening was not robust and that there were no re-screening processes.
- [78] The Commission's report supported a WA Police Force recommendation that officers working with high risk prisoners be subject to negative security vetting.

¹⁰ S Maines transcript, public examination, 11 February 2020, p 8.

¹¹ Corruption and Crime Commission, *Report into misconduct risks in WA Prisons*, 26 October 2018.

- [79] In response to the Commission's concerns, and to align with the establishment of PSD, DoJ relocated the Employee Screening Unit to the Corruption Prevention and Education Directorate.
- [80] DoJ advised it has commenced a screening reform project that will incorporate the following initiatives:
- drafting a new Screening Policy and supporting procedures;
 - development of an Employee Screening Unit dashboard to improve reporting capability; and
 - streamlining external processes through new contractual arrangements.
- [81] In February 2020, DoJ advised that the Employee Screening Unit's streamlining of processes resulted in an 84 per cent increase in the number of employee screens conducted in 2019, compared to 2018.
- [82] The Commission was provided with an early draft of the new Screening Policy. However, the Commission was unable to identify any significant areas of change. In particular, there was no change to DoJ's position on re-screening longstanding permanent employees.
- [83] DoJ acknowledge that further work is required in the area of employee screening. Mr Maines told the Commission: "What I can say is our screening policy is outdated, there is some significant work going on updating the screening policy".¹²
- [84] Additionally, DoJ informed the Commission that after further consideration, it has determined that negative security vetting is not a viable option as it does not necessarily enhance the screening of staff who work with high risk prisoners. While the Commission may not necessarily agree with this position, it is a decision open for DoJ to make.
- [85] The Commission will seek an update from DoJ in relation to the screening reform project in 12 months.

¹² S Maines transcript, public examination, 11 February 2020, p 12.

CHAPTER THREE

Policies and procedures

Custodial Operating Policies and Procedures Project

- [86] The Commission's reports identified concerns about the sheer volume of prison standards, adult custodial rules, procedures, custodial instructions, standing orders, local orders and policy directives (PDs) in use across Corrective Services. Most were confusing and, in parts, contradictory.
- [87] The Commission identified Searching (PD26) and Incident Reporting (PD41) as areas of particular concern and importance.
- [88] In response, DoJ committed to the review and re-alignment of all current policies and procedures through the Custodial Operational Policies and Procedures Project (COPP project).
- [89] DoJ advised that the COPP project involves the review and consolidation of more than 2,000 operational instruments into a clear and consistent set of operational instruments for use across Corrective Services.
- [90] DoJ's Operating Standards and Procedures area is responsible for the development, drafting and implementation of 125 new Commissioner's Operational Policy and Procedures (COPPs). The Operating Standards and Procedures area will also have responsibility for the ongoing review and approval of all standing orders and future policy amendments.
- [91] Once implemented, the COPPs will supersede all other instructions currently in force across Corrective Services. DoJ anticipates that all COPPs will be implemented by December 2020.
- [92] During the review, Commission officers met with representatives from the Operating Standards and Procedures area and were provided with comprehensive documentation that demonstrated the complexity of the COPP project and outlined the future direction and challenges for its implementation.
- [93] This is not the first time Corrective Services has attempted to reform policies and procedures, with multiple failed attempts dating back to 2006.
- [94] The Commission has reservations about DoJ's ability to fully implement the COPP project by its deadline of December 2020. Mr Tony Hassall, Corrective Services Commissioner, conceded to the Commission: "The

implementation stage ... will probably take from now, right to the end of next year [2021], given the volume of work".¹³

- [95] However, in response to the Commission's concerns, Dr Tomison affirmed: "Funding won't be ... a problem."¹⁴ My commitment is that I'm personally involved, as is Commissioner Hassall and we'll be essentially holding the Department ... to account, because ... we'll be held to account by the Commission".¹⁵
- [96] The Commission will continue to review DoJ's progress in the implementation of the COPP project and will seek an update in 12 months.

¹³ T Hassall transcript, public examination, 10 February 2020, p 18.

¹⁴ A Tomison transcript, public examination, 13 February 2020, p 14.

¹⁵ A Tomison transcript, public examination, 13 February 2020, p 15.

CHAPTER FOUR

Use of force and incident reporting

Incident reporting and collusion

- [97] Three of the Commission's reports identified concerns about collusion of officers preparing use of force reports, and the ability of officers, particularly those in senior ranking positions, to influence or control the use of force reporting process.
- [98] DoJ advised that as part of the COPP project, new policies and procedures relating to Use of Force and Restraints (COPP 13.3) and Incident Reporting (COPP 13.1) have been drafted.
- [99] DoJ also committed to amending TOMS, the database used for incident reporting, to restrict the ability of an officer to view another officer's report, before submitting their own.
- [100] During the Commission's engagement across the custodial estate, prison officers noted with concern a variety of factors that may contribute to officer collusion, including limited computer availability, officer fatigue and overtime constraints.
- [101] While the systems changes, when implemented, will go some way towards limiting the opportunities for officers to collude, the Commission considers that the potential for officer collusion in use of force reporting will continue to be an area of risk for DoJ.
- [102] The Commission will monitor DoJ's progress to implement these systems changes as part of the COPP project implementation.

Review of use of force incidents and actions taken

- [103] The Commission's reports showed how deficiencies in processes enabled senior officers to influence the use of force review process, compromising the ability for an objective and independent review to be conducted.
- [104] Furthermore, the Commission's reports raised concerns about DoJ's ability to appropriately reprimand officers found to be influencing the process. In one case, an officer received a 'slap on the wrist' with no material consequences.¹⁶

¹⁶ Corruption and Crime Commission, *Report into inadequate use of force reporting at Hakea Prison on 21 March 2016*, 27 June 2018.

- [105] In response, DoJ has implemented the following initiatives:
- commenced conducting local triage and review of all use of force incidents across Corrective Services;
 - re-invigorated the Use of Force Committee to operate independently of the prison sites; and
 - amended the reporting, review and assessment process for all use of force incidents.
- [106] DoJ advised that any reporting inaccuracies identified during a review process that may involve misconduct are reported to the Integrity and Accountability Directorate. The Use of Force Committee can also make recommendations, where required, for the respective superintendent to act on.
- [107] The Commission reviewed the new policy and procedure for Use of Force and Restraints (COPP 13.3), Corrective Services Use of Force Committee Terms of Reference and examples of the content discussed by this committee.
- [108] A number of prisons demonstrated their local use of force process to the Commission which often included the use of a 'lessons learnt' tool. At times, this tool was used to implement recommendations such as staff education and re-training, as required.
- [109] While these initiatives have potential, the Commission is concerned about the consistency of outcomes being achieved. In addition, the Commission notes the current limitations on superintendents' ability to enforce recommendations such as additional training and the absence of any system, at a local level, to record improvement actions taken.
- [110] The Commission's overarching concerns about officer training and performance management will be explored further in this report.

Chemical agents

- [111] The Commission's report¹⁷ highlighted inconsistencies in the storage and allocation of chemical agents across the various prison sites.
- [112] DoJ advised that the governance of restraints, including chemical agents, has been improved through the implementation of daily allocation and audit restraints registers and oversight of those registers by DoJ's Monitoring and Compliance Branch.

¹⁷ Corruption and Crime Commission, *Report into inadequate use of force reporting at Eastern Goldfields Regional Prison in May 2017*, 27 June 2018.

- [113] However, there was wide variance in the provision of chemical agents to prison officers across the custodial estate. Some prisons only allocated them to designated response officers, others to unit managers, and some allowed any officer to carry them, if that officer desired.
- [114] The Commission suggests DoJ adopt a consistent position about the appropriate provision of chemical agents to prison officers.

THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY

CHAPTER FIVE

Prison officer training

Mandatory and refresher training

- [115] The Commission's reports highlighted concerns around the training provided to prison officers to inform them of their obligation to report use of force incidents in an independent and accurate manner.
- [116] One report¹⁸ raised further concerns around the lack of specialist training provided to officers who are assigned to manage high risk prisoners in specialist units.
- [117] During prison visits, Commission officers had further concerns around the consistent provision of, and level of compliance with, mandatory training. These included:
- the variance in training being delivered between two prisons;
 - reluctance to use the Justice Education Management System, DoJ's primary training record management database; and
 - constraints on prisons achieving mandatory training compliance due to the volume of training required, staff availability and the inability to manage staff non-compliance.
- [118] DoJ advised that use of force training has been updated to outline an officer's responsibility for independent, accurate and factual reporting of use of force incidents. Refresher training is mandatory and conducted every 12 months.
- [119] Commission officers met with staff at the Corrective Services Academy (the Academy). The information provided by them recognised the current challenges and acknowledged areas for further improvement.
- [120] In October 2019, DoJ advised that a reporting function had been created in the Justice Education Management System and that training was being delivered to superintendents and satellite trainers.
- [121] In February 2020, Corrective Services advised that a jurisdictional scan will be undertaken to review its requalification periods referring to those of other correctional jurisdictions across Australia.

¹⁸ Corruption and Crime Commission, *Report into inadequate use of force reporting at Hakea Prison on 21 March 2016*, 27 June 2018.

- [122] DoJ contended that current training requirements for prison officers are adequate and no additional specialised training is necessary. While the Commission's concerns are not allayed by this response, this approach is open for DoJ to adopt.
- [123] The Commission considers that DoJ can significantly improve the timely provision of, and compliance with, mandatory training. This was acknowledged by Mr Hassall, who told the Commission: "Some areas ... we need to improve, particularly in our use of force refresher training and that's one of ... our risk areas".¹⁹
- [124] The Commission will seek an update from DoJ in 12 months.

¹⁹ T Hassall transcript, public examination, 10 February 2020, p 27.

CHAPTER SIX

Reducing drugs in WA prisons

Entry search and screening procedures

- [125] The Commission's investigation into the smuggling of prohibited drugs into Acacia Prison by a custodial officer exposed serious gaps in DoJ's search and screening procedures.²⁰
- [126] DoJ advised that one of the key priorities of the COPP project was the development of new searching policy and procedure (COPP 11.2), to define the mandatory search procedures for prisons and prisoner transport activities.
- [127] The policy requires each prison to develop a standing order that is consistent with the prison security classification and available resources for delivering an operational security strategy. DoJ advised that COPP 11.2 and all associated standing orders came into effect on 31 May 2020.
- [128] DoJ reported that the following initiatives have been implemented or are being progressed:
- delivery of an online search training program to all prisons;
 - updates to the Monitoring and Compliance Framework and manual to review prison compliance with search procedures;
 - funding approval to expand the use of electronic trace detection devices;
 - expansion of the Security and Response Services to trial and evaluate new equipment and technology; and
 - submission of a business case supporting the roll out of body-worn cameras.
- [129] During prison visits, Commission officers saw varying levels of compliance with current search and screening procedures.
- [130] The Commission also noted officers' concerns about DoJ's search and screening capability. While these mainly related to resources, technology

²⁰ Corruption and Crime Commission, *Report on corrupt custodial officers and the risks of contraband entering prisons*, 26 June 2018.

and infrastructure constraints, concerns were also raised about the cultural implications of staff searching staff.

[131] Documentation provided by DoJ confirmed that out of the nine prisons reviewed by the Monitoring and Compliance Branch in 2019, not one was found to have an acceptable level of compliance with searching policy requirements.

[132] This information was put to Mr Elderfield who stated:

Current monitoring and compliance activities are against old policy ... by applying a consistent standard across all facilities ... it's probably unrealistic ... so they may not be compliant with the policy, that doesn't necessarily mean that there's increased risk at those facilities.

However, I'm also aware that at some of the maximum security facilities, and indeed the medium-security facilities, there is also non-compliance with the existing policy. I'm not making any excuse for that non-compliance.²¹

[133] While DoJ's policy changes are promising, there are no changes to the minimum requirement that only five per cent of persons entering prisons must be subject to entry searches in the draft of COPP 11.2.

[134] The Commission strongly suggests DoJ consider implementing a stronger position on the number of persons that are required to be searched prior to entering a prison. This was acknowledged by Mr Hassall. He told the Commission: "There's no reason why we couldn't ... A blanket five per cent is probably pretty meaningless ... you want much higher searching in high risk prisons, so certainly we'll go and have a look at that".²²

[135] Acacia Prison, for example, while operating within a different fiscal environment, has also made noteworthy changes in the areas of search and screening. These include purchase of a body scanner, tightening controls around visitor entry, simulation testing, recording staff searches and designating specific staff to conduct and record staff searches.

[136] Questions still remain around DoJ's capability, compliance and effectiveness in current entry search and screening processes. DoJ's progress in this area will remain a focus of the Commission.

[137] The Commission will seek an update from DoJ in 12 months.

Employee drug testing and legislative changes

[138] The Commission's reports raised concerns about DoJ's current drug testing regime and its effectiveness in deterring drug use in prisons and

²¹ R Elderfield transcript, public examination, 12 February 2020, p 24.

²² T Hassall transcript, public examination, 10 February 2020, pp 44-45.

amongst prison officers. Furthermore, the reports highlighted the restrictions of current legislation which limits DoJ's ability to drug test more than 50 per cent of its employees.

- [139] In December 2018, the Minister for Corrective Services endorsed the WA Prison Drug Strategy 2018-2020 (the Drug Strategy) to 'demonstrate the strong actions this Department is taking to prevent drugs coming into our prisons'.²³
- [140] DoJ advised that the Drug Strategy is supported by an action plan that outlines 26 initiatives to improve DoJ's drug testing regime.
- [141] Additionally, DoJ advised of changes to increase capability and awareness of staff drug and alcohol testing, including:
- legislative amendments to expand the testing regime to include contractors and employees who work in prisons;
 - more random testing events involving the temporary lockdown of prisons;
 - a 176 per cent increase in the number of staff drug tests conducted in 2019 compared to 2018;
 - more drug detection dogs; and
 - improvements to officer training to increase awareness of illicit and performance enhancing drugs.
- [142] DoJ intends to conduct an evaluation of the Drug Strategy in late 2020.
- [143] During prison visits, the Commission noted officers' concerns about the allocation of resources by the Drug Detection Unit, particularly to the drug detection dogs.
- [144] Information provided by the Drug Detection Unit at meetings with Commission officers demonstrated an appreciation of their mandate and the presence of processes to support the appropriate allocation of resources and provision of services.
- [145] To encourage more effective use of the resources managed by the Drug Detection Unit, the Commission suggests DoJ continue to promote and educate the wider custodial estate around the functions and role of the Drug Detection Unit.

²³ WA Prisons Drug Strategy 2018-2020, Commissioner's Foreword, p 4.

- [146] Furthermore, the Commission noted a level of confusion amongst superintendents about the current process and the level of information required to support a 'targeted' drug test of an employee displaying 'at-risk' behaviours.
- [147] In February 2020, DoJ advised that responsibility for staff alcohol and drug testing will transition to PSD, with alcohol and drug testing of prisoners and visitors to remain with Corrective Services.
- [148] DoJ is making some significant changes in the area of staff drug and alcohol testing. The Commission will seek an update on DoJ's progress in 12 months.

CHAPTER SEVEN

Section 95 prisoners and activities outside the fence

Supervision of external activities

- [149] The Commission's investigation²⁴ into the inadequate supervision of a prisoner approved to undertake rehabilitative activities outside the prison, pursuant to the *Prisons Act 1981* s 95,²⁵ raised concerns about DoJ's ability to ensure the safety of VSOs and the public.
- [150] That incident exposed a number of serious misconduct risks for DoJ beyond just the supervision of the prisoner. The risks included the grooming of VSOs by prisoners, ineffective performance management mechanisms and inadequate searching of prison vehicles.
- [151] In response to the Commission's concerns, DoJ announced a number of initiatives to improve supervision, training and safety of VSOs, including:
- implementation of an 'officer's daily checklist' to outline the responsibilities of the supervising VSO, to be completed by the individual prior to cessation of duty;
 - two subsequent levels of assurance checklists and oversight by the Monitoring and Compliance Branch;
 - drafting COPP 8.7 - External Activities;
 - implementation of new requirements for VSOs to complete refresher training every six months on the Code of Conduct, and anti-grooming and behavioural expectations;
 - installation of two-way radios and GPS tracking devices in all new vehicles used for s 95 activities; and
 - monitoring the movement of vehicles used for s 95 activities.
- [152] Commission officers were provided with a demonstration of the GPS tracking system at the Corrective Services Operations Centre. However, the Commission noted that at the time of the prison visits, the prisons were not aware of the option to access the tracking system to monitor their vehicles fitted with GPS tracking devices.

²⁴ Corruption and Crime Commission, *Report into inadequate supervision of prisoners whilst in the community*, 11 May 2018.

²⁵ A prisoner approved to undertake rehabilitative activities external to the prison.

- [153] Concerns were also raised at a number of prisons about the delays in VSOs getting appropriate training at the Academy, resulting in them working at custodial sites for up to 12 months before completing any formal standardised training.
- [154] In response to the Commission's observations, Corrective Services confirmed in February 2020 that prisons will be provided with access to the GPS tracking system. Furthermore, a mandatory s 95 activities e-learning package will be rolled out for completion by all staff responsible for supervising prisoners in the community.
- [155] The Commission noted a focus and reliance on the individual officer's daily checklist to mitigate risks associated with s 95 activities. Questions remain around the effectiveness of a checklist if the VSO responsible for its completion chooses to engage in questionable behaviour. These concerns were presented to Mr Hassall. He said:
- Whenever you have a single point of supervision of a prisoner, whether that's in a prison or in the community there's always a risk that the individual supervising ... doesn't do the right thing. So you put in controls to mitigate those risks.²⁶*
- [156] While the initiatives implemented go some way to reducing the risks associated with s 95 activities, the Commission notes there will always be risks inherent with managing prisoners in the community. Those risks remain the responsibility of DoJ to manage.

Prisoner grooming and tenure

- [157] The Commission's investigation into the inadequate supervision of prisoners in the community²⁷ also raised concerns about the extended periods of time the VSO spent with the same prisoners. This made him a target for grooming behaviour.
- [158] In response, DoJ advised that:
- VSOs must complete offender manipulation and deception training during entry level training at the Academy.
 - Six monthly refresher training in anti-grooming has been implemented in the new assurance checklist process.
 - Wherever possible, VSO placements with prisoners will be rotated every six months.

²⁶ T Hassall transcript, public examination, 10 February 2020, pp 32-33.

²⁷ Corruption and Crime Commission, *Report into inadequate supervision of prisoners whilst in the community*, 11 May 2018.

- [159] In addition, DoJ confirmed that the viability for a rotational tenure system will be considered as part of the 2020 Prison Officer Industrial Agreement negotiations.
- [160] The Commission attended the Academy for a demonstration of the offender manipulation and deception training.
- [161] Commission officers also observed the delivery of locally developed training at Bunbury Regional Prison, designed to highlight and reinforce the responsibilities of VSOs when supervising s 95 prisoners. The training was engaging and practical, with participating officers actively discussing the challenges associated with s 95 activities.
- [162] However, the Commission noted inconsistency in training content and accuracy of records maintained by prisons of compliance with the anti-grooming refresher training.
- [163] In response, Corrective Services advised of the introduction of a mandatory s 95 activities e-learning package incorporating the topic of offender manipulation and grooming, and the continued development of an e-learning offender manipulation and deception refresher course for all staff, anticipated for release in July 2020.
- [164] While the Commission has ongoing concerns about DoJ's ability to maintain compliance with mandatory training, these initiatives demonstrate their ongoing commitment to address the risks associated with prisoner grooming.

Employee performance management

- [165] The Commission's investigation into the inadequate supervision of prisoners in the community²⁸ also identified concerns about DoJ's management of the VSO. Despite demonstrating continued performance issues, he was not removed from high risk duties. No pro-active strategies were implemented to address his conduct.
- [166] In response, DoJ affirmed that the superintendent of each prison is responsible for the management and allocation of their staff. DoJ further advised that superintendents' responsibilities in conducting staff performance reviews and appropriately identifying and actioning disciplinary concerns, are reinforced through the assurance checklists.

²⁸ Corruption and Crime Commission, *Report into inadequate supervision of prisoners whilst in the community*, 11 May 2018.

- [167] The Commission noted a number of concerning operational constraints faced by superintendents in the effective management of their staff, including:
- limited access to information about staff disciplinary investigations, restricting superintendents' ability to manage risks;
 - lack of clear disciplinary measures;
 - limitations with DoJ's Performance Appraisal and Development System and the inability to reference these records for disciplinary concerns, transfers or promotions; and
 - Union influence on operational decision making, limiting superintendents' ability to implement changes in response to performance concerns.²⁹
- [168] The Commission's review identified significant concerns in DoJ's ability to pro-actively manage, and respond to, employee performance concerns. In particular, superintendents were not provided with the tools and support to effectively manage employee performance.
- [169] The Commission does not consider DoJ's response of reinforcing superintendents' responsibilities through the assurance checklists process adequately addresses the concerns raised.
- [170] The Commission will seek an update from DoJ in 12 months.

Searching vehicles

- [171] The Commission's investigation into the inadequate supervision of prisoners in the community³⁰ also identified that neither vehicles used for s 95 activities, nor other DoJ vehicles, were being routinely searched when they entered or returned to prisons.
- [172] In response, DoJ advised that the requirement for searching all vehicles used for s 95 activities will be captured as part of the COPP project. Vehicle searching is further reinforced through the assurance checklists and random and targeted searches are being conducted.
- [173] Commission officers observed searches of vehicles used for s 95 activities. It was noted with concern that the officer responsible for supervising s 95 prisoners is the same officer responsible for searching the vehicle upon

²⁹ T Hassall transcript, public examination, 10 February 2020, p 47.

³⁰ Corruption and Crime Commission, *Report into inadequate supervision of prisoners whilst in the community*, 11 May 2018.

its return to the prison. Prior to cessation of duty, the same officer completes the checklist to verify that the vehicle was searched.

- [174] It remains unclear how the use of a checklist in this way mitigates any risks for DoJ. Furthermore, the Commission was unable to confirm the existence of any auditable process being used to record searching procedures conducted upon entry or exit at other prisons during delivery runs.
- [175] At the time of the review, drug detection dogs were not used to search vehicles used for s 95 activities.
- [176] During public examination, Mr Elderfield told the Commission that: "The requirement to search vehicles after delivery runs is featured in the new policy. Vehicle searching expectations have always been there and been clear".³¹
- [177] In the Commission's view, the use of vehicles to conceal and transport contraband or illicit drugs into prisons remains a significant risk for DoJ. Apart from the assurance checklists, the Commission was not provided with any evidence to demonstrate changes in process or procedures to mitigate this risk.
- [178] The Commission will seek an update from DoJ in 12 months.

³¹ R Elderfield transcript, public examination, 12 February 2020, p 51.

THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY

CHAPTER EIGHT

CCTV footage within WA prisons

Availability and use of CCTV footage

- [179] The Commission's final report³² highlighted concerns as to DoJ's ability to efficiently access and effectively use CCTV footage recorded in prisons. Additionally, concerns were raised about the number of areas in prisons with no CCTV coverage.
- [180] Having conducted an assessment of its CCTV capability, DoJ advised there is no feasible way to access and continuously monitor all CCTV footage across the custodial estate. Furthermore, the expansion of all current CCTV systems is cost prohibitive.
- [181] DoJ advised that a number of CCTV system improvements and enhancements have been identified and will be explored further. This was confirmed by Dr Tomison who told the Commission: "We have developed a priority maintenance program ... which will look at funding existing upgrades to ... CCTV. That won't be a panacea but ... through all these things we'll ... end up with a system that gives us better coverage".³³
- [182] The Commission acknowledges the challenges faced by DoJ in obtaining full CCTV coverage across the custodial estate.

³² Corruption and Crime Commission, *Report into misconduct risks in WA Prisons*, 26 October 2018.

³³ A Tomison transcript, public examination, 13 February 2020, p 30.

THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY

CHAPTER NINE

Conclusion

- [183] The Commission's reports in 2018 highlighted the nature and prevalence of inadequately managed serious misconduct risks across DoJ. Fifty-one recommendations for improvement were made by the Commission to DoJ.
- [184] The measured and extensive response to these recommendations, not only by DoJ but also by Corrective Services, demonstrates impressive commitment to the broad and sweeping changes needed to sufficiently address these risks.
- [185] The following appendix lists all 51 recommendations made across the Commission's six reports. It serves to identify which recommendations the Commission considers DoJ has, and has not, adequately addressed.
- [186] **The Commission considers that DoJ has taken appropriate steps to address 37 of the 51 recommendations.**
- [187] **The Commission considers that 14 recommendations require further work and will review DoJ's progress again in 12 months.**

THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY

APPENDIX

THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY

Report one

Report into inadequate supervision of prisoners whilst in the community, 11 May 2018

Recommendation 1	DoJ implements mechanisms to improve driver safety when s 95 prisoners are present.	Closed
Recommendation 2	DoJ implements mechanisms to improve the ability to track and monitor its vehicles.	Closed
Recommendation 3	DoJ provides relevant staff with specific training on supervising prisoners outside of prisons.	Closed
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.	Review in 12 months
Recommendation 5	DoJ consider rotating s 95 prisoners through placements to avoid staff spending long periods of time along with the same prisoners.	Closed
Recommendation 6	Random search of DoJ vehicles after delivery runs be initiated.	Review in 12 months

THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY

Report two

Report on corrupt custodial officers and the risks of contraband entering prisons, 26 June 2018

Recommendation 7 (duplicate)	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.	Closed (Review in recommendation 39 in 12 months)
Recommendation 8	Officers receive better education and training about the illegality of steroids and their deleterious effects on the body.	Closed
Recommendation 9 (duplicate)	DoJ drug testing regime be reviewed and its effectiveness in deterring drug use in prisons and amongst prison staff be measured.	Closed (Review in recommendation 42 in 12 months)
Recommendation 10	Periodic professional review of frontline prison staff be provided to identify vulnerabilities with a view to providing support and managing risk.	Review in 12 months
Recommendation 11	Processes for identifying common themes within security reports about a particular officer be reviewed to: ▪ Identify potential at risk behaviours; ▪ Allow for early intervention; and ▪ Deter corrupt or improper activity.	Closed

THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY

Report three

Report into inadequate force reporting at Hakea Prison on 21 March 2016, 27 June 2018

Recommendation 12	Consider whether specialised training is needed for officers assigned to specialised units.	Closed
Recommendation 13 (duplicate)	Conduct mandatory training for prison officers in relation to independent, accurate and factual reporting of use of force incidents that includes: ▪ 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.	Closed (Review in recommendation 25 in 12 months)
Recommendation 14 (duplicate)	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.	Closed (Review in recommendation 30 in 12 months)
Recommendation 15 (duplicate)	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.	Closed (Review in recommendation 29 in 12 months)
Recommendation 16 (duplicate)	Support and regularly promote awareness of confidential mechanisms for staff to report potential criminal activity and misconduct concerning prison officers using force against prisoners.	Closed

THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY

Report four

Report into inadequate use of force reporting at Eastern Goldfields Regional Prison on 27 March 2017 and Bunbury Regional Prison on 14 November 2016, 27 June 2018

Recommendation 17	Support and regularly promote awareness of confidential mechanisms for staff to report potential criminal activity and misconduct concerning officers using force against prisoners.	Closed
Recommendation 18	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: ▪ 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.	Closed
Recommendation 19 (duplicate)	Conduct mandatory training for prison officers in relation to independent, accurate and factual reporting of use of force incidents that includes: ▪ 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.	Closed (Review in recommendation 25 in 12 months)
Recommendation 20 (duplicate)	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.	Closed (Review in recommendation 27 in 12 months)

Recommendation 21 (duplicate)	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.	Closed (Review in recommendation 29 in 12 months)
Recommendation 22	Provide an appropriate physical environment for staff to prepare their IDRs independently of each other.	Closed

Report five

Report into inadequate use of force reporting at Eastern Goldfields Regional Prison in May 2017,
27 June 2018

Recommendation 23	Modify DoJ's processes and practices to ensure a separation of use of force reporting duties, including: ▪ 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.	Closed
Recommendation 24	Support and regularly promote awareness of confidential mechanisms for staff to report potential criminal activity and misconduct concerning officers using force against prisoners.	Closed
Recommendation 25	Conduct mandatory training for prison officers in relation to independent, accurate and factual reporting of use of force incidents that includes: ▪ 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.	Review in 12 months
Recommendation 26	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.	Review in 12 months

Recommendation 27	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.	Closed
Recommendation 28	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: ▪ 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.	Closed
Recommendation 29	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.	Review in 12 months
Recommendation 30	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.	Review in 12 months
Recommendation 31	Consider introducing stricter controls over the storage, issue, possession and use of chemical agency, a controlled weapon.	Closed

Report six

Report into misconduct risks in WA prisons, 26 October 2018

Recommendation 32	Develop and implement a corruption prevention framework as a matter of priority.	Closed
Recommendation 33	Consider creating a board of management to oversee corruption prevention strategies across DoJ.	Closed
Recommendation 34	Finalise and implement the new structure for the investigations and intelligence units as a priority.	Closed
Recommendation 35	Recruit appropriate staff to substantively fill available FTEs in the investigations and intelligence units, particularly in the roles of Director Investigations and Director Intelligence.	Closed
Recommendation 36	Review policies and procedures, orders and directions, giving priorities to PDs 26 and 41.	Review in 12 months
Recommendation 37	Continue to remodel and refine the triage and assessment process, giving consideration to implementing a corruption prevention early intervention model for 'at risk' staff.	Review in 12 months
Recommendation 38	Increase record keeping and reporting requirements for matters dealt with by local intervention to improve the investigation unit's oversight.	Closed
Recommendation 39	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.	Review in 12 months
Recommendation 40	Implement recommendations from the OAG 2017/2018 <i>Information Systems Audit Report</i> when it is released.	Closed
Recommendation 41	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.	Review in 12 months
Recommendation 42	Review DoJ's drug testing regime and implement performance measures to gauge impact and effectiveness over time.	Review in 12 months

Recommendation 43	Improve security screening processes for current and potential new employees, giving consideration to more regular screening of staff and better sharing of screening information.	Review in 12 months
Recommendation 44	Reconsider implementing negative vetting security screening for persons routinely working with high risk prisoners.	Closed
Recommendation 45	Consider implementing a 'tenure' system whereby front line staff are regularly rotated to avoid relationships developing with prisoners.	Closed
Recommendation 46	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.	Closed
Recommendation 47	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.	Closed
Recommendation 48	Consider centralised access to CCTV products by the investigations unit.	Closed
Recommendation 49	Address all outstanding recommendations outlined in reports from the Commission, WA Police Force, OAG and Public Sector Commission.	Closed
Recommendation 50	Consider pursuing legislative changes to expand the drug testing program to all staff who have consistent contact with prisoners.	Closed
Recommendation 51	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.	Review in 12 months