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## **Risk Assessment: Prevention Of Corruption In Prisons**

This paper shall assess the corruption and misconduct that arise from prison officers maintaining inappropriate relationships with prisoners. It shall identify the factors associated with the risk and, using knowledge of misconduct and corruption prevention strategies, design an evidence-based solution to address the risk.

According to Division 8 (Relationships with inmates and other offenders), section 236Q (Misconduct offence) of the Crimes (Administration of Sentences) Legislation Amendment Bill 2018, an inappropriate relationship is formed when a prison officer participates in any type of boundary violating behaviour with an inmate which has the potential of threatening the stability of the institution as well as creating a public safety risk. This relationship compromises the security and order of a correctional centre and disturbs the proper administration of a sentence proper administration of a sentence (Corrective Services Act 2006; Crime and Corruption Act 2001; Jones, 2015, Blackburn, Fowler, Mullings, & Marquart, 2011). Examples of boundary violations include aiding an inmate in an escape, providing contraband, and engaging in sexual contact with an inmate. The impact of this type of misconduct is that it damages the professional reputation of the Department of Justice (DoJ), breaches of physical security of all with the facility, contributes to a breakdown in expected standards of integrity and breaks the code of conduct by which employees are governed. It also builds opportunities for staff to be blackmailed or compromised (DoJ 2019).

Inappropriate are cultivated by prisoners as a means of accessing information or favourable treatment from prison staff. This involves grooming officers by forming relationships with them to identify their weaknesses. The aim is to get the officer into a situation where s/he can be manipulated, shamed, coerced, bribed or threatened into doing 'favours' for a prisoner (Independent Broad-Based Anti-Corruption Commission, 2017; CCC, 2019a).

The prevalence of inappropriate relationships is well documented, and several prison officers have had their employment terminated as a result (see Adshead, 2018; The Courier Mail, 2011; Hondros & Barry, 2018). In 2018, The Corruption and Crime Commission (CCC) received evidence from several government bodies regarding misconduct and corruption prevalence and management in prisons (see Commissioner of Corrective Services; DoJ; the Office of the Auditor General (OAG); Commissioner of Corrective Services; the Department of Corrective Services (DCS); reports by the Office of the Auditor General (OAG)). The joint investigation forms the basis for this report.

The Overview of serious misconduct report by the CCC Quarter 1 2018/2019 found that key allegations that were brought against the DoJ stemmed from inappropriate relationships, and that these relationships were the basis for misconduct. That includes for example, falsifying information, the misuse of information, carriage of drugs and other contraband into prisons, and inappropriate access to and release of information. This is why it is so significant for the risks around inappropriate relationships forming must be managed., given this risk is managed, corruption and misconduct as a whole can be reduced.

## **Risk Analysis**

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Within Corrective Services, 42 per cent of staff are employed as custodial officers having direct contact with prisoners, however, are not assessed at any point of their employment for vulnerabilities and don't receive sufficient training on professional boundaries (Corruption and Crime Commission, 2018b; Independent Broad-Based Anti-Corruption Commission, 2017). Factors like emotional instability have been identified as making prison staff more vulnerable to grooming. Also, personality traits (immaturity, low self-esteem, propensity for unethical behaviour and impulsiveness) and lifestyle factors (serious financial problems, addictions, relationship break-ups or loneliness) can also increase a person's susceptibility to grooming behaviours.

There is insufficient attention given to reducing the risk of serious misconduct through grooming behaviours. Contributing factors include: no standardised process for rotating staff to minimise development of relationships between staff and prisoners and the inconsistent management and investigation of allegations. This situation persists despite numbers of allegations of inappropriate associations being consistently high (CCC, 2018b).

Moreover, there are insufficient avenues for staff to report corrupt conduct confidentially, hence currently, the degree of internal reporting by prison staff is low. The corrections culture discourages staff from reporting against their colleagues. Thus, lack of confidence in the confidentiality of reporting and fear of repercussions from other staff, including prison management hinder internal reporting. The CCC identified that in its review of prisons in Queensland that over one fifth of correctional staff and prisoners indicated that they had seen a staff member have an inappropriate relationship with a prisoner. These statistics fluctuate when inappropriate relationships are accounted for as underlying causes for misconduct. Of that sample, 54 per cent of those who had witnessed colleagues engage in inappropriate relationships with prisoners indicate that they did not report it (Corruption and Crime Commission. (2018a; b).

## **Risk Management**

Currently, more resources are being dedicated to analysing security reports (CCC, 2018), addressing grooming, rostering of staff, physical security of prisons, screening of staff and changing the culture of corrections. Officers who routinely work with large numbers of high-risk prisoners must undergo a robust security vetting process, screening and periodic reviews. This is a valuable method of managing serious misconduct risks and promoting early intervention. This however has been found to be cost prohibitive.

Acacia Prison for example has implemented monthly random tests aimed to test critical risk areas within the prison. Also, on each shift, there is an assigned 'response officer' who's responsibility it is to respond to any significant incidents that occurs. These officers are issued with individual cameras worn on the front of their body which record in high definition (audio and video) and document incidents.

Also, based on recommendations by the CCC, Acacia Prison has introduced a new confidential security reporting process for staff to report concerns about their colleagues. Indications from Acacia Prison management suggest staff are becoming confident in the level of anonymity and confidentiality surrounding this process. Acacia Prison has told the Commission that reports have increased since it was implemented late last year, resulting in a number of staff being

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dismissed or counselled for inappropriate associations or behaviours (Allard, Wortley, & Stewart, 2008; CCC, 2018; Organisation for Economic Co-operation and Development, 2005).

Acacia Prison established a corruption prevention committee, consisting of Managers, Directors and Intelligence Managers who meet monthly to discuss corruption risks, intelligence, investigations and other matters relevant to the security and safety of the prison environment. The recommendations below reflect an anti-corruption strategy which the Commission strongly encourages.

## **Recommendation/s**

### **Pre-employment Screening**

It is imperative that custodial officers are of the highest integrity and, amongst other things, show no propensity for criminal activity, criminal association or misconduct. The DoJ requires new employees to complete an 'integrity declaration' consisting of a series of questions regarding their associations, conduct and complaint history and a criminal history check. The practices adopted by DoJ for screening staff prior to employment are not sufficiently robust to ensure its staff meet this standard. It is not uncommon for an applicant to sit in a pool for nine to 12 months before commencing training.

As an enhancement to the current screening requirements, WA Police Force has recommended that officers working with 'high risk' prisoners be subject to negative security vetting regularly (Jones, 2015; Queensland Corrective Services (QCS), 2017). screening must be combined with clear guidelines and processes around declaration and management of conflicts of interest.

### **There is no corruption prevention framework**

DoJ does not have an adequate identification process for misconduct risks nor a corruption prevention framework. Central strategic coordination and oversight is essential in a challenged and dispersed prison system, hence, a coordinated approach to the management of misconduct risks is necessary. With respect to very basic misconduct prevention strategies like management of conflicts of interest, secondary employment, gift registers, and identifying individuals with vulnerabilities, there is no coordinated approach to gathering, assessing or managing information. Where information is gathered, there is no evidence it is being sufficiently managed (CCC, 2019a; b; Goldsmith, Halsey & Groves, 2016).

### **Triage, behavioural risk identification and monitoring of outcomes**

Allegations against staff are often referred to the relevant prison for local investigation. However, the local investigation is often unsatisfactory and is not sufficiently overseen by the investigation's unit. Little training or guidance is provided to staff responsible for conducting local investigations. There is no structured system for reviewing the outcomes of local investigations, nor any mechanism for questioning disciplinary or remedial action instigated as a result of them. Also, deficiencies in resourcing, staffing and leadership within the investigations unit limit DoJ's ability to effectively address serious misconduct risks. The structure, size and experience of DoJ's investigations unit is insufficient to provide an effective investigation service. On top of this, Communication and sharing of information between the investigations

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and intelligence units has been limited and the Commission has observed little effective interaction between the two. An improved and centralised system of information sharing within DoJ's administration and between prison sites, would enhance the assessment of serious misconduct risks, and facilitate a more integrated and streamlined approach.

Poor reporting culture - 'Australian and international research has shown the most effective protection against corruption is a strong organisational culture that is alert to integrity risks'. During recent investigations, the Commission found numerous examples of prison officers being reluctant to 'dob in mates'. Appropriately responding to reporting on employee integrity contributes to a strong integrity culture and encourages more reporting. Also, putting systems in place that enable reporting confidentially encourages reporting with-out fear of repercussions. These reports must be dealt with appropriately, where staff do not believe their reports will be acted upon, or will not be kept confidential, they will stop reporting. For these reasons, addressing the poor reporting culture in a positive way needs to be a priority for DoJ (Blackburn, Fowler, Mullings & Marquart 2011; Goldsmith, Halsey & Groves, 2016).

The Commission recommends introducing a 'tenure' system where staff are rotated to avoid inappropriate relationships forming, especially in areas where 'high risk' prisoners are housed (Biegelman & Biegelman, 2008; Crime and Corruption Commission Queensland, 2018). Ninety-one per cent of Corrective Services' employees are permanent. Currently, Queensland's publicly operated prisons operate two 12-hour shifts per day - The level of overtime and the way it is allocated concerns the CCC. Low levels of turnover increases the likelihood of inappropriate relationships developing between prisoners and officers. When the staffing makeup of workgroups becomes entrenched, it can be more difficult to report misconduct concerns or reform workplace practices (IBAC, 2017). Staff rotation also contributes to professional development as staff gain new skills when they move to different areas. (Crime and Corruption Commission Queensland, 2018). Low levels of turnover increases the likelihood of inappropriate relationships developing between prisoners and officers. When the staffing makeup of workgroups becomes entrenched, it can be more difficult to report misconduct concerns or reform workplace practices (IBAC, 2017).

## **Jail time**

The NSW government passed a new law under The Crimes (Administration of Sentences) Legislation Amendment Bill 2018 on 13 November 2018. Prison officers and correctional staff who have sex or an intimate relationship with an inmate now face a maximum two-year jail sentence. The new offence demonstrates the Government's commitment to respond to community concerns about a small minority of staff who engage in inappropriate relationships with inmates and offenders on community orders.

Minister for Corrections David Elliott said "Prisons should deliver punishment and rehabilitation in a secure environment. An inappropriate relationship with an inmate puts that in jeopardy. "It also supports the Corrective Services NSW code of conduct and the common law offence of misconduct in public office. It has been proposed that other jurisdictions adopt this legislation as a motivational deterrent for inappropriate relationships (Crimes (Administration of Sentences) Legislation Amendment Bill 2018 (NSW); Elliott, D: Minister for Counter Terrorism Minister for Corrections Minister for Veterans Affairs. (2018).